

MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
**Tuesday, September 18, 2007**  
The Gallery of the Cape May Ferry Terminal  
1200 Charles Sandman Boulevard  
North Cape May, New Jersey 08024

The meeting convened at 10:52 a.m. with Chairperson Parkowski presiding.

The opening prayer was given by Reverend Dorn, followed by the Pledge of Allegiance let by the Executive Director.

Chairperson Parkowski called on the Secretary to read the meeting notice and take roll.

The Secretary announced that a notice of the meeting had been distributed to the offices of the Governor of New Jersey and the Governor of Delaware, to appropriate staff members and consultants, to the press in both States and to any other individuals who had indicated an interest in receiving a copy of the meeting notice.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

F. Michael Parkowski, Chairperson  
Thomas J. Cooper

James N. Hogan, Vice-Chairperson

Samuel E. Lathem  
William E. Lowe, III  
Gary B. Patterson

Rev. Edward W. Dorn  
Niels S. Favre  
Gary F. Simmerman  
Ceil Smith

ABSENT

Verna W. Hensley

Susan Atkinson DeLanzo

\* \* \* \* \*

9645. APPROVAL OF THE JULY 17, 2007 MINUTES

Commissioner Simmerman motioned for approval of the July 17, 2007 minutes, seconded by Commissioner Favre, and approved by a voice vote of 10-0.

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9646. EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented the following highlights that occurred within the Authority during the months of July and August.

***Delaware Memorial Bridge***

Total traffic during the month of July increased 1.3% compared to the same period in 2006. Non-commercial traffic increased 0.7% and commercial traffic increased 5.1%. When compared to the 3-year average, total traffic for July decreased 1.0%. Total traffic year-to-date decreased 0.3% compared to 2006. When compared to the 3-year average, total traffic year-to-date decreased 0.3%.

E-ZPass traffic for July represented 54.4% of the total overall traffic as compared to 51.7% for the previous year. Total electronic traffic for 2007 represented 57.4%, an increase of 2.1% from 2006.

Total traffic during the month of August increased 3.1% compared to the same period in 2006. Non-commercial traffic increased 3.6% and commercial traffic increased 2.2%. When compared to the 3-year average, total traffic for August increased 2.7%. Total traffic year-to-date increased 0.7% compared to 2006. When compared to the 3-year average, total traffic year-to-date increased 0.7 %.

E-ZPass traffic for August represented 55.9% of the total overall traffic as compared to 54.2% for the previous year. Total electronic traffic for 2007 represented 56.5%, an increase of 2.0% from 2006.

During the month of August, over 1 million E-ZPass transactions were recorded, a milestone since implementing electronic toll collection at the Delaware Memorial Bridge in 2001.

We received several inquiries concerning the Delaware Memorial Bridge, as well as structures associated with our roadway approaches because of the tragic Minnesota Bridge collapse. In response, we issued a press release concerning the Delaware Memorial Bridge. Additionally, we hosted Fox 29 after an employee allegedly called with a “tip”. This individual thought we had failed to fix a serious structural defect in an overpass for a period of 18 months. We conducted a briefing and site visit with the reporter to discuss the situation (alleged defect) and impending repair contract, our bridge inspection program, our bridge maintenance program and finally, our upcoming construction program. John Jones, Joe Volk, Jim Salmon, Tom Potts – HNTB Senior Bridge Engineer and myself conducted the briefing. This inquiry resulted in a two minute spot on the 11pm news.

In August, DRBA police stopped a van for routine traffic violations committed on I-295 northbound near New Castle. During the stop, officers observed over 180 cases of alcohol in plain view in the van worth approximately \$22,000. The driver was detained for investigation by the DRBA Police and the US Bureau of Alcohol, Tobacco, Firearms, and Explosives for interstate liquor trafficking between Maryland and New York. The liquor, van, and U.S. currency were seized by federal agents.

#### ***Cape May Lewes Ferry***

In July, vehicle and passenger traffic decreased 5.3% and 4.9%, respectively, when compared to July 2006. When compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic decreased 9.4% and 8.1%, respectively. In July, fare revenues decreased 4.5% and fee revenues increased 13.8%, when compared to July 2006. Year-to-date fare and fee revenues decreased 3.6% compared to 2006.

In July, CMLF food sales and retail sales both increased 11.7%, as compared to July 2006. Year-to-date food and beverage revenues increased 9.3% (\$136K) and retail revenues increased 7.8% (\$51K), when compared to 2006.

In August, both vehicle and passenger traffic decreased 7.0%, when compared to August 2006. When compared to the average of the last three years, 2007 vehicle traffic and passenger traffic decreased 7.3% and 6.1%, respectively. In August, fare revenues decreased 5.2% and reservation fee revenues increased 19.5%, when compared to August 2006.

In August, CMLF food sales increased 3.9% and retail revenues increased 0.7%, compared to August 2006. Year-to-date food and beverage revenues increased 7.0% and retail revenues increased 5.0%, when compared to the same period in 2006.

#### ***Airports***

The DRBA and the Delaware Emergency Management Agency (DEMA) held an emergency exercise at New Castle Airport in July. This emergency exercise was held to

meet the requirements of FAA FAR Part 139, which require the conducting of an airport emergency response drill every three years. This exercise tested the DRBA Police, Airport Operations, Delaware Air National Guard Fire and Rescue, Delaware State Police, DEMA, and the Delaware Intelligence Analysis Center in three critical incident scenarios. The aforementioned agencies successfully dealt with one hijacking, one mass casualty incident, and one suicide bomber at the terminal check-in. In all, the responding agencies handled four simulated bombs and ten simulated terrorists. Federal, state and local emergency services, various law enforcement agencies, including the DRBA Police Department and airport personnel worked well together to respond to the various emergencies. DEMA secured a Homeland Security Grant to conduct the exercise.

***Economic Development***

Construction of the 30,000 square foot “fit-out” at the DRBA office building located in Carney’s Point, NJ for Clement Pappas was completed and the Certificate of Occupancy was issued. Overall, the work was completed two weeks ahead of schedule. The tenant is now operating out of the new facility.

***Finance***

Victor Ferzetti and Joe Larotonda have been participating in discussions with various bridge owners of the International Bridge Tunnel and Turnpike Association (IBTTA) concerning the potential of forming a group captive for Bridge insurance.

***Safety***

July is typically a peak activity month for work-related injuries however, only four safety incidents occurred during the entire month. Year-to-date incidents through July were 36 versus 62 for the same period in 2006. During the month of August, we experienced 14 work-related injuries, five of which were lost workday cases. The year-to-date total of 50 injuries compares favorably in incident frequency to the 69 injuries that occurred in 2006 during the same period.

An audit of Maintenance employee and contractors’ activities at the Bridge was conducted in August and no safety infractions were noted. All employee work practices and conditions were in order. The Bridge Safety Committee will perform an audit of three additional site facilities later in September.

***Employee Happenings***

Permanent Full-time staffing levels at the end of August:

Authorized Positions (2007 funded)	460
Positions Filled	418
Positions Filled (on LTD)	10
Total Positions that are Vacant	32

HR posted 14 positions in the late-June to late-July timeframe. Over 800 applications were received. Processing of the applications took place in August.

Gerry DiNicola Owens and I attended the IBTTA’s Violations Enforcement Summit in Boston. Gerry presented the paper “Partnering for Progress: Legislating against Chronic Toll Evasion” during one of the Breakout Sessions. This was IBTTA’s first ever Violation Enforcement (VE) summit and over 380 persons attended. VE is an important component of all tolling and the operational, legal and preventive measures vary with each agency. The summit provided for an exchange of information from around the world and explored future challenges as the toll industry changes.

The Community Initiatives Committee delivered 100 book bags filled with school supplies to the following school districts: Christina, Delmar, Dennis Township, and Deptford Township. Authority employees donated additional school supplies through donation boxes placed throughout the various complexes. Thank you to all those employees who participated in this initiative.

Without objection, the report was ordered filed with the permanent records of the Authority.

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9647. COMMITTEE REPORT – JOINT BUDGET & FINANCE AND PERSONNEL COMMITTEE MEETING

Commissioner Patterson noted the joint Budget & Finance and Personnel Committees meeting held August 28, 2007.

**JOINT BUDGET & FINANCE  
AND PERSONNEL COMMITTEE MEETING  
Tuesday, August 28, 2007  
Delaware Memorial Bridge Complex  
New Castle, Delaware**

A joint public meeting of The Delaware River and Bay Authority's Budget & Finance and Personnel Committees was held on Tuesday, August 28, 2007, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

PRESENT (Budget & Finance)  
Committee Chair Patterson  
Chairperson Parkowski

PRESENT (Personnel)  
Committee Chair Lathem  
Commissioner Lowe, Committee Member

Staff  
Jim Johnson, Jr.  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Joe Larotonda  
TJ Murray

Commissioners from New Jersey

Committee Vice-Chair Simmerman  
Commissioner Smith, Committee Member  
Vice-Chairperson Hogan

Committee Vice-Chair Dorn  
Commissioner DeLanzo, Committee Member

Authority Secretary  
Tom Pankok

- I. Committee Chair Patterson and Committee Chair Lathem welcomed the Budget & Finance and Personnel Committees and opened the meeting at approximately 9:12 a.m. The Authority Secretary reported that the public meetings of the Budget & Finance Committee and Personnel Committees had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

Committee Chair Patterson requested an Executive Session, closed to the public, to discuss matters of a confidential nature. On motion by Commissioner Simmerman, seconded by Commissioner Smith, the Session was closed.

The following matters of a confidential nature were discussed.

- LONG RANGE PLANNING
- CONTRACT NEGOTIATIONS

With no further business to discuss in Executive Session, on motion by Commissioner Lathem, the joint Budget & Finance and Personnel Committee was opened to the public.

With no further business to discuss, on motion by Commissioner Patterson, the joint Budget & Finance and Personnel Committee adjourned at 10:27 a.m.

Without objection, the report was ordered filed with the permanent records of the Authority.

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9648. COMMITTEE REPORT – BUDGET & FINANCE  
COMMITTEE

Commissioner Patterson presented the Budget & Finance Committee Meeting minutes of September 4, 2007.

**BUDGET & FINANCE COMMITTEE MEETING**  
**Tuesday, September 4, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Budget & Finance Committee was held on Tuesday, September 4, 2007, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Committee Chair Patterson  
Commissioner Hensley, Committee Member  
Chairperson Parkowski

Committee Vice-Chair Simmerman  
Commissioner Smith, Committee Member  
Vice-Chairperson Hogan

Governors’ Representatives

Sonia Frontera - NJ

Staff

Jim Johnson, Jr.  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Joe Larotonda  
Anna Marie Gonnella Rosato  
Kelly Phillips Parker  
John Jones  
Ken Hynson

Authority Secretary

Tom Pankok

- II. Committee Chair Patterson welcomed the Budget & Finance Committee and opened the meeting at approximately 9:30 a.m. The Authority Secretary reported that the public meeting of the Budget & Finance Committee had been duly noticed in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- III. The Acting Chief Financial Officer reviewed the proposed Resolutions for consideration.

- Community Contribution Requests – The Committee reviewed the Community Contribution requests for August and September. Committee Vice-Chair Simmerman noted that the requests from New Jersey had not been finalized as of the Committee meeting; however, after review and discussion of the requests, on motion by Commissioner Simmerman, seconded by Commissioner Hensley, the Committee recommended approval of the Community Contribution requests, subject to finalization. A Resolution will be presented to the full Board for consideration at the September meeting.
- Over \$25,000 Vendor List – The Acting CFO reviewed the list of Vendors. Having no questions, on motion by Commissioner Simmerman, seconded by Commissioner Hensley, the Committee recommended approval of the Vendor list. A Resolution will be presented to the full Board for consideration at the September meeting.
- Authority-Wide Insurance Brokerage Consulting Services – The Acting CFO reported that the Authority publicly advertised and issued an RFP. Four responses were received and reviewed and a short-list of two firms were interviewed. Both firms did well; however, the Acting CFO noted that Zutz Insurance Group had been acquired by HRH, the eighth largest insurance brokerage firm in the country. This enables Zutz to provide specialization via practice leaders and exposure to both domestic and international insurance markets, which will best serve the Authority in managing its insurance program. The Committee questioned the fee structure and why the Authority had not requested a price proposal from the second ranked firm. The Acting CFO reported that, the Authority’s policy is to pay a negotiated flat fee to the insurance broker. The broker then negotiates with the insurance company providing the best price to the Authority while eliminating potential conflicts of interest. Furthermore, the Acting CFO noted that Resolution 98-31, on procurement dictates that the Authority select a service provider first and negotiate the fee afterward. Only if the Authority is unable to agree to pricing are we authorized to go to the second ranked service provider. Authority Chair Parkowski agreed with the Authority’s policy of paying the fee directly to the broker. After discussion, on motion by Commissioner Hensley, seconded by Commissioner Smith, the Committee recommended approval of Zutz Insurance Group to provide Authority-wide Insurance Brokerage Consulting Services. A Resolution will be presented to the full Board for consideration at the September meeting.

IV. The Acting CFO reported that the Authority’s current security system, Lenel Systems, requires an upgrade. The cost is expected to be approximately \$80,000 or more; however, due to the fact that there are only four authorized representatives in this area, the Acting CFO requested that the Committee waive the bidding requirement to allow solicitation of quotes from the four representatives. After discussion, the Committee agreed to waive the normal bidding process (Resolution 98-31) to allow staff to solicit quotes from the authorized representatives.

V. The Acting CFO presented the FY 2008 Operations Budget Schedule. Significant dates for Commissioners are as follows.

- October 1, 2007 Present Draft Budget to the Budget & Finance Committee
- November 5, 2007 Present Reviewed 2008 Operating Budget to the Budget & Finance Committee
- November 19, 2007 Present Proposed 2008 Operating Budget to the Board
- November 20, 2007 Adopt Formal 2008 Budget

Authority Chair Parkowski added that the Hornblower report on the Cape May-Lewes Ferry is expected to be completed soon and noted that any recommendations could have implications to the FY 2008 Operating Budget. The Acting CFO reported that staff would consider the impact and prepare accordingly. The Executive Director added that an Ad Hoc Ferry Committee meeting would be scheduled in mid-September for Hornblower to provide an update to the Committee as well as any interested Commissioners.

Commissioner Simmerman questioned what guidance is given to staff with regard to the Budget submissions. The Acting CFO reported that he does not provide guidance prior to submissions of the Budget requests. During the Budget Hearings, he meets with all of the departments to determine the needs and then prioritizes accordingly.

Committee Chair Patterson requested copies of the FY 2008 Operations Budget Schedule be forwarded to all Commissioners.

Committee Chair Patterson requested an Executive Session, closed to the public, to discuss matters of a confidential nature. On motion by Commissioner Simmerman, seconded by Commissioner Favre, the Session was closed.

The following matters of a confidential nature were discussed.

- LONG RANGE PLANNING

With no further business to discuss in Executive Session, on motion by Commissioner Simmerman, the Budget & Finance Committee was opened to the public.

With no further business to discuss, on motion by Commissioner Hensley, seconded by Commissioner Smith, the Budget & Finance Committee adjourned at 10:20 a.m.

Without objection, the report was ordered filed with the permanent records of the Authority.

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9649. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Lathem noted that a quorum was not present at the September 4, 2007 Personnel Committee meeting therefore he did not have anything to report.

**PERSONNEL COMMITTEE MEETING**  
**Tuesday, September 4, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Personnel Committee was held on Tuesday, September 4, 2007, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Hensley  
Commissioner Patterson  
Chairperson Parkowski

Commissioner Simmerman  
Commissioner Smith  
Vice-Chairperson Hogan

Governors' Representatives

Sonia Frontera

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Anna Marie Gonnella Rosato  
John Sarro  
John Jones  
AJ Crescenzi  
Ken Hynson  
Kelly Phillips Parker  
TJ Murray  
Heath Gehrke

Authority Secretary

Tom Pankok

- I. In the absence of the Chair and Vice-Chair of the Personnel Committee, the Authority Secretary opened the meeting at 10:22 a.m., reported that the public meeting of the Personnel & Insurance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

It was determined that a quorum of the Committee was not present. There were no discussions or action taken.

Without objection, the Personnel Committee report was ordered filed with the permanent records of the Authority.

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9650. COMMITTEE REPORT – PROJECTS

Commissioner Lowe noted the absence of a quorum at the September 4, 2007 Projects Committee meeting and that another meeting was held this morning. He then presented the meeting minutes of today.

**PROJECTS COMMITTEE  
Tuesday, September 4, 2007  
Delaware Memorial Bridge Complex  
New Castle, Delaware**

A public meeting was scheduled for the Delaware River and Bay Authority's Projects Committee on Tuesday, September 4, 2007, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Hensley, Committee Mbr  
Commissioner Patterson, Committee Mbr  
Commissioner Parkowki

Commissioner Simmerman, Committee Mbr  
Commissioner Hogan  
Commissioner Smith

Governors' Representative

Sonia Frontera – NJ

Staff

Jim Johnson  
Don Rainear  
Jim Walls

Authority Secretary

Tom Pankok



Trudy Spence-Parker  
Gerry DiNicola-Owens  
Victor Ferzetti  
John Jones  
Heath Gehrke  
Kelly Phillips-Parker  
John McCarnan  
Jack Cawman  
A.J. Crescenzi  
Anna Marie Gonnella Rosato

The public meeting of the Projects Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations. At approximately 11:00 p.m., it was determined that a quorum of the Projects Committee was not present; therefore, no meeting was held. It was determined that the Projects Committee meeting would be re-scheduled for the morning of September 18<sup>th</sup> in Cape May before the next full board meeting.

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**PROJECTS COMMITTEE**  
**Tuesday, September 18, 2007**  
The Gallery at Cape May-Lewes Ferry Terminal  
North Cape May, New Jersey

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Tuesday, September 18, 2007, at The Gallery at Cape May-Lewes Ferry Terminal, North Cape May, New Jersey.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Committee Chair  
Commissioner Patterson, Committee Mbr  
Commissioner Latham  
Commissioner Cooper  
Chairperson Parkowski

Commissioner Favre, Committee Vice-Chair  
Commissioner Dorn, Committee Mbr  
Commissioner Simmerman, Committee Mbr  
Commissioner Smith  
Vice-Chairperson Hogan

Governors' Representative

Sonia Frontera – NJ

Staff

Jim Johnson  
Don Rainear  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola-Owens  
Victor Ferzetti  
John Jones  
Kelly Phillips Parker  
Anna Marie Gonnella-Rosato  
A. J. Crescenzi  
Heath Gehrke  
Jim Salmon

Authority Secretary

Tom Pankok

Authority Counsel

Mike Houghton, DE Counsel  
Phil Norcross, NJ Counsel

- I. The Projects Committee meeting convened at approximately 9:20 a.m. The Authority Secretary reported that the public meeting of the Projects Committee had been duly noticed in accordance with the Authority's Freedom of Information

- II. Regulations, read the Statement of Notice, and called the roll. Those in attendance were provided an informational package consisting of an agenda, one bid tab, and two contract close-out letters.
- III. Bid Openings/Award Actions:
- CMLF-07-05, Drydocking, Repairs & HVAC Installation, Motor Vessel New Jersey: A public bid opening was held August 28, 2007, in which two bids were received. Staff recommended award of the Base Bid and Add Alternate #1 to the responsive low bidder, Lyons Shipyard in the amount of \$1,492,310. The Projects Committee concurred with the recommendation and authorized the action be presented at the September board meeting.
- IV. Contract Close-Out Action:
- DMB-06-01, 2006-2007 Deck Resurfacing, Delaware Memorial Bridge and Overpasses, Delaware Memorial Bridge. Staff recommended approval for final payment and contract close-out to the contractor, Eastern Highway Specialists, Inc. The total price for this project is \$1,650,506.94. The Projects Committee concurred with the recommendation and authorized the action be presented at the September board meeting.
  - CMLF-06-01, Fuel and Monitoring System for Cape May-Lewes Ferry and Millville Airport. Staff recommended approval for final payment and contract close-out to the contractor, TTI Environmental, Inc. The total price for this project is \$274,500.00. The Projects Committee concurred with the recommendation and authorized the action be presented at the September board meeting.
- V. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 9:30 a.m.

Without objection, the reports was ordered filed with the permanent records of the Authority.

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9651.            COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith noted that the September 4, 2007 Economic Development lacked a quorum; however, another meeting was conducted this morning. Commissioner Smith reported that Resolutions 07-42 and 07-44 have been tabled. The Committee has opted to continue its discussions on the Resolutions at its next meeting before bringing it to the Full Board. With that said, Commissioner Smith reported on today’s Economic Development Committee meeting.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Tuesday, September 4, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Economic Development Committee was held on Tuesday, September 4, 2007, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware  
PRESENT  
Committee Vice-Chair Hensley  
Commissioner Patterson  
Chairperson Parkowski

Commissioners from New Jersey  
Committee Chair Smith  
Commissioner Simmerman  
Vice-Chairperson Hogan

Governors Representatives  
Sonia Frontera - NJ

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry Owens  
Anna Marie Gonnella Rosato  
Jim Salmon  
John Sarro  
John Jones  
AJ Crescenzi

Authority Secretary

Tom Pankok

- I. The Committee Chair Smith welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 10:21 a.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly noticed in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll.

It was determined that a quorum of the Committee was not present. No action was taken.

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**ECONOMIC DEVELOPMENT COMMITTEE**  
**Tuesday, September 18, 2007**  
Gallery of the Cape May Terminal  
North Cape May, New Jersey

A public meeting of The Delaware River and Bay Authority’s Economic Development Committee was held on Tuesday, September 18, 2007, at the Gallery of the Cape May Terminal, North Cape May, New Jersey.

Commissioners from Delaware

PRESENT

Commissioner Cooper, Committee Member  
Commissioner Patterson, Committee Member  
Commissioner Lathem  
Commissioner Lowe  
Chairperson Parkowski

Commissioners from New Jersey

Committee Chair Smith  
Commissioner Dorn, Committee Member  
Commissioner Favre  
Commissioner Simmerman  
Vice-Chairperson Hogan

Governors Representatives

Sonia Frontera – NJ

Legal Counsel

Mike Houghton – DE

Phil Norcross - NJ

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry Owens  
Anna Marie Gonnella Rosato  
Jim Salmon  
John Jones

Authority Secretary

Tom Pankok

AJ Crescenzi  
Ken Hynson  
Kelly Phillips Parker  
Heath Gehrke

The Committee Chair Smith welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 9:29 a.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

The Deputy Executive Director presented an historical update and reviewed two proposed Lease Amendments for current tenants at the Salem Business Centre. The following information was reviewed.

- Property Description – Overall Site
- Property Description – Office Building
- Authority Investment
- Tenants – Current Leased Space and Proposed
- Prospective Net Operating Income
- Capitalizing Income Stream
- Building Valuations
- Property Description – Four Parcels Available for Potential Future Development
- Lot Development Issues
- Costs Associated with Existing vs. New Contract for Design of Proposed Additional Leased Space
- Costs Existing vs. New Contract for Construction of Proposed Additional Leased Space

The Committee asked several questions during the presentation including the Authority's cost of the tenant fit-out. The Committee questioned the long term lease for Clement Papas and whether it would be a benefit or deterrent to the market value of the building. The Committee requested additional information in order to determine the position of the long term leased. The Deputy Executive Director reported that an independent assessment would be provided at the next Committee meeting. The Committee thanked the Deputy Executive Director for the presentation and commended staff for finding and placing tenants in the office building, which is helping to reduce operating costs associated with the vacant areas. The Committee did not recommend approval of the Lease Amendments at this time.

The Deputy Executive Director provided information regarding the following proposed Lease Agreements for Committee consideration.

- United States Postal Service Lease Agreement for a Branch Office located in Delaware City, Delaware. Approval of the Lease Agreement had been on hold pending further information requested by Commissioner Patterson. All issues have been resolved and, on motion by Commissioner Dorn, seconded by Commissioner Patterson, the Committee recommended approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration during the Public Session, following the Committee meeting.
- Blue Chip Properties Lease Agreement consisting of 4.2 acres of vacant land with the Corporate Commons, at the New Castle Airport. The initial term of the Lease is for thirty years based on an Annual Payment Structure with two twenty year renewal options. On motion by Commissioner Dorn, seconded by Commissioner Patterson, the Committee recommended

approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration during the Public Session, following the Committee meeting.

The Deputy Executive Director presented a copy of a memo to the Director of the Delaware Economic Development Office (DEDO) regarding a start-up pharmaceutical company interested in the purchase of 12 Penns Way, formerly known as the DEMA building.

Vice-Chairperson Hogan announced that he knew one of the principals of the company and excused himself from the discussion and left the room.

The Deputy Executive Director, after consultation with Authority Counsel, suggested a Non-Binding Letter of Intent be drafted in order for the start-up company to obtain financing. The Committee discussed drafting a letter. Since it was reported that this company has the attention of both DEDO and New Castle County, Legal Counsel recommended to follow the lead of the State of Delaware and allow time for DEDO to complete their due diligence. Chairperson Parkowski requested that the Executive Director contact Director Cherry to inform her that the Authority would cooperate if the State of Delaware chose to participate in this project.

Commissioner Simmerman reminded the Committee of the New Jersey Motor Sports Park groundbreaking to be held Wednesday, September 19, 2007 and invited all Commissioners to attend.

There being no further business to discuss, on motion by Commissioner Dorn, the Economic Development Committee adjourned at 10:35 a.m.

Without objection, the reports were ordered filed with the permanent records of the Authority.

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9652. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Acting Chief Financial Officer (CFO) presented a chart showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Three Forts Ferry Crossing, and Food Services for the month July.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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9653. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The Acting CFO presented a chart showing statements of income and expenses for the month of July with comparisons to the same periods last year.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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9654. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart for August showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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9655. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of August showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also includes cash expenditures spent to date for the committed projects.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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9656. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF AUGUST 31, 2007.

The Acting CFO presented a chart indicating the cash fund balances for the entire Authority.

Without objection, the chart was ordered filed with the permanent records of the Authority.

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9657. PUBLIC COMMENT ON ACTION ITEMS.

Chairperson Parkowski presented the following action items that were being considered and asked for public comment.

- Contract CMLF-07-05 Drydocking, Repairs & HVAC Installation, MV New Jersey
- Contract Close-out DMB-06-01 2006-07 Deck Resurfacing, DMB and Overpasses
- Contract Close-out CMLF-06-01 Fuel & Monitoring System for the CMLF & Millville Airport
- Resolution 07-37 Lease Agreement with US Postal Service, DE City
- Resolution 07-39 Approval of Community Contribution Requests
- Resolution 07-40 Authorizing Authority Expenditures \$25,000 and over
- Resolution 07-41 Contr with Zutz Ins. for Authority-wide Ins Brokerage Consulting Services
- Resolution 07-42 Amend the Lease Agreement with a New Jersey Co. at the Salem Bus Ctr.
- Resolution 07-43 Lease Agreement with Blue Chip Properties at New Castle Airport
- Resolution 07-44 Amend the Lease Agrmt with North American Energy Services, Sales Bus Ctr.

There were no comments from the public.

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9658. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>		<u>Payment</u>
DMB07-01	Eastern Highway Specialists, Inc.	\$ 4,375.00

DMB-06-02	Marinis Brothers, Inc.	\$319,223.88
DMB-06-01	Eastern Highway Specialists	\$ 100.00
DMB-04-04	J.D. Eckman, Inc.	\$353,830.62
CMLF-06-01	TTI Environmental, Inc.	\$ 100.00
NCA-04-01	Diamond Materials	\$486,200.39

\* \* \* \* \*

9659. DRYDOCKING, REPAIRS & HVAC INSTALLATION-M/V NEW JERSEY - CONTRACT # CMLF-07-05

The Chief Operating Officer (COO) stated that a bid opening was held on August 28, 2007 in which two bids were received. Staff recommended awarding the bid to the lowest responsive bidder, Lyons Shipyard, Inc. of Norfolk, VA, in the amount of \$1,492,310.00 (Base Bid of \$957,710.00 and Add Alternate #1 of \$534,600.00). The Projects Committee concurred with the recommendation.

A motion to award Contract #CMLF-07-05 to Lyons Shipyard, Inc. in the amount of \$1,492,310.00 was made by Commissioner Lowe, seconded by Commissioner Simmerman and approved by a roll call vote of 10-0.

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9660. CONTRACT CLOSE-OUT- 2006-2007 DECK RESURFACING AND OVERPASSES DMB- CONTRACT #DMB-06-01

On April 2, 2006 Contract No. DMB-06-01, 2006-2007 Deck Resurfacing Delaware Memorial Bridge and Overpasses, was awarded to Eastern Highway Specialists, Inc., of Wilmington, Delaware for the bid price of \$1,559,875.00.

During the contract period, Change Order No.'s 1-8 were approved for the project.

1. August 23, 2007 Adjustments in quantities to reflect actual field conditions.  
Add: \$90,631.94.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$1,650,506.94.

The Director of Engineering and Maintenance fielded a question from Vice-Chairperson Hogan regarding change orders. He noted that adjustments in product quantities reflect actual field conditions.

A motion to close-out Contract DMB-06-01 was made by Commissioner Patterson, seconded by Commissioner Favre and approved by a roll call vote of 10-0.

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9661. CONTRACT CLOSE-OUT – FUEL AND MONITORING SYSTEM FOR CAPE MAY-LEWES FERRY AND MILLVILLE - #CMLF-06-01

On January 22, 2007 Contract No. CMLF-06-01, Fuel and Monitoring System for Cape May-Lewes Ferry and Millville Airport, was awarded to TTI Environmental, Inc., of Moorestown, New Jersey for the bid price of \$274,500.00.

There were no change orders for the contract period.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$274,500.00.

A motion to close-out Contract #CMLF-06-01 was made by Commissioner Lowe, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

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9662 CHAIRPERSON’S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD.

**RESOLUTION 07-37 – AUTHORIZING A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE UNITED STATE POSTAL SERVICE FOR BRANCH OFFICE LOCATED IN DELAWARE CITY, DELAWARE.**

WHEREAS, The Delaware River and Bay Authority (the “DRBA”) owns a facility located at 54 Clinton Street in Delaware City, Delaware which is under lease to the United States Postal Service (the “USPS”) serving as the branch office for the municipality; and

WHEREAS, the facility is 10,604 square feet situated on a land parcel of approximately 14,920 square feet; and

WHEREAS, the current Lease Agreement between the parties expires on June 30, 2008; and

WHEREAS, because of the unique nature of the tenant’s business, it is necessary to confirm its location of operation well in advance of the Lease Agreement expiring; and

WHEREAS, the USPS has drafted a proposed new lease which proposes a five (5) year lease at an annual rent of \$24,000, with two (2) five (5) year options with annual rents of \$26,400 and \$29,400 respectfully.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Lease Agreement with the United States Post Office and, with the advise and consent of counsel, to have the Lease Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 07-37 was made by Commissioner Patterson, seconded by Commissioner Dorn, and approved by a roll call vote of 10-0.

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**RESOLUTION 07 - 39 APPROVAL OF COMMUNITY CONTRIBUTION REQUESTS**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state agency with public crossing facilities and assets in the States of New Jersey and Delaware; and

WHEREAS, the Authority has developed a Community Contributions Policy which outlines the purpose of the program and process for consideration of requests; and

WHEREAS, the policy requires full board approval for any Community Contribution; and

WHEREAS; the Budget and Finance Committee met and approved Community Contributions for the month of September 07; and

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby approves the following Community Contributions.



Community Contributions

New Jersey

Act Out Theatre Incorporated	\$ 500
Atlantic Cape Community College Foundation	\$ 1,550
Burdette Tomlin Memorial Foundation	\$ 5,000
Bayshore Discovery Project Incorporated	\$ 5,000
Big Brothers Big Sisters of Cumberland and Salem Counties Incorporated	\$ 5,000
Gloucester County Children’s Art Society	\$ 2,645
Meals on Wheels of Salem County Incorporated	\$ 5,000
Mid Jersey Cape Rotary Club	\$ 1,000
Newfield Terrace Community Action Organization	\$ 4,850
Salem County 2000 Incorporated	\$ 2,000
Salem County Inter-Agency Council of Human Services Incorporated	\$ 1,500
The United Fund of Salem County Incorporated	\$ 5,000
<b>Total</b>	<b><u>\$ 39,045</u></b>

Delaware

Delaware Breast Cancer Coalition Incorporated	\$ 4,000
Delaware District 3 Little League Incorporated	\$ 5,000
Delaware Financial Literacy Institute	\$ 2,000
Delaware Military Academy	\$ 2,000
Delaware Wrestling Alliance Incorporated	\$ 5,000
Greater Lewes Foundation	\$ 2,500
Historical Society of Delaware Incorporated	\$ 5,000
Kalmar Nyckel Foundation	\$ 2,000
Kinfolk Limited	\$ 3,500
Metropolitan Wilmington Urban League	\$ 2,000
Rehoboth Beach Film Society	\$ 2,500
Sewell C. Biggs Trust (The Sewell C. Biggs Museum of America Art)	\$ 2,000
Stop The Violence Coalition Incorporated	\$ 500
Transportation Management Association of Delaware (Budget and Finance Committee approved 5/7/07)	\$ 5,000
<b>Total</b>	<b><u>\$ 43,000</u></b>

**Grand Total (New Jersey and Delaware) \$ 82,045**

A motion to approve Resolution 07-39 was made by Commissioner Patterson, seconded by Commissioner Favre. With Commissioner Smith abstaining on The United Fund of Salem County, Inc., Resolution 08-39 was approved by a roll call vote of 10-0 except with the above noted abstention where such vote was 9 in favor and 1 abstention.

\* \* \* \* \*

**RESOLUTION 07-40 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2007.**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 01-84 requiring Commissioner review and approval of all Authority expenditures in excess of \$25,000; and

WHEREAS, the Authority anticipates expenditures at or over the \$25,000 amount to the following vendors:

DELAWARE RIVER & BAY AUTHORITY  
PROJECTED VENDORS TO BE PAID OVER \$25,000  
OPERATION EXPENDITURES  
FOR THE PERIOD 1/1/07 THROUGH 12/31/07

VENDOR	SERVICE DESCRIPTION	DETERMINATION
Eastern Lift Truck	New Forklift Purchase	Government Pricing
Siemens Building Technologies	Fire Detection System Upgrades at CMLF and DMB	Existing Sole Source
Winner Ford	Ford F-350 Utility Body Truck to replace obsolete Truck	State Contract

NOW, THEREFORE, BE IT RESOLVED, that the Authority authorizes expenditures to the above listed vendors for the described purposes and authorizes payment.

A motion to approve Resolution 07-40 was made by Commissioner Patterson, seconded by Commissioner Favre and approved by a roll call vote of 10-0.

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**RESOLUTION 07-41 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND THE ZUTZ INSURANCE GROUP TO PROVIDE AUTHORITY-WIDE INSURANCE BROKERAGE CONSULTING SERVICES**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact for the purpose of owning, operating and controlling both Crossing and Non-Crossing facilities; and

WHEREAS, the Authority desires to procure professional Authority-wide insurance brokerage consulting services with an initial term of three (3) years with two(2) optional one (1) year renewals; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (“RFP”) for the required insurance brokerage consulting services in compliance with Resolution 98-31 which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated a total of four proposals pursuant to the aforementioned requirements and regulations which resulted in a short-list of two firms; and

WHEREAS, the Authority conducted oral interviews with the short-listed firms and The Zutz Insurance Group was designated first on the preference list; and

WHEREAS, the Authority negotiated for services at compensation determined to be fair and reasonable, and in making such determination, conducted an analysis of the cost of the services in addition to considering the scope and complexity; and

WHEREAS, the Budget & Finance Committee reviewed the recommendation and concurs with the evaluation; and

WHEREAS, the Authority has determined that a decision to exercise any option to renew any agreement for insurance brokerage consulting services entered into with The Zutz Insurance Group will be made by Commissioners through Board action.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Services Agreement with The Zutz Insurance Group to provide Authority-wide insurance brokerage consulting services and to specifically provide in this agreement that the decision to exercise any option to renew this agreement at the end of its initial three (3) year term will be made by the Commissioners through Board action and to have such agreement, upon review and

advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion was made by Commissioner Favre to amend Resolution 07-41 to include a required vote by the Commissioners on the two (2) one (1) year optional renewal years, seconded by Commissioner Simmerman and approved by a voice vote of 10-0.

Commissioner Patterson stated that the Authority has a fine Procurement Policy (Resolution 98-31) and that he feels that there is not a problem allowing contract renewals if vendors do a good job. He suggested a review of Resolution 98-31 to ascertain if any fine tuning of the policy should be made.

Commissioner Simmerman stated that he personally preferred shorter contracts and that the procurement process should be looked at for these kinds of obligations.

A motion was made by Commissioner Patterson to approve Resolution 07-41 as amended to include Commissioner approval of the renewal years as stated by Commissioner Favre, seconded by Commissioner Lathem and approved by a roll call vote of 10-0.

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**RESOLUTION 07-42 AUTHORIZING AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND A NEW JERSEY COMPANY FOR PREMISES SITUATE AT THE SALEM BUSINESS CENTRE, SALEM, NEW JERSEY**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) owns a two story 80,000 square foot office building (the “Building”) in the Salem Business Centre (the “Centre”), located in Carneys Point Township, Salem County, New Jersey; and

WHEREAS, the Authority desires to lease office space at the Centre; and

WHEREAS, the Clement Pappas Company (the “Company”) desires to amend a lease between the Company and the Authority to lease an additional approximately 11,324 rentable square feet of lab and office space in the Building pursuant to a written lease agreement (the “Lease Agreement”) dated December 19, 2006; and

WHEREAS, the term of the Lease Agreement will be for an initial term coterminous with the current lease between the parties for space on the second floor of the site at an average rental rate of Nineteen dollars and 10 cents (\$19.10) per square foot (i.e., rental rates between \$17.50 per square foot in year 1 and \$20.50 per square foot in year 15) plus Tenant electric and utility charges; and

WHEREAS, the Company will be responsible for its share of all Operating Expenses over the base year of the Lease; and

WHEREAS, the Company will have an Early Termination Option after ten (10) years with an agreed upon early termination fee and reimbursement fee; and

WHEREAS, the Lease Agreement shall provide a certain lease inducement in the form of a mutually agreed rent abatement; and

WHEREAS, the Company. will receive a Tenant Improvement Allowance of Thirty Three dollars and seventy five cents (\$33.75) per square foot; any overage in tenant improvements to be the responsibility of the Company; and

WHEREAS, the Company will have the option to extend the term of the Lease Agreement for three (3) consecutive periods of five (5) years each at the then mutually determined (or appraised) fair market rental; and

WHEREAS, Landlord and Tenant are to agree to a mutually acceptable form of Amendment to the Lease Agreement; and

WHEREAS, the Economic Development Committee has reviewed the terms of the proposed Amendment to the Lease Agreement and recommends approval thereof by the Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, or his designee, is hereby authorized to negotiate the final terms and conditions of the Amendment to a Lease Agreement between the Authority and the Company for an additional approximately 11,324 square feet of rental space in the Building and, with the advice and consent of Counsel, have such Amendment to a Lease Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to table Resolution 07-42 was made by Commissioner Smith, seconded by Commissioner Dorn and approved by a roll call vote of 10-0.

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**RESOLUTION 07-43 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BLUE CHIP PROPERTIES, LLC**

WHEREAS, The Delaware River and Bay Authority (the "Authority"), is the operator of the New Castle Airport ("Airport"), New Castle, Delaware; and

WHEREAS, Blue Chip Properties, LLC desires to lease 4.2 acres along of vacant land located within the Corporate Commons, which is part of the land of the New Castle Airport; and

WHEREAS, Blue Chip Properties LLC agrees to pay the Authority rent based on the attached rent schedule during the first term of the Lease Agreement; and

WHEREAS, the initial term of the Lease Agreement is for thirty (30) years; and

WHEREAS, Blue Chip Properties, LLC shall have the option of renewing this Agreement for two (2) periods of twenty years (20) each; and

WHEREAS, rent shall be adjusted annually according to attached rent schedule; and

WHEREAS, Fair Market Value adjustments shall commence on the first day of the 11<sup>th</sup> year after commencement of the lease and every ten (10) years thereafter including the renewal option periods.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Blue Chip Properties, LLC and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 07-43 was made by Commissioner Simmerman, seconded by Commissioner Favre and approved by a roll call vote of 10-0

ATTACHMENT TO RESOLUTION 07-43 - BLUE CHIP PROPERTIES

<b>Annual Payment Structure</b>			
Year	First Building Lease Execution Annual Payment	Second Building Certificate of Occupancy Annual Payment	Total Annual Payments
1	\$25,000		\$25,000
2	\$33,000		\$33,000
3	\$42,500		\$42,500
4	\$45,000	\$25,000	\$70,000
5	\$50,000	\$25,750	\$75,750
6	\$52,500	\$26,523	\$79,023
7	\$55,000	\$27,318	\$82,318
8	\$57,500	\$28,138	\$85,638
9	\$60,000	\$28,982	\$88,982
10	\$65,000	\$29,851	\$94,851

Each year thereafter shall increase in accordance with CPI  
Second Building rent payments to commence upon receipt of certificate of  
occupancy

\* \* \* \* \*

**RESOLUTON 07-44 AUTHORIZES A THIRD AMENDMENT TO A  
LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY  
AUTHORITY AND NORTH AMERICAN ENERGY SERVICES FOR PREMISES  
SITUATE AT THE SALEM BUSINESS CENTRE, SALEM, NEW JERSEY**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) owns a two story 80,000 square foot office building (the “Building”) in the Salem Business Centre (the “Centre”), located in Carneys Point Township, Salem County, New Jersey; and

WHEREAS, the Authority desires to lease office space at the Centre; and

WHEREAS, North American Energy Services (NAES) desires to amend its Lease Agreement by adding an additional approximately 4522 rentable square feet of office space to it’s present rental space at the Building pursuant to a written lease agreement (the “Lease Agreement”); and

WHEREAS, the term of the Third Amendment to the Lease Agreement will be for an initial term of five (5) years at an initial rental rate of \$21.92 per square foot subject to yearly adjustments pursuant to the Consumer Price Index; and

WHEREAS, the Company will be responsible for its share of all Operating Expenses over the base year as established by the Second Amendment to the original lease; and

WHEREAS, the Company. will receive a Tenant Improvement Allowance of Thirty Two dollars and fifty cents (\$32.50) per square foot; any overage in tenant improvements to be the responsibility of the Company and

WHEREAS, the Company will have the option to extend the term of the Third Amendment to the Lease Agreement for two (2) consecutive periods of five (5) years each at the then mutually determined (or appraised) fair market rental; and

WHEREAS, Landlord and Tenant are to agree to a mutually acceptable form of Lease Agreement; and

WHEREAS, the Economic Development Committee has reviewed the terms of the proposed Third Amendment to the Lease Agreement and recommends approval thereof by the Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, or his designee, is hereby authorized to negotiate the final terms and conditions of an Amendment to a Lease Agreement between the Authority and NAES for approximately

4522 square feet of rental space in the Building and, with the advice and consent of Counsel, have such Amendment to the Lease Agreement executed by the Authority Chairperson, Authority Vice Chairperson, and the Executed Director.

A motion to table Resolution 07-44 was made by Commissioner Simmerman, seconded by Commissioner Lathem and approved by a roll call vote of 10-0.

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9663. COMMISSIONERS PUBLIC FORUM

Chairperson Parkowski asked if any members of the public would like to address the Commissioners.

Dr. Joseph Salvatore, Executive Director of the Naval Air Station Wildwood Aviation Museum, spoke. He wanted to thank the Commissioners for supporting the Wings of Freedom Tour held at the Cape May Airport in August. He spoke on several topics including the success of the events and fundraisers held there, the financial awards of over \$20 million dollars in grants it received during the last ten years and the need to find a food vendor to operate the restaurant. He called upon the Commissioners to respond to his requests to expand the preservation of buildings at the airport and to add them on the National Historic Registry at no cost to the Authority.

Vice-Chairperson Hogan, referring to the Summary of Authorized Contract Payments Chart, questioned the differences between the contract award and current amount columns specifically citing contracts DMB-04-04 and DMB-01-07.

The COO offered a general comment that when change orders are made to contracts, it is reflected in those two columns in the payment chart. Change orders are brought before the Projects Committee and to the Board as they occur.

Commissioner Patterson thanked staff for following the Flag Flying Policy and filling the empty flag poles at the Veterans Memorial with U.S. flags. He said he received positive comments.

Commissioner Patterson was not pleased with the News Journal's headline on the sale of the MV Cape May. He thought that there should have been a response to the article by staff despite the fact that staff's policy is not to respond to such news headlines.

Commissioner Lathem commented on the newspaper and agreed with staff.

Commissioner Favre said that the Board should respond to Dr. Salvatore's earlier request. He would like staff to look at the issue at an Economic Development Committee meeting.

Chairperson Parkowski stated that he would like to know more about the Historic Preservation and noted that Dr. Salvatore does good things at the Airport and that he is impressed with his facility.

\* \* \* \* \*

There being no further business, a motion to adjourn was made by Commissioner Lathem, seconded by Commissioner Simmerman and unanimously carried.

The meeting was adjourned 11:47 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Board Secretary