

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, April 21, 2009
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 10:15 a.m. with Chairperson Hogan presiding.

Chairperson Hogan noted that the meeting notice, opening prayer, Pledge of Allegiance, and roll call were performed during the public session of the Executive meeting.

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Executive Director Johnson bestowed the Oath of Office to Scott A. Green of Rehoboth Beach, Delaware and to Richard W. Downes of Smyrna, 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	Richard W. Downs
--	Scott A. Green
Rev. Edward W. Dorn	Verna W. Hensley
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Gary F. Simmerman	William E. Lowe
Ceil Smith	Gary F. Traynor

ABSENT

Susan A. DeLanzo	Samuel E. Lathem
Niels S. Favre	

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Next, Chairperson Hogan called for nominations for Vice-Chairperson.

Commissioner Lowe nominated Commissioner Green for Vice-Chair, seconded by Commissioner Traynor. With no other nominations, the motion was approved by a roll call vote of 9-0.

Chairperson Hogan noted that Commissioner Downes will replace Mr. Cooper on the Economic Development, Budget and Finance, Audit, and Ad Hoc By-Laws Committees. A revised list of Committee members will be forthcoming.

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9958. APPROVAL OF THE MARCH 17, 2009 MINUTES

Commissioner Dorn motioned for approval of the March 17, 2009 minutes, seconded by Commissioner Traynor, and approved by a voice vote of 9-0.

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9959. EXECUTIVE DIRECTOR'S REPORT

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

Delaware Memorial Bridge

Total traffic in March decreased 7.8% compared to the same period in 2008. Non-commercial traffic decreased 7.4% and commercial traffic decreased 10.4%. When compared to the 3-year average, total traffic decreased 7.0% in March. Year-to-date total traffic decreased 3.7% compared to 2008. When compared to the 3-year average, year-to-date total traffic decreased 4.1%.

E-ZPass traffic for March represented 60.5% of the total overall traffic as compared to 59.1% for the previous year. Year-to-date electronic traffic is 60.5%, an increase of 0.7% from 2008.

Cape May Lewes Ferry

In March, vehicle and passenger traffic decreased 23.8% and 29.9%, respectively, when compared to March 2008. Year-to-date vehicle traffic decreased 15.6% and passenger traffic decreased 17.3% 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 14.9% and 13.7%, respectively.

In March, fare revenues decreased 20.7% compared to March 2008. Year-to-date fare revenues decreased 9.3% compared to the same period last year.

In March, CMLF food sales decreased 30.4% and retail sales decreased 45.5%, compared to March 2008. Year-to-date food and beverage revenues decreased 19.7% and retail revenues decreased 35.2%, 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 20.2% and retail revenues decreased 33.2%.

Jim Walls and several CMLF Food & Retail staff visited Cross Sound Ferry, New London, CT, and Bridgeport-Port Jefferson Ferry, Port Jefferson, NY, to observe food and retail operations and meet with the management of those operations. Ferry industry best practices will be incorporated into our short, intermediate, and long-term strategies for our CMLF food and retail operations.

Airports

Staff conducted tenant meetings at New Castle Airport, Millville Airport, Cape May Airport, and Delaware Airpark Airport. Attendees were briefed on current and future airport projects, environmental compliance issues, proposed changes to the airport's rates and charges, and airspace use issues.

Economic Development

Don Rainear, AJ Crescenzi and I toured the Isogen facility in Newark, Delaware. We met with the principals of Isogen and discussed their overall progress with this facility and future development of a larger facility on our Corporate Commons site.

I met with Alan Levin, Director of the Delaware Economic Development Office (DEDO). I provided Alan with an overview of the DRBA and we discussed the various projects that our agencies were working together on.

Finance

Victor Ferzetti, Kelly Phillips Parker and Michael Schirmer along with our general counsel met to review and discuss the DBE Tack Force recommendations and staff's recommendations. These recommendations were presented to the Personnel Committee and are the subject for Board action in April.

Joe Larotonda and his staff are in the final phases of completing the Authority's 2008 Comprehensive Annual Financial Report (CAFR). The Audit and Governance Committee met in March with the auditors, Bowman and Company that are conducting our yearly audit.

Employee Happenings

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

Authorized Positions	442
Positions Filled	408
Positions Filled (on LTD)	5
Total Positions that are Vacant	29

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

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9960. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Simmerman presented the following Budget & Finance meeting minutes of April 6, 2009.

BUDGET & FINANCE COMMITTEE MEETING
Monday, April 6, 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, April 6, 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 Hensley, Committee Member
Commissioner Lathem
Commissioner Lowe
Vice-Chairperson Parkowski

Governors Representatives

Sonia Frontera - NJ

Legal Counsel

Phil Norcross – NJ

Staff

Jim Johnson
Don Rainear
Victor Ferzetti
Jim Walls
Gerry Owens
Ken Hynson
Anna Marie Gonnella Rosato
John Jones
Joe Larotonda
Kelly Phillips Parker

Invited Guests

Cavanaugh Capital Management
Jim Cavanaugh
Jim Dugan
Tom Graff

1. Committee Chair Simmerman welcomed the Budget & Finance Committee and opened the meeting at approximately 9:35 a.m. The Deputy Executive Director 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. The Chief Financial Officer introduced representatives from Cavanaugh Capital Management. Jim Cavanaugh, Jim Dugan, and Tom Graff, provided a review of the Authority’s investments. The following information was reviewed.

- DRBA Authority Funds Review
 - Market Values, Yields, Performance, Characteristics
 - Update on Series 2000B/2008 Bonds
 -
- DRBA Employees' Retirement Plan Review
 - Performance, Market Value, Asset Allocation
- Market Outlook & Portfolio Actions

CCM reported that since September, 2008, a series of events sent the entire global economy into turmoil. Since the election, a number of new government initiatives have been introduced to bring stability to certain parts of the financial market. The impact has been modestly favorable; however, there continues to be deterioration in the employment numbers. The Authority's Fixed Income Portfolios exhibit yields and total returns either equal to or in excess of their respective benchmarks which is consistent with the Authority's investment objective. Authority funds were not as severely impacted as those that took on risk with sub-prime investments. DRBA funds consistently rank at the top of a peer group consisting of short-term bond funds and continue to have high credit quality ratings.

CCM reviewed the Series 2000B Bonds refinanced, due to the credit concerns and high reset rates associated with AMBAC, with the issuance of the Series 2008 Bonds backed by a letter of credit (LOC) with TD Bank for credit enhancement and liquidity. Short-term tax-exempt interest rates steadily declined, falling to record lows of 0.20% in February, 2009. The rate reset over the life of the VRDB's has averaged 2.63% (Series 2000B and Series 2008) and below the recent SIFMA index for tax-exempt variable rate.

The combined fixed income and equity returns of the DRBA Employees' Retirement Plan Trust have largely matched the benchmark index (net of fees) since the equity indexing strategy was established in 2000. Authority Chair Hogan questioned how quickly money could be moved. CCM reported that money can be moved at a moment's notice; however, they are bound by the Investment Policy. Because there is a 60/40 allocation between equities and fixed income, if at any time that relationship changes it is re-balanced to maintain the 60/40 ratio. Although there have been previous discussions regarding re-allocating, CCM and the CFO cautioned that the Board should not abandon the Policy, since historically the ratio of good years to bad years have been 2-1 and that allocation was established to maximize return with minimum risk. CCM added that some of the perceived policy missteps, such as raising interest rates and restricting trade are not happening as happened during the Great Depression. Markets appear to be heading on a positive course and the DRBA Retirement Plans should receive higher returns from equities in the long term.

CCM added that the concerns with liquidity of fixed income investments have improved. With regard to the Pension Plan, the return to previous fund balances will most likely be a slow recovery.

The Executive Director questioned when the pension shortfall would be reflected in the Budget. The CFO reported that, due to the one year lag the impact of the 2008 returns will be seen in the 2010 Budget. The shortfall will be phased in over a five year time frame due to the smoothing techniques. The impact in 2010 is estimated at \$800,000 on top of what would be already allocated. Staff will investigate reasonable actuarial techniques to help mitigate the impact. The CFO suggested getting together in a different form other than a Committee meeting to more strategically focus on asset allocation. Authority Chair Hogan requested that the Investment Policy be sent to all Board members as a refresher.

The Deputy Executive Director asked CCM if they had any suggestions for the timing of a borrowing and Committee Chair Simmerman questioned the availability of debt. CCM reported that retail investors continue to buy and for the higher grade credits there is liquidity in the market. The next year or so is the opportunity to do that kind of financing. CCM further added, just as the market has radically changed from three months ago and the window of opportunity is now, that opportunity could quickly close again with an event such as occurred with Lehman Brothers.

Committee Chair Simmerman thanked CCM for their presentation.

2. Proposed Resolutions

- Over \$25,000 Vendor List – the Chief Financial Officer reviewed each item included in the Over \$25,000 Vendor List. The CFO focused on CapitalSoft a Procurement & Project Management Software for \$350,000. The Chief Information Officer identified two possible transportation related solutions for software to assist with DBE and Project Management. One solution is used by NJDOT and DelDOT and the second solution is used by NJ Turnpike and several Texas Agencies. Although the investigation began as a result of one of the DBE Task Force’s recommendations, staff recommended a total solution which included project management. With the recommendation of CapitalSoft, the Committee would be required to waive the Authority’s bid requirements of Resolution 98-31. After discussion, on motion by Commissioner Hensley, seconded by Commissioner Favre, the Committee waived the thresholds of Resolution 98-31 for CapitalSoft.

The Executive Director noted the National Urban Fellows Fellows Stipend for \$63,000. It was reported that the President of the organization approached the Executive Director regarding potential interest in providing financial assistance to a fellow to enable participation in a leadership development program founded to counter the under-representation of people of color and women in leadership positions. The intern would report to the Executive Director and spend time participating in a mentorship as well as complete a thesis project. Authority Chair Hogan questioned whether it could be stipulated that the intern be from New Jersey or Delaware. Staff will check into the request. 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 April meeting.

- Community Contribution Requests – Committee Chair Simmerman noted that the requests for January, February and March had been reviewed by New Jersey; however, Committee Vice-Chair Traynor reported that Delaware would be finalizing requests within the next few days. After discussion, on motion by Commissioner Favre, subject to Delaware finalizing, and seconded by Commissioner Hensley, the Committee recommended approval of the Community Contribution Requests. A Resolution will be presented to the full Board for consideration at the April meeting.

With no further business to discuss, on motion by Commissioner Simmerman, the Budget & Finance Committee adjourned at 10:45 a.m.

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

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9961. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Dorn presented the following Personnel Committee meeting minutes of April 6, 2009.

PERSONNEL COMMITTEE MEETING
Monday, April 6, 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, April 6, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey
PRESENT

Committee Chair Dorn
Commissioner Favre, Committee Member
Commissioner Smith, Committee Member

Commissioners from Delaware

Committee Vice-Chair Lathem
Commissioner Lowe, Committee Member
Commissioner Traynor, Committee Member

Commissioner Simmerman
Chairperson Hogan

Commissioner Hensley
Vice-Chairperson Parkowski

Governors' Representatives
Sonia Frontera - NJ

Legal Counsel
Phil Norcross – NJ

Mike Houghton - DE

Staff
Jim Johnson, Jr.
Don Rainear
Victor Ferzetti
Jim Walls
Gerry DiNicola Owens
Kelly Phillips Parker
Mike Schirmer

1. Committee Chair Dorn welcomed the Personnel Committee and opened the meeting at 10:46 a.m. The Deputy Executive Director 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 Smith, seconded by Commissioner Traynor, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS

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

3. DBE Task Force Recommendations

The Chief Financial Officer presented the proposed Supplier Diversity Policy and Supplier Diversity Program Statement for Committee consideration. The CFO reported that the recommendations, as presented, are those brought forth by the DBE Task Force Committee that are within legal constraints and possible without additional personnel. The recommendations have been reviewed by both New Jersey and Delaware Legal Counsel and are recommended by staff. The CFO reviewed each of the recommendations. Committee Vice-Chair Lathem questioned whether a list of approved firms for everyday purchases would be provided. The CFO reported that that staff would identify local firms available and willing to supply goods and services on small procurements rather than formal procurement lists.

The CFO noted that one of the most significant items would be the recommendation to lower the threshold of the required proposal check from the current 10%, or maximum \$20,000, to a sliding scale and, additionally, at the Authority's sole discretion, consider waiving the proposal guarantee completely for certain readily available services. The Authority would also retain the proposal check of only the lowest bidder in an effort to enable more disadvantaged minority and women-owned business to participate by reducing the burden on their cash flow.

The Supplier Diversity Manager will become an active participant early in the construction planning process to identify and evaluate opportunities for disadvantaged minority and women-owned businesses. Committee Vice-Chair Lathem questioned bundling and unbundling of contracts. The CFO stressed that having someone at the table to participate in the planning stages would be critical to that success.

The CFO added that the procurement policies and procedures would be given a review after an initial time-frame of eighteen months to assess the progress.

Commissioner Traynor questioned the term “empowerment” and New Jersey Legal Counsel clarified that it would not be a legal term, rather the greatest source of success would be Authority employees empowered and believing that they can make a difference.

After discussion, on motion by Commissioner Smith, seconded by Commissioner Favre, the Committee recommended approval of the Supplier Diversity Policy and Supplier Diversity Program Statement for full Board consideration. A Resolution adopting these policies will be presented at the April meeting. Committee Chair Dorn requested that the DBE Task Force be invited to attend.

4. Follow-Up on Allegations Made During March Meeting

The Chief Operations Officer reported that serious allegations were made during the Public Session of the March Authority meeting. During the Public Comments portion of the meeting, an employee spoke alleging family members had been driving an Authority vehicle and had been involved in an accident with the State Police. Also alleged were employees with Authority vehicles filling up with gasoline after hours and on weekends inappropriately. After a thorough investigation, the COO reported that there was no record of the incident with the Police, no report of any damage to the Authority vehicle in question, and the employee denied any incident occurred. Regarding the Authority vehicles being filled with gasoline after hours and on weekends, the COO reported that the Automotive Supervisor confirmed that nothing improper was occurring. The COO added that he met with the employee regarding his allegations and the employee reported that he had “heard” from other employees regarding the Authority vehicle accident by a family member and he was also not able to provide any names of employees improperly filling up Authority vehicles. The COO discussed with the employee, the importance of bringing any rumors or any improprieties directly to his attention in the future. Committee Chair Dorn also added that slander in any form is not condoned and hoped that union officers condemn this behavior as well.

5. With no further business to discuss, on motion by Commissioner Smith, the Personnel Committee adjourned at 12:23 p.m.

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

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9962. COMMITTEE REPORT – PROJECTS

In the absence of Commissioner Favre, Commissioner Lowe presented the following Projects Committee meeting minutes of April 6, 2009.

PROJECTS COMMITTEE
Monday, April 6, 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, April 6, 2009, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Committee Vice-Chair Commissioner Favre, Committee Chair
Commissioner Hensley, Committee Mbr Commissioner Dorn, Committee Mbr
Commissioner Lathem, Committee Mbr Commissioner Simmerman, Committee Mbr
Commissioner Traynor Chairperson Hogan

Staff

Jim Johnson

Jim Walls
Don Rainear
Victor Ferzetti
Gerry DiNicola Owens
John Jones
Kelly Phillips-Parker
John Sarro
Steve Williams

I. The Projects Committee meeting convened at approximately 1:00 p.m. Those in attendance were provided an informational package consisting of an agenda, the 2009 Airports Capital Improvement Program (CIP) budget, a draft 2009 airports capital budget resolution, copies of past resolutions associated with the Authority's prevailing wage policy, and the monthly contractor payment chart with associated change orders (through March).

2. Resolutions:

- The Director of Engineering and Maintenance reviewed the 2009 airports CIP budget and stated that the budget was synchronized with Federal Aviation Administration (FAA) capital planning documents and recently completed airport business plans. Staff recommended a 2009 Airports CIP budget in the amount of \$3,980,000. Based on a discussion of Millville and Cape May Airport World War II facilities, Commissioner Simmerman asked staff to continue to be aware of historic preservation rules and procedures. The Projects Committee agreed to move the Airports CIP budget recommendation out of committee and that the resolution be presented at the April board meeting for adoption.

- Discussion was held regarding the existing trial prevailing wage policy for all Authority-funded capital projects in excess of \$2 million. The COO reported that the existing prevailing wage resolution expires in April 2009 and that this is the end of three (3) trial periods over the past five (5) years. Staff reported that the Authority awarded four (4) construction contracts in excess of \$2 million during this past two (2) year trial period and provided feedback on those contracts which was inconclusive. Based on available data and commissioner turnover, the Committee recommended that the prevailing wage trial period be extended one (1) additional year. The Projects Committee agreed to move the action out of committee and directed staff to present a resolution at the April board meeting.

3. Bid Openings/Award Actions: None

4. Contract Close-Out Actions: None

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

6. Miscellaneous Items/Updates:

- Consolidated Airports Business Plan Summary: As a lead-in to the 2009 Airports CIP Budget discussion, the Director of Airports presented a summary of the recently completed business plan recommendations for New Castle Airport, Millville Airport, Cape May Airport, and Delaware Airpark. As appropriate, those recommendations that applied to the airports CIP budget were incorporated into the 2009 airports CIP budget document. The recommendations primarily touched on policy, capital budget, and marketing initiatives. Commissioner Favre suggested that staff explore tapping into the Philadelphia Airport overflow market. A handout of the business plan recommendations was provided to those in attendance.

- Marine Master Plan Update: The COO stated that a more thorough update would be provided at the May Projects Committee meeting; however, he did review with the Committee the scope of work of a soon-to-be-released RFP that will identify a naval architectural firm to assist with conceptual and preliminary design efforts regarding new vessel initiatives.

- MV Twin Capes Contingency Dry Docking Update: The COO reported that the scheduled underwater inspection was unable to take place due to weather and water conditions and had to be rescheduled. A report will be made at the next Projects Committee meeting.

- Delaware Airpark Economic Stimulus Grant/Contract Threshold Modification: The COO reported that the FAA informed the Authority that economic stimulus money was allocated for Delaware Airpark in the amount of \$950,000 via the American Recovery and Re-Investment Act of 2009. The grant is to be used for the design of a new runway and taxiway system at Delaware Airpark. Stipulations of the grant are that the design begin by June 2009 and be complete by February 2011. Staff reported that there was insufficient time to complete a competitive RFP process in time to begin the design by June 2009. Staff recommended that the monetary threshold of existing General Engineering Consultant (GEC) with the URS Corporation to provide professional services of this type at Delaware Airpark through 2009 be modified upwards in the amount of this work. Chairperson Hogan stated that this was subject to being legally permissible. The Projects Committee concurred with the recommendation to increase the contractual threshold of the existing GEC contract by \$1 million to accomplish this work.

- 1st Structure Improvement Program RFP Update: The Director of Engineering reported that a competitive RFP process will soon start to identify a Project Manager (PM) to assist the Authority with planning, studies, design, scheduling, estimating, monitoring, communications, coordination, reporting, quality assurance/quality control, value engineering, traffic and revenue forecasting, alternative analysis, and construction for the upcoming \$280 million (estimated) 1st Structure Improvement Program scheduled to take place from 2010 through 2019. The estimated cost of the PM agreement is \$10 million and will have a base contract period of five (5) years with three (3) possible extensions of two (2) years each. Staff also stated that this contract will have a Disadvantaged Business Enterprise (DBE) goal built into the contract.

7. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 1:39 p.m.

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

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9963. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Hensley presented the following Economic Development Committee meeting minutes of April 6, 2009.

ECONOMIC DEVELOPMENT COMMITTEE
Monday, April 6, 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, April 6, 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

Commissioners from Delaware

Committee Chair Hensley
Commissioner Traynor, Committee Member
Commissioner Lathem
Commissioner Lowe

Legal Counsel
Phil Norcross - NJ

Governors Representatives

Sonia Frontera – NJ

Staff

Jim Johnson

Don Rainear

Victor Ferzetti

Jim Walls

Gerry Owens

Michelle Griscom-Collins

Steve Williams

I. Committee Chair Hensley welcomed the Economic Development Committee and opened the meeting at approximately 12:24 p.m. The Deputy Executive Director 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.

II. The Deputy Executive Director provided information on the following proposed Resolutions.

- Resolution Modifying the Schedules of Fees and Charges at All Delaware River and Bay Authority Operated Airports – As previously discussed in the February Economic Development Committee meeting, the airport fees at Authority airports had not raised in many years and below market. The Airport Business Plans made recommendations to increase fees and an Airport Appraiser was utilized to determine the proposed fees. The Deputy Executive Director reported that staff conducted tenant meetings at all airports to communicate the increases and to obtain feedback. As a result, staff felt it unfair to burden everyone immediately and elected to phase-in increases over a three year period. Authority Chair Hogan questioned whether individuals on the waiting lists would be notified and staff reported they would. After discussion, on motion by Commissioner Dorn, seconded by Commissioner Smith, the Committee recommended approval of the proposed Schedule of Fees and Charges. The Resolution will be presented to the full Board for consideration at the April meeting.

- Lease Agreement with Bergen County Auto Group for 5,000 square feet of space in a portion of the Multi-Tenant Hangar located at the Millville Airport. The annual rent shall be \$40,000 for one year with a one year option to renewal. This leased space, a result of the success of the Motorsports Park, will be used for both airplane and racing car storage. After discussion, on motion by Commissioner Smith, seconded by Commissioner Traynor, the Committee recommended approval of the Lease Agreement. The Resolution will be presented to the full Board for consideration at the April meeting.

3. The Deputy Executive Director requested an Executive Session. On motion by Commissioner Dorn, seconded by Commissioner Smith, 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.

With no further business to discuss, on motion by Commissioner Lowe, the Economic Development Committee adjourned at 1:00 p.m.

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

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9964. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Acting 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 February.

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

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9965. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The Acting CFO presented charts showing statements of income and expenses for the month of February 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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9966. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented charts for March 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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9967. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented charts for the month of March 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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9968. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MARCH 31, 2009.

The Acting 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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9969. PUBLIC COMMENT ON ACTION ITEMS.

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

- Resolution 09-19 Approval of Community Contribution Requests
- Resolution 09-20 Authorizing Authority Expenditures \$25,000 and over
- Resolution 09-21 Adoption of the DRBA 2009 Airport CIP Budget
- Resolution 09-22 Continues on a Trial Basis a Prevailing Wage Policy for all Authority Funded CIP Projects in Excess of \$2M
- Resolution 09-23 Modifies the Schedules of Fees & Charges at DRBA Operated Airports

- Resolution 09-24 Lease Agreement with Lightning Racing, LLC at Millville Airport
- Resolution 09-25 Adopts Official DRBA Supplier Diversity Policy and Supplier Diversity Program Statement
- Resolution 09-26 Appointment of the Deputy Executive Director
- Resolution 09-27 Recognizes and Salutes F. Michael Parkowski for dedicated service to DRBA
- Resolution 09-28 Recognizes and Salutes Thomas J. Cooper for dedicated service to DRBA

Craig Croud of Kent, Sussex, Industries, Inc.(KSI) spoke. He thanked the Commissioners for their support over the years and noted that KSI employs 270 disabled people offering door-to-door transportation. Mr. Croud invited everyone to visit KSI facility when visiting Milford, DE.

Commissioner Hensley stated that KSI does an amazing job in the Kent/Sussex Community.

Elder Ty Johnson of IMAC spoke next. He thanked the Personnel Committee and staff for helping to create the Supplier Diversity Committee. He congratulated the new Delaware Commissioners and recognized Delaware Governor Jack Markell’s Deputy Legal Counsel, Mr. Cleon Cauley. He said that there still were issues such as parity that needed to be resolved.

Mr. Herman Holloway, Jr, of IMAC spoke. He noted that he was a member of the Supplier Diversity Committee and came to be very supportive of the progress. He commended the Commissioners and DRBA staff.

Vincent Ascione, spoke. He stated that there will be a new one-of-a-kind charter high school in Wilmington, Delaware that will train young adults in such homeland security, law enforcement and operating engineering. He asked the DRBA to be supportive of this initiative in the future.

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9970. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contr #</u>	<u>Contractor #</u>	<u>Payment</u>
DMB-08-01	Allied Painting, Inc	221,075.10
DMB-07-03	Schlosser & Associates, Inc.	6,009.30
DMB-07-04	Schlosser & Associates, Inc.	83,731.49
DMB-06-03	J.D. Eckman. Inc	34,166.00
DMB-04-01	Mumford and Miller	1,044,093.31
NCA-06-02	Diamond Materials	1,231,515.95
NCA-06-03	Eastern States Construction	39,866.03
NCA-07-01	Schlosser & Associates	39,105.00

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9971. CHAIRPERSON’S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOAD

Community Contributions for four New Jersey applications, Meals on Wheels of Salem County, Inc. for \$4,000, Salem Community College Foundation for \$13,000, Salem County Vocational and Technical School Foundation for \$4,000, South Jersey Health System Foundation for \$3,500, have been deferred until the next Commissioners meeting.

RESOLUTION 09 - 19 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 April 09; and

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

Community Contributions

New Jersey

Atlantic Cape Community Foundation	\$ 1,500
Cape May Stages Incorporated`	\$ 3,000
Cape Volunteers In Medicine Incorporated	\$ 5,000
Glassboro Child Development Center	\$ 2,500
Gloucester County Chamber of Commerce	\$ 2,500
Gloucester County Children’s Arts Society Incorporated	\$ 3,000
Historic Cold Spring Village Foundation	\$ 2,500
Hoops Factory Incorporated	\$ 1,000
Millville Army Air Fields Museum	\$ 3,500
Salem Community Recreation Center Incorporated	\$ 2,500
Shadow Equestrian Incorporated	\$ 2,000
The Wetlands Institute	\$ 1,500
West Cumberland Little League	\$ 2,000
Total	<u>\$ 32,500</u>

Delaware

Alzheimer’s Association and Related Disorder Association	\$ 1,000
Children’s Beach House Incorporated	\$ 5,000
Delaware Ecumenical Council on Children and Families	\$ 1,000
Delaware Military Heritage and Education Foundation	\$ 2,000
Delaware Technical and Community College Educational Foundation	\$ 15,000
Delaware Wrestling Alliance	\$ 7,500
Easter Seals Delaware and Maryland’s Eastern Shore	\$ 7,000
Eastside Community Learning Center Foundation	\$ 5,000
Friends of Wilmington Parks	\$ 5,000
Kent Sussex Industries Incorporated	\$ 2,000
Kinfolk Limited	\$ 1,000
Metropolitan Wilmington Urban League	\$ 2,000
Mom’s House Incorporated (Dover)	\$ 5,000
New Castle Public Library Company	\$ 1,000
Pratt Corcoran Association for the Delaware College of Art and Design	\$ 1,000
Ronald McDonald House of Delaware	\$ 2,000
Seaman’s Center of Wilmington Incorporated	\$ 2,400
Special Olympics Delaware Incorporated	\$ 2,500
Sussex County Animal Association Incorporated	\$ 2,500
The Center for Therapeutic and Educational Riding Incorporated	\$ 4,000
The Lewes Historical Society	\$1,000
The Overfalls Maritime Museum Foundation	\$ 2,000
The Partnership Incorporated	\$ 5,000
Total	<u>\$ 81,900</u>

Grand Total (New Jersey and Delaware) \$114,400

A motion to approve Resolution 09-19 was made by Commissioner Simmerman, seconded by Commissioner Dorn. With Commissioner Hensley abstaining on Easter Seals Delaware and Maryland’s Eastern Shore, Resolution 09-19 was approved by a roll call vote of 9-0 except with the above noted abstention where such vote was 8 in favor and 1 abstention.

* * * * *

The Executive Director noted the National Urban Fellows item was withdrawn from Resolution 09-20 pending further discussion.

RESOLUTION 09-20 - 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
The Brickman Group, Ltd.	Landscape Services for New Castle Airport	Quotes
CapitalSoft	Procurement & Project Management Software	Proprietary Selection
Tri-State Floor Blasters, Inc.	Surface preparation before painting Twin Capes car deck	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 09-20 was made by Commissioner Simmerman, seconded by Commissioner Lowe, and unanimously approved by a roll call vote of 9-0.

* * * * *

RESOLUTION 09-21 - ADOPTION OF THE DELAWARE RIVER AND BAY AUTHORITY'S 2009 AIRPORT CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET

WHEREAS, The Delaware River and Bay Authority ((the "Authority") has developed a 2009 Airports Capital Improvement Plan (CIP) for airport capital improvement projects in the amount of \$3,980,000; and

WHEREAS, the Projects Committee has conducted publicly advertised meetings on the proposed 2009 Airports CIP Budget; and

WHEREAS, the Authority's Projects Committee has developed, reviewed, and approved the proposed 2009 Airports CIP Budget and recommends its adoption to the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby adopts a 2009 Airports CIP Budget of \$3,980,000, and authorizes the Executive Director to proceed on these projects as they are individually reviewed by the Projects Committee and approved by the Authority.

A motion to approve Resolution 09-21 was made by Commissioner Dorn, seconded by Commissioner Simmerman, and unanimously approved by a roll call vote of 9-0.

* * * * *

RESOLUTION 09-22 – CONTINUES ON A TRIAL BASIS A PREVAILING WAGE POLICY FOR ALL AUTHORITY FUNDED CAPITAL PROJECTS IN EXCESS OF \$2 MILLION.

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

WHEREAS, the Authority currently incorporates prevailing wage requirements in all Authority projects receiving Federal or State funding; and

WHEREAS, the Authority did adopt a prevailing wage policy for a one-year, and two (2) two-year trial period, via Resolutions 04-17, 05-10, and 07-18, respectively, for all Authority funded projects in excess of \$2 million which trial period expires in April 2009; and

WHEREAS, the Authority awarded four (4) construction contracts in excess of \$2 million during this trial period, and based on a staff evaluation of these projects, the data is inconclusive.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, working with the advice and consent of Counsel, is hereby authorized and directed to continue to incorporate the current prevailing wage policy into contract specification documents for all Authority funded projects in excess of \$2 million for one (1) additional year, through April, 2010.

A motion to approve Resolution 09-22 was made by Commissioner Smith, seconded by Commissioner Dorn. With Commissioner Hensley voting no, Resolution 09-22 was approved by a roll call vote of 8-1.

* * * * *

RESOLUTION 09-23 MODIFIES THE SCHEDULES OF FEES AND CHARGES AT ALL DELAWARE RIVER AND BAY AUTHORITY OPERATED AIRPORTS

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of the New Castle, Millville, Cape May, Delaware Airpark and Civil Air Terminal Airports (the “Airports”), and

WHEREAS, the Authority has adopted a Schedule of Fees and Charges for each of the Airports; and

WHEREAS, the Authority has fiduciary responsibility to review this schedule of fees and charges, and make modifications necessary to meet the financial requirements of the Airports; and

WHEREAS, the Authority has determined that the revised Schedule of Fees and Charges is necessary and proper to generate revenue sufficient to support Airport activities.

NOW, THEREFORE, BE IT RESOLVED, that the Schedules of Fees and Charges for the above referenced Airports are hereby amended by the attached schedule of Fees and Charges, effective January 1, 2010.

A motion to approve Resolution 09-23 was made by Commissioner Traynor, seconded by Commissioner Smith, and approved by a roll vote of 9-0.

NEW CASTLE AIRPORT
SCHEDULE OF FEES AND CHARGES
January, 2010

The following schedule of fees and charges for the use or uses of the New Castle Airport is hereby established:

1. **Aircraft Operations:**

(For fee purposes, an operation shall consist of an arrival and a departure.)

(a) **Landing Fee:**

All aircraft, including rotorcraft, shall be assessed a landing fee of One Dollar and twenty-five cents (\$1.25) per one thousand (1,000) pounds of certificated “maximum takeoff gross weight” (MTOGW). The minimum fee shall be fifteen dollars and sixty-three cents (\$15.63) (12,500 pounds or more). The MTOGW shall be established as set forth in the flight manual for the aircraft or any Federal Aviation Administration documents. The following exemptions to this subsection are hereby established:

(i) **Signatory users.** Those aircraft owned and operated by users of the airport having a lease or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.

(ii) **Based aircraft.** Single-engine aircraft and rotorcraft (under 7,500lbs) based at New Castle Airport that are not used for commercial purposes shall be permitted unlimited landings each month without charge.

(iii) **Public aircraft.** Aircraft owned and operated by the government of the United States of America, aircraft owned and operated by the military forces of the United States of America, and aircraft owned and operated by foreign governments and military forces.

(iv) **Aircraft operated in support of military operations.** Members of the Civil Air Patrol and the United States Coast Guard Auxiliary may, upon written application to the Airport Manager and supported by military orders, request that fees for landings performed during search and rescue missions and exercises be exempted. Each such landing must be identified on the individual landing fee invoice.

(v) **Public employees renting aircraft for official business.** Employees of the federal, state or local government may, upon written application to the airport manager, and supported by written authorization of their superior, request that fees for landings performed in aircraft rented to accomplish their official duties be exempted. Each such landing must be identified on the individual aircraft landing fee invoice of the aircraft owner.

(a) **Aircraft storage:**

	Current	2010	2011	2012 (forward)
Small hangar (old)	\$225	\$300	\$375	\$425
Small hangar (new)	\$300	\$375	\$450	\$550
Medium hangar	\$375	\$425	\$475	\$500
Large hangar	\$600	\$650		

(b) **In public tie-down spaces.** The monthly fee for storing aircraft in public tie-down spaces shall be:

Year	Amount
2009	Seventy-Five dollars (\$75) per month
2009	One Hundred dollars (\$100.00) per month
2010 (forward)	One hundred and twenty-five dollars (\$125.00) per month

2. **Other Fees**

(a) **Terminal Use Fee.** The airline terminal portion of the Terminal Building is provided by the airport for the use of scheduled, nonscheduled and charter airlines. Such uses are normally covered in a lease or other operating agreement. For one-time or short-term use in the absence of such an agreement, the terminal use shall be:

Terminal Use and Fees: The operator or their representative of the scheduled, non-scheduled or charter airline shall arrange for by contract or provide their own passenger screening equipment and personnel in keeping with Federal Aviation Administration FAR 121, 107 and 108. There will be a terminal use fee of \$2.50 per passenger.

(b) **Passenger Enplanement Fee.** This fee is negotiated based on airline need and airport commitment of personnel, equipment, services, supplies and other operating costs.

(c) **Apron aircraft parking.** The Terminal aprons are provided for short-term loading and unloading of passengers and cargo within designated areas. The fee for all apron use is:

Type of Aircraft	DRBA Ramp Fee Daily Rate
Standard single Engine (Cherokee, Cessna)	\$10.00
X-Large Singles (Pilatus, Embraer)	\$80.00
Light Twins (Baron, Duke, Cessna)	\$25.00
Twin Turbo Props (King Air, Merlin, Conquest)	\$80.00
Small Jets (Lear 23-36, Citation 1-2-5, Falcon 10)	\$90.00
Medium Jets (Beech Diamond Jet, Citation 3-6-7, Hawker)	\$100.00
Large Jets (Falcon 2000, Gulfstream 1-2)	\$160.00
X-large Jets (Gulfstream 3-4, Canadair Regional Jet)	\$180.00
Extreme Jets (Global Express, GV, Boeing BBJ)	\$200.00
Helicopters	\$30.00

Delaware River and Bay Authority assumes no responsibility for securing aircraft on the Terminal apron. Longer term parking is provided by the fixed-base operators on the field.

(d) **Lighter-than-air aircraft use.** Lighter-than-air aircraft such as airships, dirigibles, blimps or balloons shall pay a daily use fee of hundred dollars (\$100.00). The payment of this fee shall entitle the operator to a mooring location that shall be a 300-foot diameter circle centered on the mooring mast or inflation site assigned by the airport, as well as parking for support vehicles. Prior permission of the airport manager is required.

(e) **Fuel flowage fee.** Aviation fuel delivered to the fuel storage facilities on the airport shall be subject to the following fuel flowage fee:

- (1) Fixed-base operators - Nine cents (\$0.09) per gallon.
- (2) Other signatory users - Eleven cents (\$0.11) per gallon.

(f) **Removal of wrecked or damaged aircraft in any movement area.** Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to remove the disabled aircraft. If the disabled aircraft operator cannot or will not remove the disabled aircraft from the movement area, the staff of the airport or a company contracted by the airport may remove the disabled aircraft. The fee for such removal shall be no less than two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine or the actual cost of removal, whichever is higher.

3. **Vehicle Operations and Mass Vehicle Storage.**

(a) **Vehicle storage in authorized areas.** Short-term parking in public lots provided by the airport shall be free (limited space available).

(b) **Mass Vehicle Storage.** Certain portions of airport property may be made available for the parking of vehicles. The charge for mass vehicle storage shall be one dollar (\$1.00) per car per day. This fee applies unless a separate parking contract is in place with Delaware River and Bay Authority.

(c) **Reserved parking by signatory users.** Certain parking spaces in public lots may be reserved for the exclusive use of certain airport tenants if arranged by lease or other agreement with Delaware River and Bay Authority and this payment for such space is included in the lease or other agreement. Reserved parking spaces shall be clearly marked.

(d) **Removal of wrecked, damaged or abandoned vehicles from the airport.** Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River and Bay Authority Police Department towing policy.

4. **Special events.** The landing facilities of the airport may be used for special events with the prior written permission of the Airport Manager. Such special events must be compatible with the use of the land and facilities as a public use airport and must not, in any way, interfere with aircraft operations. Access to movement areas (runways and taxiways) must be coordinated with the Airport Manager and airport traffic control tower. The fee for such special events shall be set by contract with Delaware River and Bay Authority.

5. **Commercial Quarterly Fuel Permit Fee:** Each storage tank and mobile fueler shall be required to have a fuel permit per FAR part 139 requirements. Permits are issued quarterly and fees are \$15.00 per permit.

6. **ID Badge Application Fee:** Initial ID badges shall be free. Lost and replacement badges will be \$50.00 each

7. **Billing and payment procedures.**

(a) **Billing.** Monies due to the airport for the activities and uses in this section shall normally be billed by the airport on a monthly basis.

(b) **Payment.** Payment of bills shall be due within thirty (30) days of the billing date. Remittance shall be made to: Delaware River and Bay Authority, P.O. Box 566Wilmington, DE 19899

Millville Airport
SCHEDULE OF FEES AND CHARGES
JANUARY, 2010

The following schedule of fees and charges for the use or uses of the Millville Airport is hereby established:

1. **AIRCRAFT OPERATIONS**

a. **Aircraft storage in public hangars.** The monthly charge for storing an aircraft shall be:

T-Hangars	Current	2010	2011	2012
Monthly	\$185.00	\$260.00	\$310.00	\$360.00

(i) Community Hangars – Monthly rate per lease agreement

b. **Aircraft storage in public tie down spaces.** Rates as follows:

	Daily Rates:	Monthly Rates
Under 6,000 lbs	\$10.00	\$40.00
6,000 - 12,000 lbs	\$10.00	\$60.00
Over 12,000 lbs	\$10.00	\$80.00

(i) Daily Rate Parking Fees pertain to overnight stays of seven days (7) or less.

(ii) Aircraft using public tiedowns for periods longer than seven (7) days will be charged the monthly rate.

c. **Lighter-than-air aircraft use.** Lighter-than-air aircraft such as airships, dirigibles, blimps or balloons shall pay a daily use fee of fifty dollars (\$50.00). The payment of the fee shall entitle the operator to a mooring location that shall be at least a 300-foot diameter circle centered on the mooring mast or inflation site assigned by the airport, as well as parking for support vehicles. Prior permission of the airport manager is required.

d. **Fuel flowage fees.** Aviation fuel delivered to the fuel storage facilities on the airport shall be subject to the following fuel flowage fee:

- (1) Fixed-base Operator - Six cents (\$0.06) per gallon.
- (2) Other signatory users -Eight cents (\$0.08) per gallon.

e. **Removal of wrecked or damaged aircraft in any movement area.** Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to remove the disabled aircraft from the movement area, the staff of the airport or a company contracted by the airport may remove the disabled aircraft. The fee for such removal shall be no less than two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine or the actual cost of removal, whichever is greater. The aircraft owner/operator is responsible for any and all damages incurred during the removal of aircraft from any movement area by the Delaware River & Bay Authority and/or any agency under contract by the Delaware River & Bay Authority for aircraft removal.

2. VEHICLE OPERATIONS AND MASS VEHICLE STORAGE:

a. **Vehicle storage in authorized areas.** Short-term parking in public lots provided by the airport shall be free (limited space available).

b. **Long-term parking is defined as any vehicle parking for a period that extends over 72 hours.** Any person that intends to do so must receive prior permission from Airport Management, fill out a vehicle ownership/contact form, and is subject to any fee and agreements as stated in a separate parking contract with the Delaware River and Bay Authority. Failure to do so will be considered a violation of Section 3.06 of the Airport Rules and Regulations and the vehicle will be subject to towing at the owner's expense.

c. **Mass vehicle storage.** Certain portions of airport property may be made available for the parking of vehicles. The charge of mass vehicle storage shall be six dollars (\$6.00) per car per day. This fee applies unless a separate parking contract is in place with Delaware River and Bay Authority.

d. **Reserved parking by signatory users.** Certain parking spaces in public lots may be reserved for the exclusive use of certain airport tenants if arranged by lease or other agreement with Delaware River and Bay Authority and this payment for such space is included in the lease or other agreement. Reserved parking spaces shall be clearly marked.

e. **Removal of wrecked, damaged or abandoned vehicles from the airport,** Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River & Bay Authority Police Department

Towing Policy. The vehicle owner is responsible for any and all damages incurred during the removal of any wrecked, damaged, or abandoned vehicles from airport property by the Delaware River & Bay Authority and/or any agency under contract with the Delaware River & Bay Authority for vehicle removal. The charge for such removal shall be Seventy-five dollars (\$75.00), or the actual cost of removal, whichever is higher, plus a Twelve dollar (\$12.00) per car per day storage fee.

3. SPECIAL EVENTS:

The landing facilities of the airport may be used for special events with the prior permission of the airport manager. Such special events must be compatible with the use of the land and facilities as a public use airport and must not, in any way, interfere with aircraft operations. Access to movement areas (runways and taxiways) must be coordinated with the airport manager. Fees for special events may be set by contract or other agreement reached with the appropriate Delaware River & Bay Authority representatives. These fees shall include, but not be limited to the reasonable cost to be incurred by the airport to support such special events.

4. Billing:

Monies due to the airport for the activities and uses in the section shall normally be billed by the airport on a monthly basis.

5. Payment:

Payment of bills shall be due within thirty (30) days of the billing date

Remittance shall be made to: Delaware River and Bay Authority, Ref: Millville Airport, PO Box 566, Wilmington, DE 19899

**DELAWARE AIRPARK
SCHEDULE OF FEES AND CHARGES
January, 2010**

The following schedule of fees and charges for the use or uses of the Delaware Airpark is hereby established:

1. AIRCRAFT OPERATIONS

a. Aircraft storage in public hangars.

The monthly charge for storing an aircraft shall be:

- (1) Sliding Door - Monthly rate of \$200.00
- (2) Electric Door - Monthly rate of \$230.00

b. Aircraft storage in public tie down spaces. Rates as follows:

(1) Daily Rates:

- | | | |
|------------------------|---|---------|
| Single Engine Aircraft | - | \$8.00 |
| Twin Engine Aircraft | - | \$10.00 |

(2) Monthly Rates:

- | | | |
|------------------------------|---|---------|
| All Aircraft - Paved Areas | - | \$60.00 |
| All Aircraft - Unpaved Areas | - | \$40.00 |

c. Lighter-than-air aircraft use:

Lighter-than-air aircraft such as airships, dirigibles, blimps or balloons shall pay a daily use fee of fifty dollars (\$50.00). The payment of the fee shall entitle the operator to a mooring location that shall be at least a 300-foot diameter circle centered on the mooring mast or inflation site assigned by the airport, as well as parking for support vehicles. Prior permission of the airport manager is required.

d. Fuel flowage fees:

Aviation fuel delivered to the fuel storage facilities on the airport shall be subject to the following fuel flowage fee:

- (1) Fixed-base Operator - six cents (\$0.06) per gallon.
- (2) Other signatory users -six cents (\$0.06) per gallon.

e. Removal of wrecked or damaged aircraft in any movement area: Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to remove the disabled aircraft from the movement area, the staff of the airport or a company contracted by the airport may remove the disabled aircraft. The fee for such removal shall be no less than two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine or the actual cost of removal, whichever is greater. The aircraft owner/operator is responsible for any and all damages incurred during the removal of aircraft from any movement area by the Delaware River & Bay Authority and/or any agency under contract by the Delaware River & Bay Authority for aircraft removal.

2. VEHICLE OPERATIONS AND MASS VEHICLE STORAGE:

a. Vehicle storage in authorized areas: Short-term parking in public lots provided by the airport shall be free (limited space available).

b. Long-term parking is defined as any vehicle parking for a period that extends over 72 hours: Any person that intends to do so must receive prior permission from Airport Management, fill out a vehicle ownership/contact form, and is subject to any fees and agreements as stated in a separate parking contract with the Delaware River and Bay Authority. Failure to do so will be considered a violation of Section 3.06 of the Airport Rules and Regulations and the vehicle will be subject to towing at the owner's expense.

c. Mass vehicle storage: Certain portions of airport property may be made available for the parking of vehicles. The charge of mass vehicle storage shall be six dollars (\$6.00) per car per day. This fee applies unless a separate parking contract is in place with Delaware River and Bay Authority.

d. Reserved parking by signatory users: Certain parking spaces in public lots may be reserved for the exclusive use of certain airport tenants if arranged by lease or other agreement with Delaware River and Bay Authority and this payment for such space is included in the lease or other agreement. Reserved parking spaces shall be clearly marked.

e. Removal of wrecked, damaged or abandoned vehicles from the airport: Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River & Bay Authority Police Department towing policy . The vehicle owner is responsible for any and all damages incurred during the removal of any wrecked, damaged, or abandoned vehicles from airport property by the Delaware River & Bay Authority and/or any agency under contract with the Delaware River & Bay Authority for vehicle removal. The charge for such removal shall be Seventy-five dollars (\$75.00), or the actual cost of removal, whichever is higher, plus a Twelve dollar (\$12.00) per car per day storage fee.

CAPE MAY AIRPORT
SCHEDULE OF FEES AND CHARGES
January, 2010

The following schedule of fees and charges for the use or uses of the Cape May Airport is hereby established:

1. AIRCRAFT OPERATIONS

a. Aircraft storage in public hangars.

The monthly charge for storing an aircraft shall be:

T-Hangars	Current	2010	2011	2012
Monthly	\$155.00	\$230.00	\$305.00	\$375.00

b. Aircraft storage in public tie down spaces. Rates as follows:

	Daily Rates	Monthly Rates
Under 6,000 lbs	\$6.00	\$40.00
6,000 - 12,000 lbs	\$8.00	\$60.00
Over 12,000 lbs	\$10.00	\$80.00

- (i) Daily Rate Parking Fees pertain to overnight stays of seven days (7) or less.
- (ii) Aircraft using public tiedowns for periods longer than seven (7) days will be charged the monthly rate.

c. Lighter-than-air aircraft use.

Lighter-than-air aircraft such as airships, dirigibles, blimps or balloons shall pay a daily user fee of fifty dollars (\$50.00). The payment of the fee shall entitle the operator to a mooring location that shall

be at least a 300-foot diameter circle centered on the mooring mast or inflation site assigned by the airport, as well as parking for support vehicles. Prior permission of the airport manager is required.

d. **Fuel flowage fees.**

Aviation fuel delivered to the fuel storage facilities on the airport shall be subject to the following fuel flowage fee:

- (1) Fixed-base Operator - Six cents (\$0.06) per gallon.
- (2) Other signatory users - Six cents (\$0.06) per gallon.

- e. **Removal of wrecked or damaged aircraft in any movement area.** Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to remove the disabled aircraft from the movement area. The staff of the airport or a company contracted by the airport may remove the disabled aircraft. The fee for such removal shall be no less than two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine or the actual cost of removal, whichever is greater. The aircraft owner/operator is responsible for any and all damages incurred during the removal of the aircraft from any movement area by the Delaware River & Bay Authority (DRBA) and/or any agency under contract by the DRBA for aircraft removal.

2. **VEHICLE OPERATIONS AND MASS VEHICLE STORAGE:**

- a. **Vehicle storage in authorized areas.** Short-term parking in public lots provided by the airport shall be free (limited space available}.

- b. **Long-term parking is defined as any vehicle parking for a period that extends over 72 hours.** Any person that intends to do so must receive prior permission from Airport Management, fill out a vehicle ownership/contact form, and is subject to any fee and agreements as stated in a separate parking contract with the DRBA. Failure to do so will be considered a violation of Section 3.06 of the Airport Rules and Regulations and the vehicle will be subject to towing at the owner's expense.

- c. **Mass vehicle storage.** Certain portions of airport property may be made available for the parking of vehicles. The charge of mass vehicle storage shall be six (\$6.00) per car per day. This fee applies unless a separate parking contract is in place with DRBA.

- d. **Reserved parking by signatory users.** Certain parking spaces in public lots may be reserved for the exclusive use of certain airport tenants if arranged by lease or other agreement with DRBA and this payment for such space is included in the lease or other agreement. Reserved parking spaces shall be clearly marked.

- e. **Removal of wrecked, damaged or abandoned vehicles from the airport,** Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River & Bay Authority Police Department.

Towing Policy. The vehicle owner is responsible for any and all damages incurred during the removal of any wrecked, damaged, or abandoned vehicles from airport property by the Delaware River & Bay Authority (DRBA) and/or any agency under contract with the DRBA for vehicle removal. The charge for such removal shall be seventy-five dollars (\$75.00), or the actual cost of removal, whichever is higher, plus a twelve dollar (\$12.00) per car per day storage fee.

3. **SPECIAL EVENTS:**

The landing facilities of the airport may be used for special events with the prior permission of the airport manager. Such special events must be compatible with the use of the land and facilities as a public use airport and must not, in any way, interfere with aircraft operations. Access to movement areas (runways and taxiways) must be coordinated with the airport manager. Fees for special events may be set by contract or other agreement reached with the appropriate Delaware River & Bay Authority representatives. These fees shall include, but not be limited to the reasonable cost to be incurred by the airport to support such special events.

4. **Billing:**

Monies due to the airport for the activities and uses in the section shall normally be billed by the airport on a monthly basis.

5. **Payment:**

Payment of bills shall be due within thirty (30) days of the billing date. Remittance shall be made to: Delaware River and Bay Authority, Ref: Cape May Airport, P.O. Box 566, Wilmington, DE 19899

**CIVIL AIR TERMINAL
SCHEDULE OF FEES AND CHARGES
January 2010**

The following schedule of fees and charges for the use or uses of the Civil Air Terminal:

1. AIRCRAFT OPERATIONS

(a) **Removal of wrecked or damaged aircraft in any movement area.** Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to remove the disabled aircraft from the movement area. The staff of the airport or a company contracted by the airport may remove the disabled aircraft. The fee for such removal shall be no less than two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine or the actual cost of removal, whichever is greater. The aircraft owner/operator is responsible for any and all damages incurred during the removal of the aircraft from any movement area by the Delaware River & Bay Authority and/or any agency under contract by the Delaware River & Bay Authority for aircraft removal.

(b) **Terminal use fee:** the use of the Terminal Building is provided by the airport for the use of scheduled, nonscheduled and charter airlines. Such uses are normally covered in a lease or other operating agreement. For one-time or short-term use in the absence of such an agreement, the terminal use shall be:

(1) **Ticket counter use:** Forty-five (45) minutes prior to arrival until fifteen (15) minutes after departure - Twenty-five dollars (\$25.00) per hour.

(2) **Passenger screening equipment use:** The operator or their representative of the scheduled, nonscheduled, or charter airline shall arrange for by contract or provide their own passenger screening equipment and personnel in keeping with the Federal Aviation Administration FAR 121, 107 and 108 and/or the Transportation Security Administration regulations.

(3) **Passenger Enplanement Fee.** This fee is negotiated based on airline need and airport commitment of personnel, equipment, services, supplies and other operating costs.

(c) **Aircraft operations.** (For fee purposes, an operation shall consist of an arrival and a departure.)

(1) Normal business hours (Monday – Friday 8:00 AM to 4:00 PM; excluding holidays) – Forty-five dollars (\$45.00) per landing.

(2) Other than normal business hours – Fifty-five dollars (\$55.00) per landing.

(3) Aircraft parking fee in addition to landing fee and other than those aircraft associated with the NASCAR race events and parked for more than three (3) hours and within a twenty-four (24) hour period – Twenty dollars (\$20.00) per period.

(4) NASCAR race events – One hundred dollars (\$100.00) per landing.

(5) Additional FBO ground handling fees may be charged.

(d) **Fuel flowage fee.** Aviation fuel delivered to the fuel storage facilities on the airport shall be Subject to the following fuel flowage fee:

(1) Fixed-base operators - Twelve cents (\$0.12) per gallon.

2. VEHICLE OPERATIONS AND MASS VEHICLE STORAGE:

(a) **Vehicle storage in authorized areas.** Short-term parking in public lots provided by the Civil Air Terminal shall be free (limited space available)

(b) **Long-term parking is defined as any vehicle parking for a period that extends over 24 hours.** Any person that intends to do so must receive prior permission from Airport Management, fill out a vehicle ownership/contact form, and is subject to any fee and agreements as stated in a separate parking contract with the Delaware River and Bay Authority. Failure to do so will be considered a violation of Section 3.06 of the Airport Rules and Regulations and the vehicle will be subject to towing at the owner's expense.

(c) **Removal of wrecked, damaged or abandoned vehicles from the airport,** Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River & Bay Authority Police Department.

Towing policy. The vehicle owner is responsible for any and all damages incurred during the removal of any wrecked, damaged, or abandoned vehicles from airport property by the Delaware River & Bay Authority and/or any agency under contract with the Delaware River & Bay Authority for vehicle removal. The charge for such removal shall be seventy-five dollars (\$75.00), or the actual cost of removal, whichever is higher, plus a twelve dollar (\$12.00) per car per day storage fee.

(d) **Rental car concessionaires.** Any rental car agency intending to conduct business at the Dover Civil Air Terminal must agree to the most current rental concessionaire agreement, terms and associated fees.

3. SPECIAL EVENTS:

The terminal ramp and the terminal may be used for special events with the prior permission of the Airport Management. Such special events must be compatible with the use of the land and facilities of the Civil Air Terminal and in accordance with the current Joint-Use Agreement with the United States Air Force, and must not, in any way, interfere with aircraft operations. Fees for special events may be set by contract with the Delaware River & Bay Authority or as established by Airport Management based on a reasonable estimate of the costs to be incurred by Airport Management to support the special event operation.

4. BILLING AND PAYMENT PROCEDURES:

(a) **Billing.** Monies due to the airport for agreement and special event activities and uses in this section shall normally be billed by the airport on a monthly basis and due within thirty (30) days of the invoice date, unless agreed upon by both parties. Remittance shall be made to: Delaware River and Bay Authority, Ref: Civil Air Terminal , P.O. Box 566, Wilmington, DE 19899

(b) **Payment.** Payment of landing fees and other aircraft operational charges shall be due at the time of landing by check or facility accepted major credit cards.

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RESOLUTION 09-24 LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND LIGHTNING RACING, LLC.

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Millville (“Airport”), Millville, New Jersey; and

WHEREAS, Lightning Racing, LLC desires to lease a portion of the hangar more commonly known as the Multi-Tenant Hangar totaling approximately Five Thousand (5,000) square feet; and

WHEREAS, Lightning Racing, LLC. has agreed to pay the Authority Forty Thousand dollars (\$40,000) annual rent during the first term of the Lease Agreement; and

WHEREAS, the initial term of the Lease Agreement is for one (1) year; and

WHEREAS, Lightning Racing, LLC shall have the option of renewing this Agreement for one period of one (1) year; and

WHEREAS, rent shall be adjusted during this renewal time to the Fair Market Value.

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

A motion to approve Resolution 09-24 was made by Commissioner Simmerman, seconded by Commissioner Traynor, and was approved by a roll call vote of 9-0.

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RESOLUTION 09-25 – ADOPTS OFFICIAL DELAWARE RIVER AND BAY AUTHORITY SUPPLIER DIVERSITY POLICY AND SUPPLIER DIVERSITY PROGRAM STATEMENT

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 instituted a Disadvantaged Business Enterprise (“DBE”) Program Policy in 1996, as required by the Federal Aviation Administration (“FAA”) under Regulation 49 CFR Part 26, as a condition of accepting FAA funding for airport projects; and

WHEREAS, the Authority, as a matter of public policy, expanded its DBE Program by adopting a DBE program for all Authority-funded capital projects in excess of \$250,000; and

WHEREAS, the Authority, as a matter of public policy, invited members of the public to serve on a DBE task force to assist the Authority in identifying additional avenues to increase opportunities for certified disadvantaged, minority and women owned businesses to do business with the Authority; and

WHEREAS, the DBE task force reviewed current Authority procurement policies and presented the Authority with its recommendations to enhance opportunities for certified disadvantaged, minority and women owned businesses to do business with the Authority; and

WHEREAS, the Authority reviewed and evaluated the DBE task force recommendations and has created a Supplier Diversity Policy and Supplier Diversity Program Statement which the Authority believes incorporate procurement policies that best meet its public policy initiatives; and

WHEREAS, the Authority, as a matter of policy, desires to adopt such Supplier Diversity Policy and Supplier Diversity Program Statement to signify its commitment to and guide its

activities in order to enhance opportunities for disadvantaged, minority and women owned businesses to do business with the Authority.

NOW, THEREFORE, BE IT RESOLVED, that the Authority adopts such Supplier Diversity Policy and Supplier Diversity Program Statement.

A motion to approve Resolution 09-25 was made by Commissioner Dorn, seconded by Commissioner Smith, and approved by a roll call vote of 9-0.

DRBA Supplier Diversity Policy

It is the policy of the Delaware River and Bay Authority (“Authority”) to encourage and afford opportunities to a diverse supplier base, while ensuring that the Authority receives the highest quality products and services at the most economical costs. The Authority has established a Supplier Diversity Program within the constraints of current resources to advocate, coordinate, and promulgate a level playing field for every qualified firm that seeks its business.

The ideals of fair and equitable business practices are the driving force behind the Authority’s Supplier Diversity Program. The Supplier Diversity Program was not established in response to outside regulatory agencies or mandatory requirements, but serves as an exemplary effort to promote and enhance mutually beneficial business relationships within the diverse communities of which the Authority is a part.

Success of the Supplier Diversity Program is reliant upon the commitment of every Authority staff member and commissioner. The Authority has assigned primary management of the Supplier Diversity Program to the Supplier Diversity Manager. The Supplier Diversity Manager has access to key resources necessary to ensure the effectiveness of the Supplier Diversity Program. Executive Management supports the Supplier Diversity Program and will take an active role in raising awareness among managers, supervisors and suppliers by requesting their cooperation and assistance.

Teamwork and commitment are the hallmarks of making the Supplier Diversity Program successful. Every Authority employee is empowered to take an active role in supporting the Supplier Diversity Program by ensuring that all suppliers with the demonstrated desire and capability to pursue business with the Authority have the opportunity to do so.

DRBA Supplier Diversity Program Statement

The Delaware River and Bay Authority (Authority) recently invited members of the small business community to participate on a Disadvantaged Business Enterprise (DBE) Task Force to assist the Authority in reviewing its procurement policies and procedures in order to identify areas in which the Authority could enhance opportunities for disadvantaged, minority and women owned businesses to participate in its procurement processes.

As a result of that review, and the recommendations made by the Task Force, the Authority is establishing the following Supplier Diversity Program, that will work in conjunction with its existing procurement policies and supplier diversity policy, with the intention of continually evaluating and incrementally making improvements to its procurement practices in order to enhance opportunities for disadvantaged, minority and women owned businesses to do business with the Authority.

1. The Authority will rename the DBE Program to the Supplier Diversity Program to more accurately reflect the Authority’s intention to enhance and increase opportunities for disadvantaged, minority and women-owned firms to participate in Authority procurement processes.

2. The Authority will implement a training program for Authority employees to educate them on the importance of diversity in procurement activities. The Authority believes that knowledge and training are an important component in implementing best business practices so that employees are knowledgeable about the Authority’s goals and feel empowered to fulfill them.

3. The Authority will actively encourage employees to seek out and utilize disadvantaged, minority and women owned firms with the expectation of expanding and diversifying the Authority’s existing supplier base.

4. The Authority will purchase and utilize procurement software to enhance its capabilities to provide small businesses with a means of notification of Authority procurement opportunities, at no cost to them, that are targeted to their areas of interest and expertise; to provide small businesses with information and contact information for prime contractors to enhance their ability to partner with those businesses in providing services to the Authority; to enhance efficiency in the bid submission process and to calculate and report the levels of participation of certified disadvantaged, minority and women owned firms in both the initial procurement process and ultimate participation in Authority contracts.

5. The Authority will establish and maintain a public information center on its website that will provide information on the achievement of all Authority disadvantaged, minority and women owned business goals and participation results in order to keep all of its constituents informed of the results.

6. The Authority will reduce required contract proposal guarantees from the current level of ten percent of the bid amount with a maximum of \$20,000, to a sliding scale beginning at \$2,000 based on the overall dollar value, time restraints and scope of work of the project bid which has the potential to increase participation by

disadvantaged, minority and women-owned firms. Additionally, the Authority, in its sole discretion, will consider waiving the proposal guarantee completely for certain small purchases, when the Authority so determines.

7. The Authority will revise its retention policy for proposal guarantees. The current policy provides that the proposal guarantee of the three lowest bidders will be held until after contract award and execution. The Authority will now retain the guarantee of only the lowest bidder and all other guarantees will be returned following the complete evaluation of bids. By returning proposal guarantees more expeditiously, the Authority believes that it will enable more disadvantaged, minority and women-owned businesses to participate by helping to reduce the burden on their cash flow.

8. The Supplier Diversity Manager will be an active participant in the early stage discussions of the project planning process in order to identify and evaluate opportunities to enhance participation by certified disadvantaged, minority and women owned business.

9. The Authority will expand its policy of calculating and incorporating goals for disadvantaged, minority and women-owned business participation for authority-funded capital contracts above \$250,000 to include the calculation and inclusion of goals for certified disadvantaged, minority and women-owned business participation in professional service contracts that correspond to capital construction projects (e.g. GEC contracts, Project Management contracts, etc.). The Authority believes that this genre of contracts is inclusive of many opportunities for disadvantaged, minority and women owned business participation.

10. The Authority will amend its standard contract language for construction projects that would allow the Authority, in its sole discretion, to consider holding a lower percentage of retainage based on Contractor performance. The Authority believes that reducing the amount of retainage held has the potential to ease cash flow concerns for small businesses in particular and makes working with the Authority more desirable for small companies.

11. The Authority will enhance its outreach to certified disadvantaged, minority and women-owned businesses to make them aware of procurement opportunities as they become available.

12. The Authority will enhance its efforts to actively encourage disadvantaged, minority and women-owned business to register in the DRBA's online registry because all publicly advertised procurement opportunities are e-mailed directly to all registered vendors and this is the best way for businesses to ensure that they receive notification of all opportunities for which they may be interested.

13. The Authority will provide support to disadvantaged, minority and women owned firms by providing information and direction to available sources of assistance. While the Authority does not directly provide certifications, the Authority does actively assist small businesses in submitting applications for certification as disadvantaged, minority and women-owned businesses. Additionally, the Authority stays up to date on the various federally funded programs that have been established to assist small businesses in all aspects of business planning and actively refers small businesses to those programs for assistance.

14. The Authority will continue and enhance its participation in outreach programs supporting disadvantaged, minority and women owned businesses in Delaware and the four counties of New Jersey which it serves. The outreach programs are an effective mechanism for educating small businesses about the Authority's mission, business and procurement opportunities, as well as the assistance that it provides to small businesses.

15. The Authority is committed to reviewing its procurement policies and procedures on a regular basis to assess the effectiveness of its supplier diversity program and to make modifications and adjustments as necessary. The Authority will formally review its policies and procedures after an initial eighteen month period to assess the progress that has been made. The Authority believes that eighteen months is the appropriate window for the first assessment to allow for enough time to purchase, design, install, operate and evaluate the new procurement software and related enhancements. Following the initial review, the Authority will prospectively review its policies and procedures on an annual basis.

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RESOLUTION 09-26 - APPOINTMENT OF THE DEPUTY EXECUTIVE DIRECTOR OF THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, the position of Deputy Executive Director was created to have the primary responsibility for Authority-related economic development within the communities we serve and to be responsible for internal and external communications; and

WHEREAS, in this capacity, the Deputy Executive Director will develop, implement and monitor an annual economic development plan, and effective annual marketing plan, annual communications plan and an annual community giving strategy; and

WHEREAS, the Deputy Executive Director reports to the Executive Director and will also be responsible for governance matters related to Authority resolutions, monthly meetings, the Authority By-laws, and assist with state and local government liaisons; and

WHEREAS, the Deputy Executive Director's job responsibilities were more fully detailed and approved by the Board in Resolution 04-04; and

WHEREAS, Frank W. Minor was recommended for the position of Deputy Executive Director; and

WHEREAS, the Commissioners of the Delaware River and Bay Authority have met with and interviewed Mr. Minor and determined that he is fully qualified to serve as Deputy Executive Director; and

NOW, THEREFORE, BE IT RESOLVED, that Frank W. Minor is hereby appointed as the Deputy Executive Director of the Authority effective June 29, 2009.

A motion to approve Resolution 09-26 was made by Commissioner Dorn, seconded by Commissioner Smith, and approved by a roll call vote of 9-0.

The Executive Director thanked Don Rainear for his friendship and counsel.

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RESOLUTION 09-27 - RECOGNIZES AND SALUTES F. MICHAEL PARKOWSKI FOR HIS DEDICATED SERVICE TO THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, F. Michael Parkowski was appointed by Governor Ruth Ann Minner to serve as a Commissioner for the Delaware River and Bay Authority, participating in his first Commission Meeting on May 20, 2003; and

WHEREAS, Mr. Parkowski served with distinction, enthusiasm and dedication as a Delaware River and Bay Authority Commissioner – shepherding the bi-state agency as either its Chairman or Vice-Chairman for his entire tenure; and

WHEREAS, Mr. Parkowski, through his experience and knowledge gained as both a prominent attorney and public servant in other governmental organizations, helped to shape and effectuate policy at the Delaware River and Bay Authority; and

WHEREAS, as a DRBA Commissioner, Mr. Parkowski 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, Mr. Parkowski was a key proponent regarding the establishment of the Authority's Disadvantaged Business Enterprise (DBE) Task Force, which promoted the agency's outreach efforts and expanded business opportunities for minority and women-owned companies; and

WHEREAS, Mr. Parkowski was instrumental in the creation of the agency's By-Laws to improve governance and oversight as well as the adoption of numerous policies and procedures that enhanced accountability and strengthened corporate governance; and

WHEREAS, Mr. Parkowski willingly supplied his 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 F. Michael Parkowski for the invaluable services rendered by him to the States of Delaware and New Jersey through his 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, April 21, 2009.

A motion to approve Resolution 09-27 was made by Commissioner Hogan, seconded by Commissioner Simmerman, and approved by a roll call vote of 9-0.

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RESOLUTION 09-28 - RECOGNIZES AND SALUTES THOMAS J. COOPER FOR HIS DEDICATED SERVICE TO THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, Thomas J. Cooper was appointed by Governor Ruth Ann Minner to serve as a Commissioner for the Delaware River and Bay Authority, participating in his first Commission Meeting on May 20, 2003; and

WHEREAS, Mr. Cooper served with distinction, enthusiasm and dedication as a Delaware River and Bay Authority Commissioner, guiding both the Audit Committee and Ad-hoc By-Laws Committee as Chairman and sharing his expertise as a member of the Budget and Finance and Economic Development Committees; and

WHEREAS, Mr. Cooper, through the experience and understanding as a successful real estate entrepreneur, helped to shape and effectuate policy at the Delaware River and Bay Authority; and

WHEREAS, as a DRBA Commissioner, Mr. Cooper 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, Mr. Cooper advocated the creation and adoption of a new Marine Master Plan for the Cape May – Lewes Ferry, which provides the blueprint for future enhancements and improved efficiencies at the ferry operation; and

WHEREAS, Mr. Cooper was instrumental in the creation of the agency's By-Laws to improve governance and oversight as well as the adoption of numerous policies and procedures that enhanced accountability and strengthened corporate governance; and

WHEREAS, Mr. Cooper willingly supplied his 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 Thomas J. Cooper for the invaluable services rendered by him to the States of Delaware and New Jersey through his 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, April 21, 2009.

A motion to approve Resolution 09-28 was made by Commissioner Lowe, seconded by Commissioner Dorn, and approved by a roll call vote of 9-0.

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9972. COMMISSIONERS PUBLIC FORUM

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

Frank Bankard, Local 542, spoke on issues such as parity, part-time jobs and job replacements.

Beth Smithson, Big Sky gave the following prepared statement to the Board.

“Good morning Commissioners – My name is Beth Smithson, my husband and I own Big Sky Aviation. We are a tenant at your Millville and Cape May airport facilities.

Last month, we attended the Commission Meeting to bring our concerns to the Board relating to a competitor at our Millville location that was severely delinquent in rents and flow fees due to the DRBA. Since that meeting on more than one occasion we have heard from DRBA officials that the situation was near a resolution, but it is our understanding that - one

month later – the only progress made is that the Jet Center has operated at the airport for another month without paying rent or flow fees. Shortly after last month’s meeting, a DRBA representative told us that we’d be the first to know if there was a resolution to this issue – and we’ve heard nothing.

While we’ve made every attempt to channel our concerns through the appropriate authorities, our efforts have been met with apathy and hollow words. We take exception to the competitive advantage the DRBA has allowed the Millville Jet Center by allowing them to operate at the airport without payment.

Late last week, signs were posted at the T-hangars notifying a customer of eviction. If the DRBA is concerned about \$185/month from a small t-hangar tenant, surely the Jet Center’s rent and flow fee delinquency should also warrant severe consequences.

Next week is the first of three major race weekends this year at the NJ Motorsports Park. Last year, the aircraft landing at the field purchased a significant quantity of fuel. As a professional FBO, looking to establish long term relationships with our customers by charging fair prices and providing excellent service, we are enraged as we see the Jet Center using this airport as a platform to profit – but not even paying their rent and flow fees. As a tenant in good standing, we contend that the Jet Center should face immediate eviction and have their retail and self-fueling privileges revoked immediately.

While our business philosophy is our personal choice, providing a level playing field without discrimination is the DRBA’s **obligation**. You see, we cannot afford to occupy the other beautiful new hangar at Millville Airport, because we live within a budget with the presumption that our vendors require payment. However, if payment is only optional, I’m certain we could attract more business in a brand new facility – like the one that our competitor occupies.

We are outraged by the lack of response to our concerns and are now exploring other avenues for resolution. As an airport that accepts federal funding, Millville Airport must adhere to the guidelines of the Federal Aviation Administration’s Airport Compliance Program. One of the major obligations of this program is that the airport operator provides the “availability of fair and reasonable terms without unjust discrimination”. We strongly feel that the current actions, or lack thereof, are the basis for discrimination against our company. As such, we will be filing a discrimination complaint this week with the FAA. This will initiate an investigation on their part, and may stop FAA funding until a resolution is reached. We must do what we feel is necessary to protect our interests as time is of the essence.

I thank you for your time”.

Chairperson Hogan, on the advice of counsel, said that he cannot publicly comment at this time due to potential litigation but he is kept up-to-date by staff and counsel.

Commissioner Simmerman requested Big Sky delay the filing with the FAA until further negotiations can be made.

NJ Attorney Norcross stated that he has a meeting with interested parties on the issue today and will factor Mrs Smithson’s comments.

Bill McHugh, MEBA spoke. He stated that he has been negotiating with staff since 2007 and felt that a good faith agreement had been reached that he viewed as a deal in principal. He said he’s trying to move the negotiations forward with no success.

Next, Vincent Ascione, Local 542, spoke. He said that there is a lot of frustration and anger among the employees of 542. He said he understood and respected the Governors of Delaware and New Jersey in relation to pay freezes in 2009; but, he would like to move on to the negotiations for 2010 and 2011. He noted there are still parity issues. He congratulated the new Commissioners on their appointments.

Mr. Herman Holloway, Jr, of IMAC recognized Wilmington Community Activist, Sandra Drew.

Commissioner Dorn said that he is extremely proud of the Commissioners, DBE Task Force, and staff for preparing the Supplier Diversity Policy and Program.

Chairperson Hogan thanked the Board of Commissioners and the DBE Task Force for their time on the project and recognized their willingness to work together to accomplish the task.

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

The meeting was adjourned 11.40 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary