

MINUTES OF MEETING

THE DELAWARE RIVER AND BAY AUTHORITY

May 18, 2004

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

F. Michael Parkowski, Chairperson  
Thomas J. Cooper  
Samuel E. Lathem  
William E. Lowe, III  
Gary B. Patterson

Warren S. Wallace, Vice Chairperson  
Edward W. Dorn  
Maureen T. Koebig  
Robert Y. McWilliams  
Charles E. Pessagno

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The meeting convened at 11:00 a.m. with Chairperson Parkowski presiding.

The opening prayer was given by Samuel Lathem followed by the Pledge of Allegiance led by the Executive Director.

The Chairperson of the Authority called the meeting to order. 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.

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9039. APPROVAL OF MINUTES: On motion by Commissioner Lathem and seconded by Commissioner McWilliams, the minutes of the April 13, 2004 meeting were approved by a voice vote of 10-0.

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9040. EXECUTIVE DIRECTOR'S REPORT: The Executive Director presented the following highlights that occurred within the Authority during the month of April.

AIRPORTS

The rehabilitation of New Castle Airport's primary runway (Runway 1-19) commenced on April 19<sup>th</sup>, as scheduled. DRBA staff is working closely with FAA officials and tenants to minimize the operational impact of this runway closure for the duration of this six-month construction project. In April, the FAA completed its Part 139 annual inspection of the New Castle Airport.

Millville Airport hosted a tenant meeting on April 27<sup>th</sup>. The agenda of the meeting included updates on airport improvement projects, security, and the Wheels & Wings Airshow scheduled for April 30<sup>th</sup> through May 2<sup>nd</sup>.

In April, construction began on the new aviation fuel tank farm at Cape May Airport. This facility will give our tenants self-fueling capability and will enter service at the end of May.

## CAPE MAY-LEWES FERRY

In comparison to 2003, vehicle traffic increased 2.7% in April. Passenger traffic increased 0.8% in April from 2003.

Increased maintenance activities were initiated at both terminals in preparation for the upcoming peak travel season. This included new carpet installations in the Lewes terminal lobby and Cape May Sunset Lounge, along with grounds beautification and maintenance at both terminals.

The Three Forts Ferry service resumed in mid-April.

Preparations were completed for the start of shuttle bus service in Lewes and Cape May. The shuttle service resumed on May 1<sup>st</sup> on Saturdays and Sundays until June 18 and then daily through September 26. This service provides our customers with transportation links between our ferry terminals and area businesses and attractions.

## DELAWARE MEMORIAL BRIDGE

Total traffic during April increased by approximately 66,000 vehicles (+4.6%) versus April 2003 and year-to-date traffic increased by 6.5% compared to last year. E-ZPass traffic accounted for 48.6% of the total traffic in April versus 45.3% in 2003.

On April 30<sup>th</sup>, the Delaware Federation of Garden Clubs and the Authority held a brief ceremony that included the planting of two Carolina Silverbell trees at the Veterans Memorial Park in celebration of National Arbor Day and in tribute to our local veterans.

## HUMAN RESOURCES

<u>Permanent Full-Time:</u>	<u>Authorized Positions</u>	<u>Filled Positions</u>
	481	443

The Authority filled 9 positions during the month. These positions were for several locations: The Delaware Memorial Bridge and the Cape May-Lewes Ferry

Cape May-Lewes Ferry and Human Resources staff attended job fairs at: Lower Cape May Regional High School on April 3<sup>rd</sup>; First Baptist Church in Whitesboro, NJ, on April 13<sup>th</sup>; Cape May-Lewes Ferry Terminal in Cape May on April 14<sup>th</sup>; and Richard Stockton College on April 15<sup>th</sup>.

## POLICE

Summary of Police activities:

<u>Enforcement/Activity</u>	<u>April 2003</u>	<u>April 2004</u>
Traffic Summons	592	441
Criminal Arrests	12	18
Traffic Accidents	32	29
Traffic Reprimands	831	443

  

<u>Aid to Motorists</u>	<u>April 2003</u>	<u>April 2004</u>
Disabled Vehicles	145	128
Public Assists	71	43
Medical Assists	2	6
Acrophobiacs	39	28

GENERAL

We began the Strategic Planning process by holding a two-day work session. Approximately 24 persons (staff and Commissioners) attended, representing a broad cross-section of the organization. The two days included intense discussions that produced substantive ideas, perspectives and suggestions for the future. Over the next several months, we will be working to develop a shared vision for the future. This process will yield plans for the future that the organization and its business units can work toward.

I represented the Authority at various functions during the month from the Rowan University College of Engineering Senior lunch to the Delaware State University School of Management Executive Advisory Council meeting.

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9041. COMMITTEE REPORTS – BUDGET & FINANCE

Commissioner McWilliams presented the following minutes of the Budget & Finance Committee meeting held May 4, 2004.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Committee Chair Patterson-Via Phone  
Commissioner Cooper, Committee Member

Committee Vice-Chair McWilliams  
Commissioner Koebig, Committee Member  
Commissioner Dorn  
Vice Chairperson Wallace

Staff

Jim Johnson  
Don Rainear  
Brad Hopkins  
Jim Walls  
Trudy Spence-Parker  
Joe Larotonda  
Victor Ferzetti  
Ken Hynson  
Anna Marie Gonnella Rosato

Invited Guests

Cavanaugh Capital Management  
Jim Cavanaugh  
Jim Dugan

Authority Secretary

Thomas Pankok

- I. Committee Vice Chair McWilliams welcomed the Budget & Finance Committee and opened the meeting at approximately 9:05 a.m. The Authority Secretary reported that the public meeting of the Budget & Finance and Audit & Governance Committees had been duly advertised in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll. Committee Chair Patterson joined the Committee via telephone.
- II. The Chief Financial Officer presented a Primer on the Use of Derivative-Related Debt. The CFO reported that the Authority currently does not have an adopted Policy regarding the use of derivatives and, recommended the adoption of a resolution which would limit the issuance of floating rate debt and/or derivative-related debt to no more than 25% of current outstanding debt. The rationale is that such policy will limit risks associated with variable rate or derivative-related indebtedness; exposure limitation is viewed as prudent by rating agencies; and it will guide the actions of the DRBA finance staff and its advisors. Approval of this Resolution would be a policy statement to Wall Street that the Authority plans to prudently manage its risk exposure. During the discussion, the CFO presented the following.
  - Advantages of Synthetic Fixed Rate Debt Using Swaps
  - Disadvantages of Synthetic Fixed Rate Debt and Risks (Current Risks and Additional Risks Associated with Swap)

The CFO also reported that the DRBA's enabling legislation was written approximately 40 years ago and does not contain express authority for the DRBA to enter into interest rate swap transactions since they did not exist yet. The DRBA does, however, have by statute "... any and all powers which might be exercised by ... a private corporation in connection with similar property and affairs." Pending further research, the Authority's Bond Counsel believes that it may be able to provide a "reasoned opinion" that DRBA has the power to enter into derivative transactions.

After review and discussion, the CFO and the Authority's Financial Advisors made the following recommendations.

- Adopt by resolution the policy of limiting the issuance of floating rate debt and/or derivative debt to no more than 25% of current outstanding debt.
- Pursue the refunding of the 1993 and 1996 issue serial and term bonds that meet or exceed the 3% net present value savings with conventional fixed rate bonds allowing the Authority to lock in the refunded savings without the risks associated with derivative products.
- Reserve the available floating rate debt and/or derivative-related capacity for future issues allowing the introduction of additional risk as a portion of the Authority's debt structure in future new money issues.

III. The Committee reviewed the proposed Resolutions and Contract Award Recommendation.

- Resolution 04-24 Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the Period, January 1 Through December 31, 2004. The Committee questioned the expenditure for the New Jersey Authority's Unit in the amount of \$43,700. Staff reported that this expenditure was submitted as an Annual Assessment for expenses incurred by the New Jersey Authority's Unit. The Committee directed staff to remove this expenditure from the list and requested further information and a discussion with the New Jersey Governor's Representative. Subject to the removal of this item, the Committee recommended approving the Resolution for full Board consideration.
- Resolution 04-25 Resolution Relating to the Debt Structure Policy of the Delaware River and Bay Authority
- Resolution 04-26 Authorizing Community Contribution Requests. The Committee reviewed the Community Contribution requests for May. After review of the requested contributions, the Committee approved requests from Delaware totaling \$19,500 and requests from New Jersey totaling \$26,500 for a grand total of \$46,000.
- The Deputy Executive Director reported that, as a result of the internal ferry marketing review conducted last year, some market trends were identified and staff concluded that a more comprehensive and professional study needed to be completed. An RFP for Market Research was advertised and five proposals were received. Staff reviewed and ranked the proposals and interviewed the four short-listed firms. Staff unanimously ranked Elliott Bay Design Group as the number one recommendation. The length of the study should last between six and twelve months and consist of desk research, testing the market, surveys, focus groups, direct mail or telephone surveys. Regular progress reports will be provided. After discussion, the Committee recommended Elliott Bay Design Group be awarded the professional service contract for Market Research.

The Committee requested approving the action items in one block. On motion by Commissioner Koebig, seconded by Commissioner Lowe, the Committee recommended approving the proposed Resolutions and recommended award of the contract for Ferry Market Research to the Elliott Bay Design Group. These items were all recommended for full Board consideration at the Authority meeting in May.

IV. Miscellaneous Finance Matters

- The CFO reported that the Authority received a reaffirmation of its existing A1 Bond rating from Moody’s. This rating is the highest Single A rating.
- It was also reported that during the discussions with Wall Street, it was apparent that the Authority has gotten Wall Street’s attention and have noticed the Ferry’s declining revenues and increasing expenses and is interested in what the Authority is doing to manage those expenses.
- The CFO reported that the Bridge revenue is up significantly for the 1st quarter due to strong commercial traffic.

There being no further business, the Budget & Finance Committee meeting was adjourned at 10:15 a.m.

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9042. COMMITTEE REPORT - PROJECTS COMMITTEE

Commissioner Koebig presented the following minutes of the Projects Committee meeting held May 4, 2004.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Committee Vice-Chair Lowe  
Commissioner Cooper

Committee Chair Koebig  
Commissioner Dorn, Committee Member  
Commissioner McWilliams

Staff

Jim Johnson  
Don Rainear  
Jim Walls  
Brad Hopkins  
Trudy Spence-Parker  
John Jones  
Thomas Pankok

- I The Projects Committee meeting convened at approximately 10:30 a.m. Those in attendance were provided an informational package consisting primarily of an agenda, bid tabulations, project related information and the monthly contractor payment chart.
- II The COO requested an Executive Session of the Projects Committee to discuss a confidential contract matter. Upon motion by Committee Chair Koebig and seconded by Commissioner Lowe, the Projects Committee went into closed Executive Session. Upon conclusion of the closed Executive Session, the meeting was re-opened to the public.
- III Bid Openings/Award Actions:
  - Delaware Airpark General Engineering Services: The RFP process to identify a firm to provide GEC services to the airpark is now complete. Four firms were “shortlisted” and interviewed and Edwards and Kelcey was designated first. The contract period is three years and the annual not to exceed price is \$200,000. The Projects Committee concurred with the recommendation of

staff and authorized the action to be presented at the May board meeting for award.

- Annual Deck Resurfacing (DMB-04-02): This project is the annual deck resurfacing contract for the Delaware Memorial Bridge. Two (2) bids were accepted at the April 27<sup>th</sup> public bid opening from qualified contractors. Staff recommended award of the contract (Base Bid plus Add Alternate #1) to the lowest responsive bidder, Eastern Highway Specialists, Inc. Add Alternate #1 includes work to be done in 2005. The Projects Committee concurred with the recommendation of staff and authorized the action to be presented at the May board meeting for award.
- Annual Bridge Painting (DMB-04-03): This is the annual bridge painting contract for the Delaware Memorial Bridge. Six (6) bidders submitted bids at the April 27<sup>th</sup> public bid opening. Staff recommended award of the contract (Base Bid plus Add Alternate #4) to Allied Painting, the lowest responsive bidder. The Projects Committee concurred with recommendation of staff and authorized the action to be presented at the May board meeting for award.
- Electrical Systems Rehabilitation (DMB-01-06): This is a project for rehabilitation of the DMB electrical system. The original primary electrical distribution system is over 35 years old, requires constant maintenance, and is in fair to poor condition. Eight bidders submitted acceptable bids at the April 28<sup>th</sup> public bid opening. Staff reported that reference checking resulted in good to outstanding reviews. Bids are in line with approved budget amounts and engineer's estimate. Staff recommended award of the contract (Base Bid plus Add Alternate #2) to Cianbro Corporation, the lowest responsive bidder. The Projects Committee concurred with recommendation of staff and authorized the action to be presented at the May board meeting for award.
- Over \$25K Resolution: Staff recommended inclusion of the below three contractors into this month's Over \$25,000 resolution:
  - Dredging (Cape May): Maintenance dredging of the Cape May terminal turning basin and slip areas is required for operational reasons. Barnegat Bay Dredging, a U.S. Army Corps of Engineers contractor, will perform the work in June. Discussions regarding completion of a study to determine why maintenance dredging is required more often than past years was held. Staff was directed to explore study options. Dredging cost estimate is \$250,000. The Projects Committee concurred with the recommendation.
  - Dredging (Lewes): Maintenance dredging of the Lewes terminal turning basin and slip areas is required for operational reasons. Weeks Marine, a U.S. Army Corps of Engineers contractor, will perform the work in the Fall. Project cost estimate is \$400,000. The Projects Committee concurred with the recommendation.
  - Lewes Terminal (Connolly Flooring): This project involves installation of new carpeting at the Lewes terminal complex. This particular work will cost less than \$25,000, however, this vendor has done other work for the Authority this year and would exceed the \$25,000 threshold with this new work. All work was competitively bid. The Projects Committee concurred with the recommendation.

#### IV Contract Close Out Actions:

- Drydocking and Repairs, M/V Twin Capes (CMLF-04-03): This contract was awarded to Norfolk ShipRepair and Drydocking, Inc., of Norfolk, Virginia for the bid price of \$241,456.00. Changes in quantities to reflect actual field subtracted \$120,632.00 from the original price. Staff

recommended that the contract be closed at the final contract price of \$120,824.00. The Projects Committee supported the recommendation and directed that a contract close-out recommendation be presented at the May Board meeting.

IV Miscellaneous On-going Actions:

- Cape May Terminal Renovation Update: A contract for this work is out for bid and the bid opening is scheduled for May 19, 2004. It is estimated that this construction contract will not exceed \$2 million.
- CAT Ramps Presentation: Representatives from the State of Delaware, Harry Van Den Heuvel, Director of Aeronautics and Randall Wiedemann of R.A. Wiedemann & Associates, briefed the Projects Committee regarding alternatives to address an economic development initiative at the Civil Air Terminal. The presentation was for information only. Potentially feasible alternatives to accommodate DoD contract carriers at Dover AFB which include ramp improvements and expansion at the Civil Air Terminal was discussed.

V Contractor Payment Review (thru April): Staff provided a summation of payments that will be paid toward active construction contracts in May.

There being no further business for the Projects Committee, the public meeting was adjourned at approximately 11:45 a.m..

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9043. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Koebig presented the following minutes of the Economic Development Committee meeting held May 4, 2004 and noted the lack of a quorum.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe

Committee Vice-Chair Koebig  
Vice Chairperson Wallace

Staff

Invited Guests

James Johnson, Jr.  
Don Rainear  
Brad Hopkins  
Jim Walls  
Trudy Spence-Parker  
AJ Crescenzi  
Anna Marie Gonnella Rosato

Diamond State Port Corporation  
Eugene Bailey  
Parul Shukla

I. Committee Vice Chair Koebig welcomed the Economic Development Committee and opened the meeting at approximately 1:21 p.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly advertised in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll. The meeting may be preceded by an Executive Session, closed to the public to discuss matters of a confidential nature.

The Deputy Executive Director requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Koebig, the session was closed.

The following matters of a confidential nature were discussed.

- Long Range Planning Alternatives

There being no further business to discuss in Executive Session, on motion by Commissioner Lowe, the session was opened to the Public.

There being no further business, the May 4, 2004 Economic Development Committee meeting was adjourned at 1:50 p.m.

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A public meeting of the Delaware River and Bay Authority's Economic Development Committee was held on Tuesday, May 18, 2004, at the Gallery of the Cape May Terminal, Sandman Boulevard & Lincoln Drive, North Cape May, New Jersey.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Cooper, Committee Member  
Chairperson Parkowski

Committee Vice-Chair Koebig  
Commissioner Dorn, Committee Member  
Commissioner McWilliams  
Vice Chairperson Wallace

Staff

Authority Secretary

Don Raineau  
Brad Hopkins  
Jim Walls  
Trudy Spence-Parker  
Anna Marie Gonnella Rosato

Tom Pankok

- I. Committee Vice Chair Koebig welcomed the Economic Development Committee and opened the meeting at approximately 9:03 a.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly advertised in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

The Deputy Executive Director reported that the May 4, 2004 Economic Development Committee meeting did not have a quorum and no action could be taken on the items discussed.

- II. The Deputy Executive Director reviewed the Port of Wilmington Refrigerated Warehouse project. The Diamond State Port Corporation (DSPC) has requested \$4 million in assistance from the Authority for the design and construction of a refrigerated warehouse. The DSPC will lease the warehouse back from the Authority over a 20-year period. The Committee questioned the terms and conditions of the project and the proposed interest rate. Commissioner Cooper suggested an interest rate of LIBOR plus 150 BPS and that all economic development projects currently under review should be consistent and subject to this same interest rate methodology.

The Deputy Executive Director also reviewed the RFP for a Ferry Market Research Study. This RFP was advertised and five proposals were received, reviewed and ranked by staff. Staff interviewed the four short-listed firms. Staff unanimously ranked Elliott Bay Design Group as the number one firm.

After discussion, on motion by Commissioner Cooper, seconded by Commissioner Dorn, the Committee recommended approval of the DSPC Refrigerated Warehouse project and the approval of Elliott Bay Design Group to conduct the Ferry Market Research Study.

There being no further business, the Economic Development Committee adjourned at 9:10 a.m.

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9044. COMMITTEE REPORT – PERSONNEL & INSURANCE

Commissioner Pessagno presented the following minutes of the Personnel & Insurance Committee meeting held May 4, 2004.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Cooper, Committee Member  
Commissioner Lowe

Committee Vice Chair Pessagno  
Commissioner Koebig, Committee Member  
Vice Chairperson Wallace

Staff

James T. Johnson, Jr.  
Don Rainear  
Brad Hopkins  
Jim Walls  
Trudy Spence-Parker

I. Committee Vice Chair Pessagno welcomed the Personnel & Insurance Committee and opened the meeting at approximately 12:30 p.m. The Chief Human Resource Officer reported that the public meeting of the Personnel & Insurance Committee had been duly advertised in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and the Authority Secretary called the roll. The meeting may be preceded by an Executive Session, closed to the public to discuss matters of a confidential nature.

The Committee Vice Chair requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Koebig, the Session was closed.

The following matters of a confidential nature were discussed.

- Personnel Matters

There being no further business to discuss in Executive Session, on motion by Commissioner Lowe, the session was opened to the Public.

There being no further business, the Personnel & Insurance Committee Meeting was adjourned at 1:00 p.m.

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9045. DELAWARE RIVER AND BAY AUTHORITY - STATEMENT OF INCOME AND EXPENSE:

The CFO presented a chart showing a statement of income and expenses with comparisons to the same period last year.

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

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9046. DELAWARE RIVER AND BAY AUTHORITY - OPERATING EXPENSE BY DIVISION:

The CFO presented a chart 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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9047. DELAWARE RIVER AND BAY AUTHORITY - CAPITAL IMPROVEMENT PROGRAM:

The CFO presented a chart 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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9048. DELAWARE RIVER AND BAY AUTHORITY - CASH POSITION (MARKET VALUE) AS OF APRIL 30, 2004:

The 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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9049. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Parkowski noted the following Resolutions being considered today and asked for public comment.

- Resolution #04-23 - Community Contribution Requests
- Resolution #04-24 - Authorizing Authority Expenditures Pursuant to Resolution 01-84  
For the Period, January 1 Through December 31, 2004
- Resolution #04-25 - Relating to the Debt Structure Policy of the DRBA
- Resolution #04-26 - Recognizing and Applauding Outstanding Employee Performance
- Resolution #04-27 - Relating to the Preliminary Authorization of a Project with  
Diamond State Port Corporation
- Resolution #04-28 - Authorizes an Election Agreement Between the Authority and the  
International Union of Operating Engineers, Local 542
- Resolution #04-29 - Amending Resolution #04-03 Authorizing Land Leases for T-  
Hangars Development at Cape May Airport

Vincent Ascione, Local 542 Representative, asked if the Election Agreement between the DRBA and the Union was resolved.

Chairperson Parkowski stated that Resolution #04-28 authorizing the execution of an Election Agreement between the DRBA and Local 542 is on the Agenda today for consideration. All issues in the Agreement have been resolved and are acceptable to the union and staff.

Mr. Ascione asked when the Resolution would be in effect.

Executive Director Johnson stated that it would be effective ten (10) business days after receipt and review of the minutes by the Governors' of Delaware and New Jersey. The Executive Director further stated that the minutes are typically sent to the Governors' by the end of the week following a meeting.

The Election Agreement will be circulated for signatures of the Union, the Chairperson, Vice Chairperson, and Executive Director.

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9050. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS:

The COO reviewed the following Summary of Authorized Contract Payments and recommended approval.

<u>Contractor</u>	<u>Payment</u>
Daisy Construction	\$9,291.06
Cornell & Co., Inc.	\$105,748.69
Norfolk Shiprepair & Drydocking	\$34,172.72
EDiS	\$6,950.00
Diamond Materials	\$234,400.59

On motion by Commissioner Lowe and seconded by Commissioner Dorn, the recommendation of the COO was approved by a roll call vote of 10-0.

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9051. APPROVAL OF CONTRACT CLOSEOUT - CMLF-04-03, DRYDOCKING AND REPAIRS MV TWIN CAPES.

The COO presented the following contract closeout and recommended approval of Final Payment.

On March 16, 2004 Contract No. CMLF-04-03, Drydocking and Repairs M/V Twin Capes, was awarded to Norfolk Shiprepair and Drydocking, Inc. of Norfolk, Virginia for the bid price of \$241,456.00.

During the contract period, Change Order No's.1&2 were approved for the project.

- 1. April 28, 2004      Adjustments in quantities to reflect actual field conditions.  
   Subtract: \$120,632.00.

The COO and the Projects Committee recommends that the Authority accept the project and make final payment to the contractor. The total price for this project is \$120,824.00.

On motion by Commissioner Lowe and seconded by Commissioner Dorn the recommendation of the COO and the Projects Committee was approved by a roll call vote of 10-0.

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9051. APPROVAL OF AWARD FOR GENERAL ENGINEERING SERVICES AT DELAWARE AIRPARK.

The COO reviewed the final results of the RFP for general engineering consultant services at the Delaware Airpark and reported that Edwards & Kelcey of Baltimore, Maryland ranked first at a cost Not-to-Exceed \$200,000.00 annually. The COO and the Projects Committee recommend awarding such services to Edwards & Kelcey.

On motion by Commissioner Lowe and seconded by Commissioner Pessagno, the recommendation of the COO and the Projects Committee was approved by a roll call vote of 10-0.

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9052. APPROVAL OF AWARD FOR MARKET RESEARCH SERVICES AT THE CAPE MAY-LEWES FERRY.

The Deputy Executive Director presented the final results of the RFP for market research services at the Cape May-Lewes Ferry and reported that the firm Elliott Bay Design Group of Seattle, Washington ranked first at a cost Not-To-Exceed \$250,000. The Deputy Executive Director and the Economic Development committee recommend awarding such services to Elliott Bay Design Group.

On motion by Commissioner Cooper and seconded by Commissioner Pessagno, the recommendation of the Deputy Executive Director and the Economic Development Committee was approved by a roll call vote of 10-0.

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9053. APPROVAL OF AWARD OF CONTRACT NO. DMB-04-02, DECK RESURFACING DELAWARE MEMORIAL BRIDGE.

The COO reported that bids for Contract DMB-04-02, Deck Resurfacing Delaware Memorial Bridge, were opened on April 27, 2004. Eastern Highway Specialists, Inc. of Wilmington, Delaware submitted the low bid of \$1,197,127.00. The COO and the Projects Committee recommend awarding the base bid plus AA No. 1 to the low bidder noted above.

On motion by Commissioner Lowe and seconded by Commissioner Pessagno, the recommendation of the COO and the Projects Committee was approved by a roll call vote of 10-0.

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9054. APPROVAL OF AWARD OF CONTRACT NO. DMB-04-03, REPAINTING EAST APPROACH TRUSS SPANS & SUSPENDED SPANS – 1<sup>ST</sup> STRUCTURE.

The COO reported that bids for Contract DMB-04-03, Repainting East Approach Truss Spans & Suspended Spans – 1<sup>st</sup> Structure, were opened on April 27, 2004. Allied Painting, Inc. of Franklinville, New Jersey submitted the low bid of \$1,379,120.00. The COO and the Projects Committee recommend awarding the base bid plus AA No. 4 to the low bidder noted above.

On motion by Commissioner Lowe and seconded by Commissioner McWilliams, the recommendation of the COO and the Projects Committee was approved by a roll call vote of 10-0.

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9055. APPROVAL OF AWARD OF CONTRACT DMB-01-06, ELECTRICAL SYSTEMS REHABILITATION, DELAWARE MEMORIAL BRIDGE.

The COO reported that bids for Contract DMB-01-06, Electrical Systems Rehabilitation at the Delaware Memorial Bridge were opened on April 28, 2004. Cianbro Corporation of Pittsfield, Maine submitted the low bid of \$7,740,097.75. The COO and the Projects Committee recommend awarding the base bid plus AA No. 2 to the low bidder noted above.

Chairperson Parkowski stated that the awarding of the Contract will be tabled in order to allow staff and the Commissioners to review incoming letters concerning the awarding of the Contract to Cianbro Corporation. The letters are currently being reviewed and all issues will be addressed. He noted that all the policies set forth by the Commissioners relating to the bid process have been followed.

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9056. THE EXECUTIVE DIRECTOR PRESENTED THE FOLLOWING RESOLUTIONS:

**RESOLUTION 04-23 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, 2004; and

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

Community Contributions

New Jersey

American Red Cross Cape May County Chapter	\$ 1,500
Atlantic Cape Community College Foundation Incorporated	\$ 3,000
Avalon Museum and Historical Society	\$ 1,000
Cape May County Chamber of Commerce	\$ 2,000
Cape May County Council on Alcoholism and Drug Abuse	\$ 2,500
New Jersey Marine Sciences Consortium	\$ 2,000
Mid-Atlantic Center for The Arts (MAC)	\$ 2,000
Pennsville Township Historical Society	\$ 5,000
United Way of Salem County	\$ 7,500

**Total** **\$26,500**

Delaware

Eastside Citizens Incorporated	\$ 1,000
Most Worshipful Prince Hall Grand Lodge Free and Accepted Masons of Delaware	\$ 2,000
National Coalition of 100 Black Women Incorporated Delaware Chapter	\$ 1,000
<del>Peter Spencer Family Life Foundation (August Quarterly)</del>	<del>\$ 5,000</del>
Special Olympics Delaware	\$ 2,500
Sussex County Animal Association	\$ 2,000
Tri-Bird Rescue and Research Incorporated	\$ 6,000

**Total** **\$14,500**

**Grand Total (New Jersey and Delaware)** **\$41,000**

Commissioner Patterson motioned to amend Resolution 04-23 as submitted by deleting the proposed contribution to the Peter Spencer Family Life Foundation (August Quarterly) in the amount of \$5,000 and reducing the total amount of the Delaware contribution to \$14,500 and the Grand Total to \$41,000. The amended Resolution was seconded by Commissioner McWilliams.

With Commissioner Pessagno abstaining from voting on contributions for Atlantic Cape Community College Foundation Inc., the Avalon Museum and Historical Society, the Cape May County Chamber of Commerce, the Cape May County Council on Alcoholism and Drug Abuse, and the Mid-Atlantic Center for The Arts, and Commissioner McWilliams abstaining from voting on the United Way of Salem County, Resolution 04-23 as amended was approved by a roll call vote of 10-0 with the above noted abstentions where such votes were 9 in favor and 1 abstention.

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**RESOLUTION 04-24 AUTHORIZING AUTHORITY EXPENDITURES  
PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1  
THROUGH DECEMBER 31, 2004.**

WHEREAS, The Delaware River and Bay Authority (the "Authority") adopted Resolution 01-84 requiring Commission 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 1/1/04 THROUGH 12/31/04

<b><u>VENDOR</u></b>	<b><u>SERVICE DESCRIPTION</u></b>
Atlantic Machinery	Sweeper
Barnegat Bay Dredging Co.	Cape May Dredging
Compaq Computer Corp	Annual Maintenance Compaq Servers
Connolly Flooring	Lewes Terminal Flooring
Enterprise Flasher	Arrow Boards & Attenuator
Gaitherburg Equipment Co.	Tractors for NCA
Harrison Beverage Co.	Alcohol Beverage Distributor
Kramer Beverage Co.	Alcohol Beverage Distributor
P.C. Supplies, Inc.	Police Laptops
Reitman Div.-R&R Marketing	Alcohol Beverage Distributor
SponduLinx LLC	CMLF Security Plan-Camera Layout and Instal.
Standard Distributing Co.	Alcohol Beverage Distributor
Tiger Corporation	CMA & Millville Mowing Equipment
VSGI	Video Teleconferencing
Weeks Marine	Lewes Dredging
J. Wilhelm Roofing Co.	Roof Repair, Bldg. 9, CM Airport

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

Resolution 04-24 was moved by Commissioner Dorn, seconded by Commissioner McWilliams and was approved by a roll call vote of 10-0.

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**RESOLUTION 04-25 RELATING TO THE DEBT STRUCTURE  
POLICY OF THE DELAWARE RIVER AND BAY AUTHORITY.**

WHEREAS, The Delaware River and Bay Authority (the "Authority") was created as a body politic and an agency of government of the State of Delaware and the State of New Jersey, by virtue of Chapters 145 and 146, Volume 53, Laws of Delaware, approved by the Governor of the State of Delaware July 21, 1961, and Chapter 66 of the Pamphlet Laws of 1961 of the State of New Jersey, approved by the Governor of the State of New Jersey June 3, 1961 (said Chapters 145 and 146 and said Chapter 66 being hereinafter sometimes collectively called the "Original Enabling Legislation"), pursuant to which the State of Delaware and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into a compact (hereinafter sometimes called the "Original Compact") creating the Authority; and

WHEREAS, the consent of the Congress of the United States of America was given to the States of Delaware and New Jersey to enter into the Original Compact by a Joint Resolution of the Congress, approved September 20, 1962 (Public Law 87-678, 87th Congress); and

WHEREAS, by virtue of Chapter 252, Volume 67, Laws of Delaware, approved by the Governor of the State of Delaware June 28, 1990, and Chapter 192 of the Pamphlet Laws of 1989 of the State of New Jersey, approved by the Governor of the State of New Jersey October 18, 1989 (said Chapter 252 and said Chapter 192, together with the Original Enabling Legislation being hereinafter sometimes collectively called the “Enabling Legislation”), the State of Delaware and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into certain amendments to the Original Compact (as so amended and as may be further amended from time to time hereinafter sometimes called the “Compact”); and

WHEREAS, the consent of the Congress of the United States of America was given to the State of Delaware and New Jersey to enter into the Compact by a Joint Resolution of the Congress, approved November 15, 1990 (Public Law 101-565, 101st Congress); and

WHEREAS, by virtue of the Compact and the Enabling Legislation, the Authority’s powers include authorization to plan, finance, develop, construct, purchase, lease, maintain, improve and operate crossings, including bridges, tunnels and ferries and all approaches thereto and connecting and service routes, between the State of Delaware and the State of New Jersey across the Delaware River or Bay at any location south of the boundary line between the State of Delaware and the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said River; and

WHEREAS, the Authority owns, operates and maintains twin bridges spanning the Delaware River from a point between Pigeon Point near the City of Wilmington in the State of Delaware and New Castle in said State to a point near the Salem Canal in the State of New Jersey, together with their approaches, appurtenances and property; and

WHEREAS, the Authority also owns, operates and maintains a public ferry system across Delaware Bay between Cape May in the State of New Jersey and the Town of Lewes in the State of Delaware, including vessels, marine facilities, approaches and connecting and service routes and appurtenances and equipment incidental thereto; and

WHEREAS, the Authority has in the past and may in the future continue to issue and secure fixed and/or variable rate bond indebtedness for the purposes of financing the costs of certain capital improvements; and

WHEREAS, the Authority continually tracks the bond market with respect to its borrowing or refinancing opportunities needs; and

WHEREAS, the Authority may desire in the future to utilize derivative products which involve the issuance of securities which carry either a fixed or a variable rate together with the simultaneous execution of a hedging vehicle, contract or simultaneous issuance by the Authority of additional debt security for the purpose of establishing a different fixed or variable rate payment liability with respect to such indebtedness; and

WHEREAS, the Authority has communicated with bond rating agencies concerning the use of variable rate and derivative indebtedness as part of its overall debt structure and received feedback on the use of such products when utilized within a managed debt structure; and

WHEREAS, the Authority’s Budget and Finance Committee has reviewed and discussed this policy and recommends it for consideration by the full Board; and

WHEREAS, the Board of Commissioners has determined that the establishment of a Debt Structure Policy which defines and limits the exposure of the Authority to variable rate debt and derivative products to be fiscally prudent and in the best interest of the Authority; and

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby adopts a Debt Structure Policy which limits any debt financing, at the time of the occurrence, to a total maximum combined exposure to variable rate and derivatives of not greater than twenty-five percent (25%) of the total outstanding indebtedness of the Authority.

Resolution 04-24 was moved by Commissioner Patterson, seconded by Commissioner McWilliams and was approved by a roll call vote of 10-0.

\* \* \* \* \*

**RESOLUTION 04-26 RECOGNIZING AND APPLAUDING  
OUTSTANDING EMPLOYEE PERFORMANCE**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the owner and operator of the Cape May - Lewes Ferry, and;

WHEREAS, the Cape May - Lewes Ferry operates more than 6,000 crossings annually and transports approximately 375,000 vehicles and 1.1 million passengers each year between Cape May, New Jersey and Lewes, Delaware; and

WHEREAS, the Authority employs caring, dedicated and highly trained individuals to respond to all types of emergency situations; and

WHEREAS, on September 26, 2003, Authority marine personnel aboard the MV Twin Capes observed a recreational vessel on the ship’s radar move in and about the ice breakers in the Delaware Bay; and

WHEREAS, as the Twin Capes approached the vessel, the boat’s occupants discharged two flares into the evening sky; and

WHEREAS, Captain Lippincott communicated with the two individuals aboard the boat and learned that the boat, which had taken on approximately 4 feet of water, was quickly sinking; and

WHEREAS, after advising the boaters to don life jackets, get out of the cabin and on deck, and to keep a flashlight with them, Captain Lippincott radioed both the United States Coast Guard and the Pilot tower in Lewes, Delaware, for assistance, and;

WHEREAS, the Twin Capes remained on the scene to keep track of the two people who ultimately wound up in the water as their recreational boat sank beneath them; and

WHEREAS, Authority employees continued to illuminate the individuals floating in the Delaware Bay waters while the Pilot vessel rescued the recreational boaters; and

WHEREAS, Authority employees aboard the Twin Capes vessel acted in a responsive, professional, and coordinated fashion to ensure a safe and successful rescue; and

WHEREAS, the Commissioners of the Authority desire to formally recognize the following employees for their individual and collective sacrifice, professionalism, and dedication in the successful resolution of this incident,

Thomas Lippincott  
Albert Burns

Stan Hansen  
Peter Raftery

Edward Moore  
Kyra Jarmon  
Mark DeSorbo  
Kathleen Kingsman  
Sandy Layton

Sharon Urban  
Marirose Strunk  
Francis Batura  
James DeStefano  
Vincent Carr

NOW, THEREFORE, BE IT RESOLVED, that the preceding employees are hereby recognized and applauded for outstanding service to the public and the Authority and formally recognized for their dedication and professionalism.

Resolution 04-26 was moved by Commissioner Patterson, seconded by Commissioner Koebig and was approved by a roll call vote of 10-0.

\* \* \* \* \*

**RESOLUTION 04-27 – RELATING TO THE PRELIMINARY  
AUTHORIZATION OF A PROJECT WITH DIAMOND STATE PORT  
CORPORATION**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) was created as a body politic and an agency of government of the State of Delaware and the State of New Jersey, by virtue of Chapters 145 and 146, Volume 53, Laws of Delaware, approved by the Governor of the State of Delaware July 21, 1961, and Chapter 66 of the Pamphlet Laws of 1961 of the State of New Jersey, approved by the Governor of the State of New Jersey June 3, 1961 (said Chapters 145 and 146 and said Chapter 66 issuing material being hereinafter sometimes collectively called the “Original Enabling Legislation”), pursuant to which the State of Delaware and the and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into a compact (hereinafter sometimes called the “Original Compact”) creating the Authority; and

WHEREAS, the consent of the Congress of the United States of America was given to the States of Delaware and New Jersey to enter into the Original Compact by a Joint Resolution of the Congress, approved September 20, 1962 (Public Law 87-678, 87<sup>th</sup> Congress); and

WHEREAS, by virtue of Chapter 252, Volume 67, Laws of Delaware, approved by the Governor of the State of Delaware June 28, 1990, and Chapter 192 of the Pamphlet Laws of 1989 of the State of New Jersey, approved by the Governor of the State of New Jersey October 18, 1989 (said Chapter 252 and said Chapter 192, together with the Original Enabling Legislation being hereinafter sometimes collectively called the “Enabling Legislation”), the State of Delaware and the State of New Jersey entered, subject to the consent of the Congress of the United States of America, into certain amendments to the Original Compact (as so amended and as may be further amended from time to time hereinafter sometimes called the “Compact”); and

WHEREAS, the consent of the Congress of the United States of America was given to the State of Delaware and New Jersey to enter into the Compact by a Joint Resolution of the Congress, approved November 15, 1990 (Public Law 101-565, 101<sup>st</sup> Congress); and

WHEREAS, by virtue of the Compact and the Enabling Legislation, the Authority’s powers include authorization to plan, finance, develop, construct, purchase, lease, maintain, improve and operate: (i) crossings between the States of Delaware and New Jersey, (ii) transportation or terminal facilities in Delaware and the New Jersey counties of Cape May, Cumberland, Gloucester and Salem and (iii) commerce facilities or development in Delaware and in the New Jersey counties of Cape May, Cumberland, Gloucester and Salem; and

WHEREAS, the Diamond State Port Corporation has submitted to the Authority a project that includes the leasing and operating of a Port warehouse. The Diamond State Port Corporation is requesting \$4,000,000.00 from the Authority for the project; and

WHEREAS, the Authority has determined preliminarily that it has the power to participate in these projects under the powers granted to it under the Compact and that such project would help fulfill the Authority’s mission; and

WHEREAS, the Economic Development Committee has reviewed and recommended this project; and

WHEREAS, the Board of Commissioners, by the adoption of this Resolution, is indicating its intention to authorize certain action be undertaken in connection with the negotiation and finalization of terms and conditions and the drafting of agreements with Delaware State Port Corporation for the above described project in accordance with requirements of the Authority’s Compact, appropriate State Statutes, Federal requirements related to fair and reasonable tolls and applicable Authority Resolutions and policy guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director and/or his designee shall develop appropriate agreements with Delaware State Port Corporation for the leasing and operating of a Port warehouse in Wilmington, Delaware, which shall be considered projects of the Authority as defined pursuant to Article II of the Compact. Upon the completion of appropriate agreements for the above-stated projects, the Executive Director and/or his designee shall present said Agreements to the Board of Commissioners for their approval and execution after review and advice of Counsel.

Resolution 04-27 was moved by Commissioner Cooper, seconded by Commissioner Pessagno and was approved by a roll call vote of 10-0.

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**RESOLUTION 04-28 – AUTHORIZES AN ELECTION AGREEMENT BETWEEN THE AUTHORITY AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 542**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of several crossing facilities across the Delaware River and Bay and several regional aviation facilities; and

WHEREAS, the Authority is fortunate to employ skilled and dedicated employees to operate and maintain these facilities; and

WHEREAS, the International Union of Operating Engineers, Local 542 (the “Union”) has requested to open a dialogue with the Authority regarding representing a yet-to-be-determined segment of those employees; and

WHEREAS, the Authority and the Union have agreed upon a process as stated in an Election Agreement (the “Agreement”) that is necessary to allow the yet-to-be determined segment of employees to express their desires; and

NOW THEREFORE BE IT RESOLVED, THAT THE Chairperson, Vice Chairperson, and Executive Director, upon the review and advice of counsel, are authorized to execute said Agreement.

Resolution 04-28 was moved by Commissioner Lathem, seconded by Commissioner Dorn and was approved by a roll call vote of 10-0.

\* \* \* \* \*

**RESOLUTION 04-29 AMENDING RESOLUTION 04-03-AUTHORIZING LAND LEASES FOR T-HANGARS DEVELOPMENT AT CAPE MAY AIRPORT**

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Cape May Airport; and

WHEREAS, the Authority solicited and advertised for request for proposals for the lease of land and development of T-Hangars at the Cape May Airport; and

WHEREAS, the Authority received several proposals that met the criteria set forth in the aforementioned request for proposals; and

WHEREAS, the proposals were reviewed by appropriate Authority staff; and

WHEREAS, the staff recommends that the Authority enter into 25 year land leases at or above the appraised fair market value of \$0.18 per square foot with CPI increases of the land with those proposers that satisfied the criteria of the request for proposals; and

WHEREAS, the following is the list of individuals that are eligible to enter into the above-mentioned Lease Agreement:

1. William J. Kindle
2. Robert J. Smeltzer
3. Ronald J. Gelzunas, D.O.
4. Joseph T. Gilmartin
5. Richard D. Stocker
6. Nicholas J. Riccio
7. Donald Crist

WHEREAS, Resolution 04-03 had stated that William Kindle, Robert Smeltzer, Ronald Gelzunas and Joseph T. Gilmartin will be forming a Limited Liability Company or Partnership or other similar entity for the purpose of entering into a Lease Agreement with the Authority and they will be individually, jointly, and severally liable for the performance and payment of the terms of the Lease Agreement with the Authority; and

WHEREAS, William Kindle, Robert Smeltzer, Ronald Gelzunas and Joseph T. Gilmartin have decided that they will be constructing individual T Hangars and will be individually liable for all the terms and conditions of the Lease Agreement; and

WHEREAS , Richard Stocker , Nicholas Riccio, and Donald Crist will be constructing individual T Hangars and will be individually liable to all terms and conditions of the Lease Agreement; and

WHEREAS, the proposers listed above have agreed to construct and operate the T hangars in conformance with all Authority standards and conditions.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 04-03 is hereby amended to permit William Kindle, Robert Smeltzer, Ronald Gelzunas, and Joseph T. Gilmartin individually construct and lease T Hangars at Cape May Airport.

BE IT FURTHER RESOLVED, that the Executive Director or his designee is hereby authorized to finalize the terms and conditions of a Lease Agreement with the proposers listed herein, and with the advice and consent of Counsel, to have such Lease Agreements executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 04-29 was moved by Commissioner Lathem, seconded by Commissioner McWilliams. With Commissioner Pessagno abstaining, Resolution 04-29 was approved by a roll call vote of 9-0 with one abstention.

\* \* \* \* \*

Chairperson Parkowski read a letter he received from David Young, Cape May –Lewes marine employee. Mr. Young relayed one of his experiences while performing his duties on the ferry and that the experience was a good reminder to him of how advanced the ferry operation is in terms of safety and how professional, conscientious and courteous the DRBA Marine crews are.

Chairperson Parkowski then asked if any member of the public requested to address the Commission.

Ronald G. Sinn spoke. He stated that the Twin Capes has safety and security issues and the United States Coast Guard was ignoring its own minimum safety standards during its inspection of the vessel.

Chairperson Parkowski thanked Mr. Sinn for speaking and noted that the Authority will look into the matter.

Chairperson Parkowski suggested that it would be helpful if comments were to be addressed to the Commissioners in advance of the meetings so that the Commissioners are prepared to respond during the meeting.

Vincent Ascione, Local 542 Representative, referred to Resolution 04-17 adopting a prevailing wage policy passed by the Commission at the March 16, 2004 meeting. He wanted to know how it will be enforced. He said that the lowest bidder is not always the best.

Chairperson Parkowski noted that the Cape May-Lewes Ferry will be celebrating its 40<sup>th</sup> year this year and that there are activities being planned that the Executive Director will elaborate at the next Commission meeting.

Chairperson Parkowski also stated that he was pleased to recognize employees today for performing exceptional tasks like saving lives.

Commissioner Koebig thanked the Deputy Executive Director and the Director of Engineering and Maintenance for the air show performance at the Millville airport.

\* \* \* \* \*

There being no further business before the Commission, a motion to adjourn was made by Commissioner McWilliams, seconded by Commissioner Pessagno and unanimously carried.

The meeting was adjourned at 12:06 p.m.

Respectfully submitted,  
THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok