

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, May 19, 2009
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 10:30 a.m. with Chairperson Hogan presiding.

The meeting notice, opening prayer and Pledge of Allegiance, were performed during the public session of the Executive meeting.

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Executive Director Johnson bestowed the Oath of Office to the newly appointed Delaware Commissioner, Terri C. Murphy, of Wilmington, Delaware.

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The Authority Secretary recorded the following members present.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

James N. Hogan, Chairperson

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

Scott A. Green, Vice-Chairperson
Richard W. Downes

William E. Lowe
Terri C. Murphy
Gary F. Traynor

ABSENT

Susan A. DeLanzo

Samuel E. Lathem

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9974. APPROVAL OF COMMITTEE ASSIGNMENTS

A motion to approve the Committee assignments was made by Commissioner Lowe, seconded by Commissioner Dorn and unanimously approved by a voice vote of 10-0.

9975. APPROVAL OF THE APRIL 21, 2009 AND MAY 5, 2009 EMERGENCY MEETING MINUTES

Commissioner Simmerman motioned for approval of the meeting minutes of April 21, 2009 and May 5, 2009 Emergency meeting, seconded by Commissioner Lowe, and approved by a voice vote of 10-0.

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9976. EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented the following highlights that occurred within the Authority during April, 2009.

Delaware Memorial Bridge

Total traffic in April increased 7.2% compared to the same period in 2008. Non-commercial traffic increased 10.2% and commercial traffic decreased 9.7%. When compared to the 3-year average, total traffic increased 1.9% in April. Year-to-date total traffic decreased 0.8%

compared to 2008. When compared to the 3-year average, year-to-date total traffic decreased 2.5%.

E-ZPass traffic for April represented 60.7% of the total overall traffic as compared to 60.7% for the previous year. Year-to-date electronic traffic is 60.5%, an increase of 0.4% from 2008.

Cape May Lewes Ferry

In April, vehicle and passenger traffic increased 5.6% and 11.6%, respectively, when compared to April 2008. Year-to-date vehicle traffic decreased 8.5% and passenger traffic decreased 7.3% when compared to the same period in 2008. When compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic decreased 12.5% and 10.8%, respectively.

In April, fare revenues increased 7.8% compared to April 2008. Year-to-date fare revenues increased 2.3% compared to the same period last year. When compared to the average of the last three years, year-to-date fare revenues decreased 1.2%.

In April, CMLF food sales increased 3.3% and retail sales decreased 7.2%, compared to April 2008. Year-to-date food and beverage revenues decreased 11.3% and retail revenues decreased 23.0%, compared to the same period in 2008. When compared to the average of the last three years, year-to-date food and beverage revenues decreased 18.0% and retail revenues decreased 26.7%.

Maintenance dredging in the Cape May turning basin is complete.

The USCG Under Water Inspection in Lieu of Drydocking (UWILD) inspection on the M.V. Twin Capes was completed this month. Results indicate that this vessel will not need to go to the shipyard.

Airports

Jim Walls and Steve Williams met with the U.S. Government Accountability Office (GAO) officials on the possible impact of added capacity at local airports (such as New Castle) to help reduce air traffic delays at Philadelphia International Airport. GAO officials were tasked by the House Aviation Subcommittee for this nationwide information gathering effort. GAO officials were briefed on the existing airport facilities, current and future airport projects, and past airline service initiatives.

Finance

Victor Ferzetti and Joe Larotonda participated in a videoconference call with London Insurance Underwriters and our broker for a review and discussion of the Hull Insurance renewal. The insurance market is hardening due to a number of economic factors. Reduced investment earnings, increased cost of materials, increased claims, and diminished capitalization of underwriters has resulted in increased premiums. Some owners with claims history are seeing increases of 40-60%. The Authority has a clean claims history regarding its vessels and continues to make the necessary capital improvements to maintain the fleet. We are anticipating quotes to increase in the 5-15% range. The Authority has approximately 40% of its hull insurance placed domestically. Our Hull policies are due for renewal in July. We are working with our broker to evaluate and explore various options that can save premiums prior to renewal.

Employee Happenings

The Community Initiatives Committee is sponsoring a Food Drive. During these economic times, the food banks in our areas have been especially hard hit and are in need of replenishing. This employee based committee is coordinating with the local United Way offices in both New Jersey and Delaware for help with distribution. The drive began the beginning of this month and will run for 4 months.

Ken Bolyard and Evelyn Munno retired from the Authority with 33 and 12 years of service, respectively. Congratulations to Ken and Evelyn and good luck on their retirement.

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

Authorized Positions	442
Positions Filled	407
Positions Filled (on LTD)	5
Total Positions that are Vacant	30

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

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9977. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Simmerman presented the following Budget & Finance Committee meeting minutes held on May 4, and May 19, 2009.

BUDGET & FINANCE COMMITTEE MEETING
Monday, May 4, 2009
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Budget & Finance Committee and Public Hearing was held on Monday, May 4, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

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

Committee Vice-Chair Traynor
Commissioner Downes, Committee Member
Commissioner Hensley, Committee Member-via phone
Commissioner Lathem
Vice-Chairperson Green

Governors Representatives

Sonia Frontera - NJ

Cleon Cauley - DE

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
John Jones
Anna Marie Gonnella Rosato
Ken Hynson
John Sarro
Steve Williams
Colonel McCarnan
AJ Crescenzi
Jim Gillespie

Authority Secretary

Tom Pankok

1. Committee Chair Simmerman welcomed the Budget & Finance Committee and opened the meeting at approximately 9:10 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.

2. Proposed Resolutions

- Community Contribution Requests – The Committee reviewed the Community Contribution Requests from New Jersey for May. Committee Vice-Chair Traynor reported that Delaware had not had the opportunity to review the requests from Delaware and would be finalizing prior to the May meeting. After discussion, and subject to Delaware finalizing the Committee recommended approval of the Community Contribution Requests. A Resolution will be presented to the full Board for consideration at the May meeting.

- Over \$25,000 Vendor List – the Chief Financial Officer reviewed each item included in the Over \$25,000 Vendor List. The CFO focused on Best Uniform. The CFO reported that there had been disputes with Aramark, the Authority’s current uniform vendor’s billing and invoicing and violated the terms of the contract. The billing disputes have been mostly resolved; however, Aramark has stopped providing uniforms. The Authority still needs to continue to supply uniforms to bargaining unit members as well as have uniforms for the peak season, and Best Uniform can meet this interim need until such time as a new RFP for Uniforms can be done. After discussion, on motion by Commissioner Traynor, seconded by Commissioner Favre, the Committee recommended approval of the Vendor List. The Resolution will be presented to the full Board for consideration at the May meeting.

3. Vessel Fuel Hedging

The Chief Financial Officer presented a proposed initiative of vessel fuel hedging as a means of achieving cost budget certainty, and mitigating fluctuating fuel costs. The CFO noted that the proposal was not a cost savings proposal as fuel prices could decrease in the future resulting in the Authority paying a higher price per gallon. Vessel fuel had reached all time highs in the last 2-3 years; however, recent prices have been at lows not seen since 2004. The current vessel fuel contract uses the JOC as the index for fuel pricing; however, had another index been used such as Platt’s, the Authority would have paid \$40,000 less in 2008 purchasing fuel at a variable rate. The 2008 Operations Budget for vessel fuel exceeded the budgeted amount by approximately \$500,000.

The CFO reviewed three options.

- Option 1 - Do Nothing – Continue with the Current Fuel Contract
A projected fuel cost increase of 20% would be \$1.81/gallon (\$1.82 million projected expense)
A projected fuel cost increase of 60% would be \$2.40/gallon
The ferry fuel sur-charge would not be triggered until fuel reached \$2.50/gallon
- Option 2 - Hedge 50% - Saving \$39-40,000 less than Option 1
Would offer some price protection while avoiding the ferry fuel sur-charge
- Option 3 – Hedge 100% - Cost Certainty – Saving \$70,000 less than Option 1

The CFO reported that Sunoco made a presentation to staff regarding their program. The Committee asked several questions including whether there were other hedging options, length of contract with Sunoco, and any potential litigation with current vendor. Committee Chair Simmerman asked the Committee members if any objected to the CFO investigating further. Commissioner Hensley added that the measure would provide more budget certainty in planning for the upcoming toll increase. After discussion, the Committee favored having the CFO investigate further. The CFO added that he would attempt to have the information prior to the May meeting and may require a Committee meeting prior to the Board meeting.

4. Procurement Update

As an ongoing effort to keep the Committee updated on current procurement activities, the CFO provided an updated list and reviewed the status. Out of the 50 action items, 10 have been completed or currently on the street. Work continues with the remaining items. Updates will continue to be provided.

5. Investment Policy

At the request of Chairperson Hogan, the Investment Policy has been provided for your information. Chairperson Hogan reported that he had requested this information for the behalf of new and current commissioners to review in light of the loss in the Employees' Pension Plan.

With no further business to discuss, on motion by Commissioner Favre, the Budget & Finance Committee adjourned at 9:55 a.m.

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BUDGET & FINANCE COMMITTEE MEETING

Monday, May 19, 2009
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Budget & Finance Committee and Public Hearing was held on Monday, May 19, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

PRESENT

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

Commissioners from Delaware

Committee Vice-Chair Traynor
Commissioner Downes, Committee Member
Commissioner Murphy, Committee Member
Commissioner Lowe
Vice-Chairperson Green

Governors Representatives

Joe Neal - NJ

Cleon Cauley - DE

Staff

Jim Johnson
Victor Ferzetti
Jim Walls
Gerry Owens
Anna Marie Gonnella Rosato

Authority Secretary

Tom Pankok

1. Committee Chair Simmerman welcomed the Budget & Finance Committee and opened the meeting at approximately 10:05 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.

3. Procurement of Vessel Fuel for the Cape May-Lewes Ferry Operations

The Chief Financial Officer reviewed that at the May 4, 2009, Budget & Finance Committee meeting, the Committee requested he move forward with investigating vessel fuel hedging as a means to achieve cost certainty in budgeting for vessel fuel. Since fuel prices have reached lows not seen since 2004, now is a good time to consider price stability options. The CFO reported that Sunoco agreed to take the Authority's existing form of contract and execute with the only modification being the terms at which the Authority purchases. Hedge prices have increased since the last Committee meeting, moving from the \$1.61-\$1.81 range to a \$1.68-\$1.99 range for the June to December period. The current fuel provider uses the Journal of Commerce (JOC) index. For the hedging portion of fuel purchases, Sunoco uses the Platt's or Nymex futures index plus differentials for delivery, taxes and profit. A variable rate formula will be used for any fuel purchased outside of the hedged contracted quantities. Commissioner Downes questioned if other methods of cost savings were being considered, in addition to fuel hedging, in the event that ridership and revenue continued to decline during the peak season. The COO reported that ferry crossings could be contracted. Committee Chair Simmerman questioned the Committee as to whether they wanted to move forward with hedging. He further noted that

vessel fuel would still be under budget if the Committee chose to do nothing. Commissioner Traynor motioned to recommend hedging and inquired as to how much the CFO thought should be hedged. The CFO recommended that, given current market conditions, he would hedge as much as possible during the peak season from June – September, and purchase in variable rate for October – December; however, he noted that market conditions could change by the time a contract with Sunoco is executed. This would result in about a 50% hedge of the entire year’s fuel purchase. He also noted that the authorizing Resolution would allow up to eighteen months in the event it would be beneficial to lock-in any potential price reductions for the following season. Committee Chair Simmerman questioned whether there could be any litigation issues and the CFO reported that the Authority has the ability to cancel the contract on thirty days notice. The Committee then concurred with the recommendation to hedge vessel fuel. The CFO noted that this action would require the following:

1. The Budget & Finance Committee would need to waive the bidding requirement of the Authority’s Procurement Resolution 98-31 in order to enter into an Agreement with Sunoco.
2. The Board to authorize the CFO to use discretion as to when to enter into the hedging Agreement.
3. Passing a Resolution to enter into a new contract with Sunoco, Inc.

Commissioner Favre questioned how much would be saved by hedging vessel fuel. The CFO reported that he did not know that this would save, it was to provide cost certainty and not savings. Commissioner Favre noted that he would support the Resolution subject to staff utilizing the old index methodology to track and compare how the Authority previously purchased vessel fuel vs utilizing the hedging method. Commissioner Murphy questioned whether the current vendor could hedge vessel fuel and the CFO responded that the vendor was a retailer not a producer and would likely require a bank to finance a hedge.

After discussion, on motion by Commissioner Traynor, seconded by Commissioner Downes, the Committee recommended waiving Resolution 98-31 and to entering into a Purchasing Agreement with Sunoco. The Resolution will be presented to the full Board for consideration at the Public Session immediately following the Committee meeting.

With no further business to discuss, on motion by Commissioner Favre, the Budget & Finance Committee adjourned at 10:28 a.m.

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

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9978. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Dorn presented the following Personnel Committee meeting minutes of May 4, 2009.

PERSONNEL COMMITTEE MEETING
Monday, May 4, 2009
 Delaware Memorial Bridge Complex
 New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Personnel Committee was held on Monday, May 4, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

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

Committee Vice-Chair Lathem
 Commissioner Traynor, Committee Member
 Commissioner Downes
 Commissioner Hensley
 Vice-Chairperson Green

Governors’ Representatives

Sonia Frontera - NJ

Cleon Cauley - DE

Staff

Jim Johnson, Jr.
Don Rainear
Victor Ferzetti
Jim Walls
Gerry DiNicola Owens

Authority Secretary

Tom Pankok

1. Committee Chair Dorn welcomed the Personnel Committee and opened the meeting at 9:56 a.m. The Authority Secretary reported that the public meeting of the Personnel Committee had been duly noticed in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll.

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

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS
- LEGAL MATTERS

With no further business to discuss in Executive Session, on motion by Commissioner Favre, seconded by Commissioner Smith, the Personnel Committee was opened to the public.

3. Pandemic Flu Presentation

With the recent global outbreak of the Swine Flu, Bob Young, Superintendent-Safety & Environmental made a presentation on the Delaware River and Bay Authority’s Pandemic Flu Planning and Preparations to which a Pandemic Flu Committee has been working on developing since April, 2007. The following was presented.

- Background
- Virus Types
- Pandemic Model vs Swine Flu in US
- Cold vs Flu Symptoms
- Pandemic Flu History
- Likelihood of Recurrence
- Governmental Preparation
- DRBA Pandemic Planning
- Plan Contents
- DRBA Pandemic Implementation Steps
- Triggers for DRBA Action

The Committee questioned whether there had been communications to all departments and it was reported that meetings had been conducted with Supervisors; however, he would follow-up to ensure the information was being disseminated to employees. Mr. Young further added that staff has gone through the planning stages and would continue to monitor the current outbreak. Operations funds have been set aside, and staff has begun purchasing the supplies and materials necessary should such an event occur. The Committee thanked Mr. Young for his presentation.

5. With no further business to discuss, on motion by Commissioner Favre, the Personnel Committee adjourned at 11:42 a.m.

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

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Commissioner Favre presented the following Projects Committee meeting minutes of May 4, 2009.

PROJECTS COMMITTEE
Monday, May 4, 2009
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority’s Projects Committee was held on Monday, May 4, 2009, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lathem, Committee Mbr
Commissioner Traynor
Commissioner Downes
Vice-Chairperson Green

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

Governors’ Representatives

Sonia Frontera – NJ
Cleon Cauley - DE

Authority Secretary

Tom Pankok

Staff

Jim Johnson
Jim Walls
Don Rainear
Victor Ferzetti
Gerry DiNicola Owens
John Jones
A.J. Crescenzi
John Sarro
Anna Marie Gonnella-Rosato
Steve Williams

1. The Projects Committee meeting convened at approximately 12:20 p.m. Those in attendance were provided an informational package consisting of an agenda, one bid opening tabulation, one contract close-out letter, and the monthly contractor payment chart with associated change orders (through April).

2. Resolutions: None

3. Bid Openings/Award Actions:

- CMLF-06-03R, Miscellaneous Dock Work and Repairs, Cape May-Lewes Ferry.

A public bid opening was held on April 30, 2009, in which five (5) bids were received. It was reported that one of the five bids (highest bid) was non-responsive. The COO described the work included in the project and recommended award to the lowest responsive bidder, PKF-Mark III, Inc. in the amount of \$2,984,000.00 which includes the award of four (4) add alternates. The Projects Committee concurred with the recommendation and authorized the action to be presented at the May board meeting.

4. Contract Close-Out Actions:

- Contract No. DMB-07-03, Administration Building HVAC Economizer

Upgrades: The Director of Engineering and Maintenance described the project’s scope of work and benefits to include utility bill savings, preventative maintenance savings, as well as extending the life of HVAC equipment. The COO recommended close-out of the contract and

that final payment be made to the contractor, Schlosser & Associates of Newark, Delaware. The final price for this project is \$100,186.00. The Projects Committee concurred with the recommendation and authorized the action be presented at the May board meeting.

5. Contractor Payment (through April): The COO informed the Committee of the monthly construction contractor payments to be made in May.

6. Miscellaneous Items/Updates:

- Marine Master Plan Update: The COO provided a brief report on the CMLF Marine Master Plan, including the status on the sale of the MV Cape May, finalization of the Naval Architect RFP, and food and retail initiatives. The COO further reported that a detailed update will be delivered at the June Projects Committee meeting, including a review of the Marine Master Plan findings and key recommendations.

- MV Twin Capes Contingency Dry Docking Update: The COO reported that the recent underwater inspection by the US Coast Guard on the MV Twin Capes was successful, which precludes a vessel dry-docking.

7. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 12:35 p.m.

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

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9980. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Downes presented the following Economic Development Committee meeting minutes of May 4, 2009.

ECONOMIC DEVELOPMENT COMMITTEE
Monday, May 4, 2009
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Economic Development Committee was held on Monday, May 4, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

PRESENT

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

Governors Representatives

Sonia Frontera – NJ

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
AJ Crescenzi
Anna Marie Gonnella Rosato
Steve Williams
Michelle Griscom-Collins

Commissioners from Delaware

Commissioner Downes, Committee Member
Commissioner Traynor, Committee Member
Commissioner Lathem
Vice-Chair Green

Cleon Cauley - DE

Authority Secretary

Tom Pankok

I. Committee Vice-Chair Smith welcomed the Economic Development Committee and opened the meeting at approximately 11:43 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.

2. The Deputy Executive Director requested an Executive Session. On motion by Commissioner Dorn, seconded by Commissioner Downes, the session was closed.

The following matters of a confidential nature were discussed.

- LONG TERM PLANNING ALTERNATIVES

With no further business to discuss in Executive Session, on motion by Commissioner Dorn, the Economic Development Committee was opened to the public.

3. The Deputy Executive Director provided an update on the following project.

Isogen Update

The Deputy Executive Director reported that he, the Executive Director and AJ Crescenzi attended the Open House of Isogen's new facility in Newark, Delaware. Isogen expressed interest in purchasing property at the New Castle Airport to conduct highly technical and sterile operations producing injectable drugs; however, due to the credit market and a tenant leasing a portion of the building, Isogen was forced to find an interim facility. This project has been supported by the Governor, the Delaware Economic Development Office as well as New Castle County and it is hoped that negotiations will again resume and be finalized. Staff will continue to update the Committee as necessary.

With no further business to discuss, on motion by Commissioner Dorn, the Economic Development Committee adjourned at 12:25 p.m.

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

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9981. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts 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 of March.

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

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9982. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expenses for the month of March with comparisons to the same periods last year.

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

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9983. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for April showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

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

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9984. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for the month of April showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The charts also include cash expenditures spent to date for the committed projects.

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

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9985. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF APRIL 30, 2009.

The CFO presented charts indicating the cash fund balances for the entire Authority.

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

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9986. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract CMLF-06-03R Misc Dock Work and Repairs
- Contract Closeout DMB-07-03 Administration Bldg HVAC Economizer Upgrades
- Resolution 09-30 Approval of Community Contribution Requests
- Resolution 09-31 Authorizes Expenditures Over \$25,000
- Resolution 09-32 Recognizes and Salutes Verna W. Hensley
- Resolution 09-33 Authorizes a Purchase Agreement with Sunoco, Inc. to Provide Diesel Fuel

There were no public comments.

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9987. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

Contract No.	Contractor	Current Amount
DMB-08-01	Allied Painting, Inc	248,494.30
DMB-07-01	Eastern Highway Specialists, Inc.	86,516.75
DMB-07-03	Schlosser & Associates,	1,000.00
DMB-04-01	Mumford and Miller	865,562.48
CMLF-09-01	Barnegat Bay Dredging	111,600.00
NCA-04-01	Diamond Materials	9,017.50
NCA-06-02	Diamond Materials	2,696,705.07
NCA-06-03	Eastern States Const	32,526.25
NCA-07-01	Schlosser & Associates	114,435.00

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9988. APPROVAL OF MISCELLANEOUS DOCK WORK AND REPAIRS; CONTRACT # CMLF-06-03R

The COO noted that a public bid opening was held on April 30, 2009, in which five (5) bids were received. The COO recommended awarding the bid to the lowest responsive bidder, PKF-Mark III, Inc. of Newtown, PA, in the total amount of \$2,984,000.00. (Base Bid \$2,402,400.00; Alt #1 \$185,600.00; Alt #2 \$255,000.00; Alt #3 \$120,000.00; Alt #4 \$21,000.00) The Projects Committee concurred with the recommendation.

A motion to award Contract CMLF-06-03R to the aforementioned was made by Commissioner Favre, seconded by Commissioner Simmerman, and unanimously approved by a voice vote of 10-0.

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9989. CONTRACT CLOSEOUT: ADMINISTRATION BLDG HVAC ECONOMIZER UPGRADES, DMB; CONTRACT # DMB-07-03

On December 2, 2008 Contract No. DMB-07-03, Administration Building HVAC Economizer Upgrades, was awarded to Schlosser & Associates, Inc. of Newark, Delaware for the bid price of \$99,000.00.

During the contract period Change Order No. 1 was approved for the project.

- 1. April 17, 2009 Adjustment in quantities to reflect actual field conditions.
Add: \$1,186.00

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$100,186.00.

A motion to close-out Contract DM-07-03 was made by Commissioner Favre, seconded by Commissioner Simmerman, and approved by a voice vote of 10-0.

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9990. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOAD

RESOLUTION 09 - 30 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 May, 2009.

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

Community Contributions

<u>New Jersey</u>	
Bridgeton Area Chamber of Commerce	\$ 2,500
Cape Regional Medical Center Incorporated	\$ 10,000
Center For Family Services	\$ 2,750
Meals on Wheels of Salem County Incorporated	\$ 4,000
Mid Atlantic Center for the Arts	\$ 5,000
Naval Air Station Wildwood	\$ 5,000
Salem Community College Foundation	\$ 13,000
Salem County Vocational and Technical School Foundation Incorporated	\$ 4,000
South Jersey Health System Foundation	\$ 3,500
Woodstown Rotary Foundation Incorporated	\$ 1,000
Total	<u>\$ 50,750</u>
 <u>Delaware</u>	
LA Esperanza Incorporated	\$ 2,000
Most Worshipful Prince Hall Grand Lodge Free and Accepted Masons of Delaware	\$ 7,000
Parent Information Center of Delaware Incorporated	\$ 1,333
./United Way of Delaware Incorporated	\$ 5,000
Total	<u>\$ 15,333</u>
Grand Total (New Jersey and Delaware)	<u>\$ 66,083</u>

A motion to approve Resolution 09-30 was made by Commissioner Simmerman, seconded by Commissioner Downes. With Commissioner Simmerman abstaining on South Jersey Health System Foundation and Commissioner Smith abstaining on Meals on Wheels, Salem Community College Foundation, and Salem County Vocational and Technical School Foundation, Inc., Resolution 09-30 was approved by a roll call vote of 10-0, except with the above noted abstentions where such votes were 9 in favor and 1 abstention.

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**RESOLUTION 09-31 - AUTHORIZING AUTHORITY EXPENDITURES
PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2009
THROUGH DECEMBER 31, 2009**

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 1/1/09 THROUGH 12/31/09

VENDOR	SERVICE DESCRIPTION	DETERMINATION
Best Uniform	Authority-wide Uniforms	Targeted Solicitation
Betson Baltimore	Video Games for Cape May-Lewes Ferry	Request for Quotes

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 09-31 was made by Commissioner Downes, seconded by Commissioner Traynor, and approved by a roll call vote of 10.0.

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RESOLUTION 09-32 - RECOGNIZES AND SALUTES VERNA W. HENSLEY FOR HER DEDICATED SERVICE TO THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, Verna W. Hensley was appointed by Governor Ruth Ann Minner to serve as a Commissioner for the Delaware River and Bay Authority, participating in her first Commission Meeting on June 19, 2001; and

WHEREAS, Ms. Hensley served with distinction, enthusiasm and dedication as a Delaware River and Bay Authority Commissioner, guiding both the Economic Development and Projects Committee as Chairwoman and sharing her expertise as a member of the Budget and Finance and Ad-hoc By Laws Committees; and

WHEREAS, Ms. Hensley, through her experience and knowledge gained in the public and non-profit sectors, helped to shape and effectuate policy at the Delaware River and Bay Authority; and

WHEREAS, as a DRBA Commissioner, Ms. Hensley supported a number of economic development projects which created jobs for the region's citizens and endorsed the investment of financial resources to improve and enhance the Authority's major transportation links, the Cape May - Lewes Ferry and Delaware Memorial Bridge facilities; and

WHEREAS, Ms. Hensley advocated the Authority's participation in the Joint Use Facility at the Delaware Airpark, which is used for DRBA maintenance and administration operations as well as classroom, office and hangar facilities for the Delaware State University's Airway Science Department; and

WHEREAS, Ms. Hensley also championed the Authority's involvement in a 92,000 square foot refrigerated warehouse at the Port of Wilmington, which spawned new job opportunities and continued expansion of commerce in the region; and

WHEREAS, Ms. Hensley willingly supplied her time, talents, and energy to the successful operation of the Delaware Memorial Bridge, Cape May - Lewes Ferry, the DRBA Business Centre, New Castle Airport, Millville Airport, Cape May Airport, Delaware Airpark, Civil Air Terminal at Dover, and the Three Forts Ferry Crossing, all of which are managed by the Delaware River and Bay Authority; and,

NOW THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority does hereby praise and congratulate Verna W. Hensley for the invaluable services rendered by her to the States of Delaware and New Jersey through her outstanding contributions as a Delaware River and Bay Authority Commissioner and does hereby record the Commissioners sincere appreciation by the presentation of this Resolution, adopted today, May 19, 2009.

A motion to approve Resolution 09-32 was made by Commissioner Simmerman, seconded by Commissioner Dorn, and approved by a roll call vote of 10-0.

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RESOLUTION 09-33 – AUTHORIZES A PURCHASE AGREEMENT BETWEEN THE AUTHORITY AND SUNOCO, INC. TO PROVIDE DIESEL FUEL

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 obtain reliable delivery of diesel fuel for its Cape May-Lewes Ferry Operations in Cape May, New Jersey while seeking price stability and protection from the upward trend in fuel pricing for its peak summer season; and

WHEREAS, the Authority's staff has investigated opportunities for securing pricing stability and has determined that the best way to accomplish such goal is to enter into an interim purchase agreement which offers the ability to hedge diesel fuel prices for its peak summer season; and

WHEREAS, Sunoco, Inc. presented the Authority staff with a proposal to enter into such a purchase agreement and the Authority staff has determined that the proposal is responsible and in the best interest of the Authority; and

WHEREAS, the Budget and Finance Committee reviewed the staff recommendation in consideration of the overall procurement process and weighted the merits of achieving price stability and protection for the procurement of diesel fuel and concurs with the evaluation; and

WHEREAS, the Budget and Finance Committee waived the procurement requirements as established in Resolution 98-31 which governs the procedure for procuring material and supplies and reported such action to the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Purchase Agreements with Sunoco, Inc. to provide diesel fuel for an interim period of up to eighteen (18) months and to have such agreement, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

Commissioner Favre requested, and the CFO agreed, that the existing process of purchasing fuel be tracked for the purposes of comparison of the two methods.

A motion to approve Resolution 09-33, with the stipulation that the existing method of purchasing fuel be tracked for comparison, was made by Commissioner Simmerman, seconded by Commissioner Downes and approved by a roll call vote of 10-0.

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9991. COMMISSIONERS PUBLIC FORUM

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

Elder Tyrone Johnson of IMAC addressed the Commissioners. He noted that it had been one year since he addressed the Board regarding parity and would like to reexamine the issue. He said he is encouraged by the progress made regarding diversity.

Lance Bruce, Vice President of the Wilmington Chapter of NAACP spoke. He stated that he was here on behalf of the NAACP community and that he wanted to follow-up on such issues as parity, discrimination, labor board issues, and the recruitment of an EEO & Recruitment Manager.

Executive Director Johnson stated that three positions were posted yesterday, May 18, 2009. The EEO & Recruitment Manager position at the Bridge. Both the Marine Electrician and Maintenance Specialist IV positions are located at the Ferry. Applications can be submitted until June 19, 2009. Anyone wishing a copy of the announcements can receive one after the meeting or find the postings on the DRBA website.

Chairperson Hogan stated that he cannot speak on matters in litigation but he can discuss matters on parity. He said that parity is being discussed at all levels of the Authority.

Commissioner Dorn noted that he has spent many hours in personnel negotiations and that there are signs of progress in recent months. Parity is being sought throughout the Authority. Commissioner Dorn recognized Elder Johnson for his help and stated that the Authority wants to be fair.

Chris Field, FOP, Lodge 14 spoke. He stated that Lodge 14 submitted a letter to the Executive Director to arrange a meeting to discuss collective bargaining at the DRBA police department but has not heard from Mr. Johnson.

Chairperson Hogan stated that the Executive Director will be sending out a response to the letter shortly.

Vincent Ascione, Local 542 representative spoke. He said the negotiations for a 2010 and 2011 contract between the Authority and Local 542 are ongoing and that 542 is looking to these years for increases in wages and resolving parity issues.

Next, Mr. Ascione stated that there are contractors doing business in the State of Delaware that do not contribute to state taxes. A bill is pending in the Delaware legislature that will provide considerable authority with enforcement to penalize, fine, and possibly rescind licenses of contractors that do not pay state taxes.

Chairperson Hogan thanked the public for their comments.

Commissioner Traynor thanked the Executive Director, Steve Williams, and Ben Clendaniel for giving him a tour of the Civil Air Terminal and Delaware Airpark.

Commissioner Dorn stated that it is with deepest regret that he says farewell to Mrs. Hensley. He said that she was well respected and wished her well.

Commissioner Favre stated that Mrs. Hensley was a mentor to him. She was very helpful when he became a Commissioner. She will be missed.

Chairperson Hogan also noted Mrs. Hensley's integrity and wished her well.

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

The meeting was adjourned 11:15 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary