

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, June 20, 2006
President's Board Room
Delaware State University
1200 DuPont Highway
Dover, Delaware 19901

The meeting convened at 11:18 a.m. with Vice-Chairperson Parkowski presiding.

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

Vice-Chairperson Parkowski called on Senator and Freeholder Director, Stephen M. Sweeney of Gloucester County, New Jersey to bestow the Oath of Office to Mrs. Ceil Smith of Salem County, New Jersey, the Board's newest Commissioner.

Vice-Chairperson Parkowski stated that he was proud to have everyone here at the Delaware State University where he has been on the Board for the last 12 years and has seen positive results in its leadership. He then introduced Dr. Allen Lee Sessoms, President, Delaware State University.

Dr. Sessoms stated that he was pleased to host the Commissioners meeting and that the Authority has been a great partner to the University. He then invited everyone to tour the campus.

Following Dr. Sessoms comments, Vice-Chairperson Parkowski called on Chairperson Simmerman and Vice-Chairperson Patterson of the Budget & Finance Committee to the podium. Commissioners Simmerman and Patterson presented the college with a \$10,000 Community Contributions check in support of the University's work in higher education and research in the Delaware Bay.

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

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

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Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Edward W. Dorn
Niels S. Favre
Maureen T. Koebig
Gary F. Simmerman
Ceil Smith

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

ABSENT

Warren S. Wallace, Chairperson

Vice-Chairperson Parkowski noted that Chairperson Wallace had a scheduling problem and offered his apologies for not attending today's meeting. The Vice-Chairman said

that he will be chairing the meeting in his absence. The Vice-Chairperson then read a prepared statement from Dr. Wallace that he would not seek reappointment for another term after his July 1, 2006 appointment ended and that he thanked everyone for their comradery and friendship.

Vice-Chairperson Parkowski said that he had a favorable relationship with Dr. Wallace and that the Commissioners must move forward and follow the By-Laws and elect a chairperson..

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9427. APPROVAL OF THE MAY 16, 2006 MINUTES

On motion by Commissioner Simmerman, seconded by Commissioner Smith, the May 16, 2006 meeting minutes were approved by a voice vote of 11-0.

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9428. EXECUTIVE DIRECTORS REPORT

The Executive Director presented the following highlights that occurred within the Authority during the month of May. He noted one correction to his original report previously distributed. The commercial traffic at the Delaware Memorial Bridge increased by 2.5% not decreased as previously reported.

Delaware Memorial Bridge

Total traffic during the month of May decreased 3.5%, compared to May 2005. Non-commercial traffic declined 4.4% and commercial traffic increased 2.5%. When compared to the three-year average, May traffic increased 2.0%. Total traffic year-to-date increased 2.2% over the three-year average. E-Z Pass traffic for May represented 55.6% of the total traffic, compared to 51.4% for the previous year.

Annual spring maintenance work (bridge painting, deck resurfacing, and miscellaneous steel work) that involved closing two of four lanes on either span was completed prior to Memorial Day weekend. This work will resume following Labor Day, as planned.

Cape May Lewes Ferry

In May, vehicle traffic decreased 0.4% and passenger traffic increased 0.3%, when compared to May 2005. Compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic increased 3.0% and 2.0%, respectively. In May 36.7% of all ferry reservations were made on the Internet.

In May, CMLF food and retail sales were up 5.9% and 10.9%, respectively, from May 2005. Compared to the average of the last three years, year-to-date food and retail sales increased 12.3% and 0.2%, respectively.

Commissioner Koebig, Jim Walls, and George Ianetta toured our current vendor, U.S. Foods facilities in Swedesboro, NJ. This visit included a tour of their product distribution center, meat processing supplier facilities, and many food products under consideration for our CMLF operation.

Cape May Customer Service Representatives attended a Service Leadership Training Seminar at Atlantic Cape Community College in Cape May Court House that included tips on how to improve customer service and how to interact with customers.

On May 10, 2006 the Police Unity Tour bicycle riders rode the Cape May – Lewes Ferry on their journey from the World Trade Center Ground Zero in New York City to the Washington Monument in Washington, D.C. This has been an annual event since 2002.

Airports

Staff continued the planning and preparations for the start-up of scheduled service at New Castle Airport by Delta Connection carrier Atlantic Southeast Airlines in June. Our in-house maintenance crews and external contractors are progressing well with making the necessary renovations and improvements to the New Castle Airport terminal to include lighting, security, interior renovations, aesthetic improvements, and baggage-handling accommodations. Staff has been facilitating the coordination of outreach efforts with the business community and Visitor and Convention leaders regarding Delta Airlines service.

The Environmental Assessment of property to be included in the New Jersey Motorsports Park at the Millville Airport is currently available for public review. This document, which will be submitted to the U.S. Department of Transportation, FAA, is on display for public comment at the Millville Army Airfield Museum at the Millville Airport, as well as the Millville Public Library. This public comment period was announced in the Federal Register Volume 70, Number 83, on May 2, 2006 and the due date for comments was June 1st.

The interior renovation of the Dover AFB Civil Air terminal was completed prior to the June NASCAR race. Our employees did most of this work, which included new handicapped accessible bathroom facilities, and HVAC and electrical upgrades.

Finance

Victor Ferzetti, Acting CFO and Joe Larotonda, Comptroller attended the Government Finance Officers Association (GFOA) conference.

Staff reviewed and discussed the audit findings with Bowman & Company for calendar year 2005. Staff completed the 2005 Comprehensive Annual Financial Report (CAFR).

Public Relations

The Delaware River and Bay Authority Scholarship Committee met to determine scholarship recipients for the 2006-07 academic year. The following students were chosen to receive awards: Jacqueline Barnard - \$5,000.00 Academic Excellence; Thomas Maloney - \$3,000.00 Community Service; Ross Thompson - \$3,000.00 Merit Assistance. These students come highly recommended by the DRBA Scholarship Committee because of their commitment to their education and communities. Congratulations, scholarship winners! Human Resources Manager Andrew Ritchie attended the Cape Henlopen High School Senior Awards Ceremony to present the Delaware River and Bay Authority Merit Assistance Scholarship Award to Ross Thompson.

Cpl. Rich Moudy and PFC Jim Morton participated in a motorcycle escort for the National Law Enforcement Memorial Policy Unity Bicycle Tour from Florham Park, NJ, to the Maryland State Line on May 9-11, 2006.

M/Cpl. Dave Winch and PFC Luther Dashiell represented the Authority at the annual National Police Memorial Services in Washington, D.C.

Safety

The Authority had a good safety performance record during the month of May. Year-to-date employee injuries are 35 versus 39 for the same period in 2005. Lost workday injuries are holding steady at three versus eight, compared to last year.

Employee Happenings

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

Authorized Positions	481
Positions Filled	444
Positions Filled (on LTD)	6
Total Positions that are Vacant	31
Vacant Positions in the Hiring process	15

Human Resources conducted two Cape May and Lewes job fairs to encourage casual and seasonal recruitment on Saturday, May 6 and Saturday, May 13, 2006. Interest in the events was strong.

Larry Sharp, manager of marketing for the Cape May Lewes Ferry received the prestigious 2006 “Delaware Tourism Person of the Year”. The award was presented by Governor Minner at the Governor’s Annual Conference on Tourism on May 18, 2006. Congratulations to Larry on this outstanding accomplishment.

Colonel McCarnan and Lt. Dennis Craighton traveled to Louisville, Kentucky, on May 10th to attend the Southern Police Institute (SPI) graduation recognition dinner and formal graduation ceremony on May 11, 2006, for Sgt. Thomas Quigg. Sgt. Quigg completed the 13-week Police Administrative/Leadership program offered by SPI. Congratulations to Sgt. Quigg.

Congratulations go to Dennis Craighton, Dave Hoppenjans, Gerry DiNicola-Owens, Adam Thompson, Ken Sheeky, Jason Kirchner, Paul Barnard, Dale Findlay, and Jill Wolfe for receiving their Masters’ Degrees in Strategic Leadership from Neumann College.

Thirteen DRBA officers attended the Third Annual Spring Training Conference of NOBLE (National Organization of Black Law Enforcement Executives) which was held on May 26th, with its theme of “Leadership in Crisis.”

Upcoming Events

- June 23 Customer Appreciation Event, Lewes Ferry terminal
- July 3 Fourth of July celebrations, Cape May & Lewes
- July 5 Committee Meetings, New Castle, Delaware
- July 18 Commission Meeting, New Castle, Delaware

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9429. COMMITTEE REPORT – BUDGET & FINANCE

Commissioner Simmerman presented the following Budget & Finance meeting minutes for June 6, 2006. He noted that, since the Committee meeting, there were discussions regarding the Optima Bus Corporation on Resolution 06-31 and that the Kalmar Nyckel may be added to Resolution 06-30, Community Contributions, for a contribution in the amount of \$5,000.00.

BUDGET & FINANCE COMMITTEE MEETING

Tuesday, June 6, 2006

Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Budget & Finance Committee was held on Tuesday, June 6, 2006, 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 Koebig
Commissioner Smith

Committee Vice-Chair Patterson
Commissioner Hensley, Committee Member
Commissioner Lathem, Committee Member
Commissioner Cooper
Commissioner Lowe

Legal Counsel

Mike Houghton – DE

Staff

Authority Secretary

Jim Johnson, Jr.
Victor Ferzetti

Tom Pankok

Jim Walls
Trudy Spence-Parker
Gerry DiNicola Owens
Joe Larotonda
Ken Hynson
Kelly Phillips Parker
Michael Schirmer
AJ Crescenzi
Heath Gehrke

- I. Committee Chair Simmerman welcomed the Budget & Finance Committee and opened the meeting at approximately 9:08 a.m. The Authority Secretary reported that the public meeting of the Budget & Finance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. Committee Chair Simmerman requested an Executive Session for Commissioners, Executive Director, Deputy Executive Director, and Legal Counsel to discuss matters of a confidential nature. On motion by Commissioner Favre, seconded by Commissioner Lathem, the Session was closed.

Commissioner Smith, from Salem County, New Jersey, was in attendance; however, did not participate in discussions. Commissioner Smith will be officially sworn in at the June meeting.

The following matters of a confidential nature were discussed.

- LEGAL MATTERS

Staff returned and the Session was opened to the Public.

- III. The Committee reviewed the Community Contribution requests for the month of June. All New Jersey requests were placed on hold with the exception of the request from the City of Cape May for the 4th of July Fireworks. Delaware requests were reviewed and Committee Vice-Chair Patterson reported that an additional request from Read Aloud Delaware may be included in the Resolution after he has reviewed the documentation. Commissioner Lathem questioned whether organizations that have been denied funding, receive notification. Ken Hynson reported that all denied organizations receive a letter. After review, on motion by Commissioner Patterson, seconded by Commissioner Favre, the Committee recommended approving the requests as presented. A Resolution will be presented to the full Board for consideration at the June meeting.
- IV. The Acting Chief Financial Officer presented an opportunity for consideration to purchase two buses for the Lewes Terminal transportation operations. The Authority lost two buses due to maintenance problems last year; however, the Authority was able to lease two buses from Delaware Transit Authority. The Delaware Transit Authority leased buses will not be available for the Authority to lease this year and the Authority has been investigating additional means of providing this transportation. As part of a bus purchasing consortium, Hampton Roads, Virginia did not utilize their total options and two buses are available from Optima Bus. The cost of each bus would be approximately \$260 thousand with an option for handicap accessibility at no additional charge. This contract expires July 1, 2006. If the Authority were to develop and conduct an RFP process, the delivery date for buses would be 2007. The Acting CFO reported that this matter is more of a timing issue rather than a cost issue, since we anticipate a price increase on buses in 2007. The Centralized Purchasing Manager added that a price quote received from another bus company was comparable to the Optima quote.

The Acting CFO reported that the Committee, in accordance with the Authority's procurement Resolution 98-31, has the authority to waive the bidding process and

to report the action to the full Board. Commissioner Favre questioned whether there was documentation concerning the consortium's process. The Centralized Purchasing Manager reported that she had verbally confirmed and requested the supporting documentation. The Committee also questioned the difference in transportation on the New Jersey side and the Policy and Planning Coordinator explained those differences. Staff recommended the Committee waive the bidding process, that the Authority piggy back on the consortium public process by utilizing the Hampton Road's options, and to add Optima Bus Company to the Over \$25,000 vendor list. After discussion, on motion by Commissioner Lathem, seconded by Commissioner Cooper, the Committee waived the bidding process and authorized staff to add Optima Bus Company to the Over \$25,000 vendor list.

V. The Acting Chief Financial Officer reviewed the proposed Resolution listing vendors over \$25,000. It was noted that Optima Bus Company would be added to the list. After review, on motion by Commissioner Lathem, seconded by Commissioner Hensley, the Committee recommended approval of the vendor list. A Resolution will be presented to the full Board for consideration at the June meeting.

VI. The Acting CFO reported that in 2004, the Board made the decision to add a position for a Disadvantaged Business Enterprise (DBE) Coordinator and adopted as part of the 2005 Operating Budget. The Acting CFO introduced Michael Schirmer, the Authority's DBE Coordinator. Mr. Schirmer provided a presentation on the Authority's DBE Program. The following was presented.

- DBE Overview
 - DBE – Federal Terminology
 - Minority-owned Business Enterprise/Women-owned Business Enterprise State/Local Terminology (MBE/WBE)
 - Legal Standards
- Delaware River and Bay Authority DBE Program
 - Ensure DBE's, as defined by 49 CFR, Part 26, have an equal opportunity to bid on, receive, and participate in the Authority's FAA-assisted contracts and sub-contracts.
 - Awareness
 - Monitoring and Compliance
 - Goal Setting and Achievement
 - DBE Utilization Goals & Results
- Recommendations
 - Apply DBE utilization methodology to Authority-funded construction projects within the Capital Improvement Program (CIP) and to include certified DBEs, MBEs and WBEs
 - Follow the same approach as with the Authority's Prevailing Wage – Projects over \$250,000 for a 2-year trial period

The DBE Program Manager also reported that he would be conducting a symposium, in conjunction with Mr. Rock Brown, a local contractor, in order to assist and guide local contractors through the DBE Certification process.

The Committee discussed staff's recommendations and directed staff to prepare a Resolution, reflecting the recommendations, for full Board consideration at the June meeting.

With no further business to discuss, on motion by Commissioner Lathem, the Budget & Finance Committee adjourned at 10:50 a.m.

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9430. COMMITTEE REPORT – PERSONNEL & INSURANCE

Commissioner Dorn presented the following Personnel & Insurance meeting minutes for June 6, 2006.

PERSONNEL & INSURANCE COMMITTEE MEETING

Tuesday, June 6, 2006

Delaware Memorial Bridge Complex

New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Personnel & Insurance Committee was held on Tuesday, June 6, 2006, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Dorn

Commissioner Koebig, Committee Member

Commissioner Favre

Commissioner Simmerman

Commissioner Smith

Committee Vice-Chair Lathem

Commissioner Cooper, Committee Member

Commissioner Lowe, Committee Member

Commissioner Hensley

Commissioner Patterson

Staff

Jim Johnson

Don Rainear

Victor Ferzetti

Jim Walls

Trudy Spence-Parker

Gerry DiNicola Owens

Authority Secretary

Tom Pankok

- I. Committee Chair Dorn welcomed the Personnel & Insurance Committee and opened the meeting at approximately 10:54 a.m. The Authority Secretary reported that the public meeting of the Personnel & Insurance Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

Commissioner Smith, from Salem County, New Jersey, was in attendance; however, did not participate in discussions. Commissioner Smith will be officially sworn in at the June meeting.

- II. The Committee Chair requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Lowe, seconded by Commissioner Lathem, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS
- CURRENT LITIGATION

With no further business to discuss in Executive Session, on motion by Commissioner Lathem, seconded by Commissioner Koebig, the session was opened to the public.

With no further business to discuss, the Personnel & Insurance Committee meeting adjourned at 11:34 a.m.

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9431. COMMITTEE REPORT – PROJECTS

Commissioner Hensley presented the following Projects Committee meeting minutes for the of June 6, 2006.

PROJECTS COMMITTEE
Tuesday, June 6, 2006
Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Tuesday, June 6, 2006, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Hensley, Committee Chair
Commissioner Patterson, Committee Mbr
Commissioner Lowe, Committee Mbr
Commissioner Cooper
Commissioner Lathem

Commissioner Dorn, Committee Vice Chair
Commissioner Simmerman, Committee Mbr
Commissioner Koebig, Committee Mbr
Commissioner Favre
Commissioner -Elect Smith

Staff

Authority Secretary

Jim Johnson
Don Rainear
Jim Walls
Trudy Spence-Parker
Gerry DiNicola-Owens
Victor Ferzetti
John Jones
John McCarnan
Steve Williams
Heath Gehrke
Kelly Phillips-Parker
A. J. Crescenzi
John Sarro
Anne Marie Gonnella-Rosato
Jack Cawman

Tom Pankok

Guest
Vincent Ascione, Local 542

- I. The Projects Committee meeting convened at approximately 11:55 AM. Those in attendance were provided an informational package consisting of an agenda, a bid tab, a contract close-out letter, and the monthly contractor payment chart.
- II. Bid Openings/Award Actions: The COO presented one bid tab to the Committee for consideration (CMLF-06-01, Fuel and Monitoring System for CMLF and MVA). Two (2) responsive bids were received at the May 25th bid opening. Staff recommended award to TTI Environmental, the responsive low bidder. The Projects Committee concurred with the recommendation and authorized the award action to be presented at the June board meeting.
- III. Contract Close-Out Actions: The COO presented contract DMB-05-02, Hydraulic Elevating Work Platform for close-out. This equipment contract was awarded to Utility One Source of Bethlehem, Pennsylvania for the bid price of \$73,194.00. Staff recommended and the Projects Committee concurred that the contract be closed at a final contract price of \$73,194.00.
- IV. Miscellaneous Items/Updates:
 - CMLF Marine Master Plan Update (CS-05-04R): The COO reported that seven (7) firms submitted proposals and that after panel scoring, four firms have been selected for shortlist interviews on June 13th. Staff informed the Committee that the plan was to present an award recommendation in July.

- ASA (Delta) Airlines Update: This initiative entails the beginning of a commercial airline service at the New Castle County airport. Delta Airlines/Atlantic Southeast Airlines (ASA) plan to provide transport to and from Atlanta, Georgia twice daily, seven days a week. Details of a ribbon cutting/inaugural flight ceremony are being worked out; however, it appears that the event will be held on June 28th. Flights are planned to begin on June 29th. Capital improvements that were agreed to be completed by the Authority are on schedule.
- Three Forts Crossing Update: The Acting Director of Ferry Operations provided information regarding intended use of the MV Delafort for special events in partnership with the State Park that could serve as a revenue source while the fort is closed beginning in August. Details still need to be worked out. The Executive Director intends to sign a Letter of Agreement with the State Park to document how these special events will be handled. Commissioner-Elect Smith complimented the idea.
- Incident Command Presentation: Lt. Jack Cawman provided a briefing on the Authority's Incident Command System. Staff commented that this system has been in place for many years and has worked well in many past situations. The system is synchronized with what state and federal jurisdictions are doing as well. The presentation was well received with Commissioner Favre complimenting the system and presentation by staff.

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

VI. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 12:40 PM.

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9432. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Koebig presented the following Economic Development meeting minutes for June 6, 2006.

ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, June 6, 2006

Delaware Memorial Bridge Complex
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Economic Development Committee was held on Tuesday, June 6, 2006, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

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

Committee Vice-Chair Lowe
Commissioner Cooper, Committee Member
Commissioner Lowe, Committee Member
Commissioner Hensley
Commissioner Patterson

Staff

Don Rainear
Victor Ferzetti
Jim Walls
Trudy Spence-Parker
Gerry Owens
AJ Crescenzi

Michelle Griscom-Collins
Anna Marie Gonnella Rosato
Heath Gehrke
John Sarro
Kelly Phillips Parker

- I. The Committee Chair Koebig welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 11:35 a.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

Commissioner Smith, from Salem County, New Jersey, was in attendance; however, did not participate in discussions. Commissioner Smith will be officially sworn in at the June meeting.

- II. The Deputy Executive Director provided an update on the following projects.

Delaware Airpark

The Deputy Executive Director reported that the State of Delaware has been acquiring land surrounding the Delaware Airpark as part of the Airport Master Plan, developed for the State of Delaware before the Authority acquired the operations. Michelle Griscom-Collins reviewed the proposed Resolution Amending Resolution 06-08 Relating to the Modification of the Ground Lease Between the State of Delaware and the Delaware River and Bay Authority to include the acquired parcels totaling approximately 100 acres. The 95% Federal Funding is provided by the FAA and should be received in July. The remaining 5% will be funded by the State of Delaware.

Michelle Griscom-Collins then reviewed the proposed Resolution Amending the Ground Lease Between the State of Delaware and the Delaware River and Bay Authority Relating to the Delaware Airpark. This Amendment authorizes the Authority to enter into leases and other arrangements with tenants of the Airport that extend beyond the Initial Term and into the renewal terms granted to the Authority, but not yet exercised by the Authority. This Amendment is similar to the one at the New Castle Airport, and eventually be developed for all of the Airports operated by the Authority.

After review, on motion by Commissioner Patterson, seconded by Commissioner Lowe, the Committee unanimously recommended approval of both Resolutions. The Resolutions will be presented to the full Board for consideration at the June meeting.

Salem Business Centre Sale

The Deputy Executive Director reported that the Agreement had been signed by the Heritage Group and is currently being reviewed by Legal Counsel. The settlement date is dependant on the finalization of the Lease Agreement with Clement Pappas. Negotiations with Clement Pappas should be finalized in July.

- III. Sports at the Beach

Commissioner Cooper reported that he attended a meeting regarding Sports at the Beach, a Sussex County recreational facility. Commissioner Cooper met with legislators, Sussex County Council, and various Delaware tourism representatives. The complex consists of approximately 90 acres with 21 baseball/softball fields, dormitories, and pool.

It was further reported that a former DRBA Commissioner is one of the principal owners of the facility, and would like to sell the complex. The former Commissioner was approached by Pete Townsend and Ron Barrows, regarding

the possibility of the DRBA providing funding to purchase the facility through the Horsey Youth Foundation, a 501(c)3 non-profit organization. Commissioner Cooper reported that the facility could be purchased for approximately \$9 million with 1/3 each provided by the DRBA, Sussex County, and the State of Delaware with the DRBA having a first lien position.

Commissioner Cooper reported that he met with the Authority's Delaware Legal Counsel as to whether the Authority could provide funding as an Economic Development project, and requested Committee consideration. Commissioner Simmerman questioned whether the project had been discussed with the Deputy Executive Director and Commissioner Cooper reported that he would discuss and provide the financial information as well. Commissioner Lowe requested that the Horsey Foundation provide a presentation to the Committee.

Commissioner Cooper will update the Committee pending further information from the State of Delaware regarding their will to commit to partially fund the project.

There being no further business to discuss, on motion by Commissioner Dorn, the Economic Development Committee adjourned at 11:55 a.m.

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9433. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

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

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

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9434. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

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9435. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart showing expenses by division for the quarter to date (through May 31, 2006) 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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9436. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of May showing the capital budget for crossing and economic development projects and dollars committed to date for the

projects. The chart also includes cash expenditures spent to date for the committed projects.

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

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9437. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MAY 31, 2006.

The Acting CFO presented a chart 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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9438. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract CMLF-06-01 Fuel and Monitoring System for the CMLF and Millville Airport
- Close-out DMB-05-02 Hydraulic Elevating Platform
- Resolution 06-30 Approval of Community Contribution Requests
- Resolution 06-31 Authorizes Expenditures \$25,000 and Over
- Resolution 06-32 Adopts a Disadvantaged Business Enterprise (DBE) Policy on a Trial Basis for all Authority-funded Capital Construction Contracts in Excess of \$250,000
- Resolution 06-33 Amends Res. 06-08 Relating to the Modification of the Ground Lease between the State of Delaware and the Authority
- Resolution 06-34 Amends the Ground Lease between the State of Delaware and the Authority relating to the Delaware Airpark

There were no comments from the public.

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9439. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

The Chief Operating Officer (CFO) read the following Summary of Authorized Contract Payments for June, 2006.

<u>Contractor</u>		<u>Payment</u>
DMB-06-01	Eastern Highway Specialists	\$160,177.50
DMB-05-02	Utility One Source	\$ 10,979.10
DMB-04-04	J.D. Eckman, Inc.	\$474,608.95
DMB-02-01	Daisy Construction	\$ 83,602.98
DMB-01-06	Cianbro Corporation	\$242,488.55
CMLF-05-04	Colonna’s Shipyard, Inc.	\$586,956.40
NCA-01-02	Diamond Materials	\$418,978.34
MVA-04-01	Delta Line Construction	\$ 31,715.60
MVA-04-03	Stanker and Galetto, Inc.	\$ 5,505.00

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9440. APPROVAL OF FUEL AND MONITORING SYSTEM FOR THE CAPE MAY-LEWES FERRY AND MILLVILLE AIRPORT CONTRACT CMLF -06-01.

Vice-Chairperson Parkowski presented one bid tab for the Fuel and Monitoring System for the Cape May-Lewes Ferry and the Millville Airport. The low bid of \$274,500.00 which includes Alternate A was submitted by TTI Environmental, Inc., of Marlton, New Jersey. The COO and the Projects Committee recommend awarding the bid to the low bidder noted above.

A motion to award the contract to TTI Environmental, Inc. was made by Commissioner Simmerman, seconded by Commissioner Hensley and approved by a roll call vote of 11-0.

9441. APPROVAL OF FINAL PAYMENT OF CONTRACT DMB-05-02, HYDRAULIC ELEVATING WORK PLATFORM, DMB.

On March 30, 2006 Contract No. DMB-05-02, Hydraulic Elevating Platform, was awarded to Utility One Source of Bethlehem, Pennsylvania for the bid price of \$73,194.00.

During the contract period there were no change orders for the project.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$73,194.00.

On motion by Commissioner Favre, seconded by Commissioner Lathem, Contract DMB-05-02 was approved for close-out by a roll call vote of 11-0.

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9442. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD.

Vice-Chairperson Parkowski noted the addition of the Kalmar Nyckel to Resolution 06-30. Commissioner Patterson stated that the Kalmar Nyckel was approved for a community contribution in the amount of \$15,000 earlier this year but withdrew its application due to a change in the initial project. Originally, the application was submitted as a joint project between the Kalmar Nyckel and the City of Wilmington; however, they later decided to work independently. The Kalmar Nyckel decided to go ahead with its project and submitted a new application for consideration this month. The Executive Director noted the addition of the Kalmar Nyckel to the Resolution in the amount of \$5,000.00 bringing the Delaware contributions to \$45,175 and the grand total to \$50,175.00 for both New Jersey and Delaware for the month of June.

RESOLUTION 06 - 30 APPROVAL OF COMMUNITY CONTRIBUTION REQUESTS

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

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

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

WHEREAS; the Budget and Finance Committee met and approved Community Contributions for the month of June 06; and

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

Community Contributions

New Jersey

City of Cape May \$ 5,000

Total \$ 5,000

Delaware

AFL-CIO Community Service of Delaware Incorporated \$ 5,000
 Bayhealth Foundation \$ 10,000
 Bus Zebley Youth Baseball \$ 2,600
 Delaware Hospice Incorporated \$ 3,575
 Most Worshipful Price Hall Grand Lodge \$ 7,500
 Opera Delaware Incorporated \$ 5,000
 The Achievers Incorporated \$ 2,500
 The Mary Campbell Center Incorporated \$ 4,000
 Kalmar Nyckel Foundation, \$5,000

Total ~~\$ 40,175~~ \$ 45,175

Grand Total (New Jersey and Delaware) ~~\$ 45,175~~ \$ 50,175

A motion to approve Resolution 06-30 as amended was made by Commissioner Simmerman, seconded by Commissioner Dorn. With Commissioner Favre abstaining from voting on the City of Cape May and Commissioner Lathem abstaining from voting on the AFL-CIO Community Service of Delaware Inc. and the Most Worshipful Price Hall Grand Lodge, Resolution 06-30 was approved by a roll call vote of 11-0 with the above noted abstentions where such votes were 10 in favor and 1 abstention.

* * * * *

RESOLUTION 06-31 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2006.

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

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

DELAWARE RIVER & BAY AUTHORITY
 PROJECTED VENDORS TO BE PAID OVER \$25,000
 OPERATION EXPENDITURES
 FOR THE PERIOD 1/1/06 THROUGH 12/31/06

VENDOR	SERVICE DESCRIPTION	DETERMINATION
The Harbeck Company, Inc.	Diversity Training	Quotes
Optima Bus Corporation	Bus Purchase	Consortium Contract Assignment

Penn-Jersey

Oshkosh vehicle replacement parts

Sole Source

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

Vice-Chairperson Parkowski noted that Resolution 06-31 drew questions from the Commissioners regarding Optima Bus Corporation for the purchase of two buses for shuttle service at the Lewes Ferry. Some Commissioners felt that they would like more information about the Delaware shuttle service prior to purchasing the buses. Vice-Chairperson Parkowski introduced the Resolution as presented and called for a motion.

A motion to approve Resolution 06-31 as presented was made by Commissioner Cooper, seconded by Commissioner Lowe. Commissioners Favre, Koebig, Cooper and Lowe voted in favor. Commissioners Dorn, Simmerman, Smith, Hensley, Lathem, Patterson and Parkowski voted against. With the roll call vote cast, Resolution 06-31 failed by a vote of 4 in favor and 7 against.

RESOLUTION 06-31, Amended - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2006.

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

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

DELAWARE RIVER & BAY AUTHORITY
PROJECTED VENDORS TO BE PAID OVER \$25,000
OPERATION EXPENDITURES
FOR THE PERIOD 1/1/06 THROUGH 12/31/06

VENDOR	SERVICE DESCRIPTION	DETERMINATION
The Harbeck Company, Inc.	Diversity Training	Quotes
Penn-Jersey	Oshkosh vehicle replacement parts	Sole Source

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 06-31, as amended, by the deletion of the Optima Bus Corporation was made by Commissioner Simmerman, seconded by Commissioner Favre and approved by a roll call vote of 11-0.

* * * * *

RESOLUTION 06-32 – ADOPTS A DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY ON A TRIAL BASIS FOR ALL AUTHORITY-FUNDED CAPITAL CONSTRUCTION CONTRACTS IN EXCESS OF \$250,000

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 currently incorporates Federal DBE requirements in all projects of the Authority that receive FAA funding in excess of \$250,000; and

WHEREAS, the Authority, as a matter of policy, desires to incorporate this same policy for a two year trial period in all Authority-funded capital construction projects in excess of \$250,000; and

WHEREAS the Authority will evaluate this policy at the conclusion of the trial period and determine if it continues to meet its public policy initiatives and is otherwise in the best interest of the public and the Authority.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, with the advice and consent of counsel, is hereby authorized and directed to incorporate a DBE policy into contract specification documents for all Authority-funded capital construction contracts in excess of \$250,000 for a two year period.

A motion to approve Resolution 06-32 was made by Commissioner Lathem, seconded by Commissioner Simmerman and approved by a roll call vote of 11-0.

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RESOLUTION 06-33 AMENDS RESOLUTION 06-08 RELATING TO THE MODIFICATION OF THE GROUND LEASE BETWEEN THE STATE OF DELAWARE AND THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of the Delaware Airpark (“Airport”) pursuant to that certain Ground Lease, dated July 31, 2000, between the State of Delaware (“State”) and the Authority, a Memorandum of which was recorded in the Office of the Recorder of Deeds in and for Kent County to give notice of the existence of the Ground Lease (“Ground Lease”); and

WHEREAS, through a Master Planning process it has been determined to be necessary for future airport development and growth to acquire additional lands surrounding the Airport; and

WHEREAS, the State, as the Landowner of the Airport, is in the process of acquiring several parcels of land surrounding the Airport; and

WHEREAS, the Federal Aviation Administration provided 95% of the financing for the acquisition through federal grants acquired by the Authority acting as the Airport Sponsor; and

WHEREAS, the Authority and the State have agreed to amend the Ground Lease to add to the definition of the Demised Premises the land listed below which has been or will be acquired by the State, which land is in addition to those parcels already approved by Resolution 06-08.

Parcel 10	19.412 acres
Parcel 10A	.031 acres
Parcel 10B	1.281 acres
Parcel 9	35.521 acres

Parcel 4	25.401 acres
Easement 13A	2.154 acres
Easement 13B	1.854 acres
Easement 12A	7.387 acres
Easement 12	5.691 acres
Easement 4A	1.863 acres

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

A motion to approve Resolution 06-33 was made by Commissioner Favre, seconded by Commissioner Smith and approved by a roll call vote of 11-0.

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RESOLUTION 06-34 AMENDS THE GROUND LEASE BETWEEN THE STATE OF DELAWARE AND THE DELAWARE RIVER AND BAY AUTHORITY RELATING TO THE DELAWARE AIRPARK

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of the Delaware Airpark (“Airport”) pursuant to that certain Ground Lease, dated July 31, 2000, between the State of Delaware (“State”) and the Authority, a Memorandum of which was recorded in the Office of the Recorder of Deeds in and for Kent County to give notice of the existence of the Ground Lease (“Ground Lease”); and

WHEREAS, the Authority has determined that in order to encourage growth and economic development at the Airport, it is necessary to promote investment in the Airport, by private investors and develop relationships with long term tenants and users of the Airport; and

WHEREAS, the Authority has further determined that to promote investment in the Airport by private entities and ensure the economic viability of the Airport during the term of the Ground Lease and thereafter, it is necessary to enter into long term leasing and other arrangements with such private entities in order to provide them with the ability to recoup their investment and realize a reasonable return on that investment; and

WHEREAS, the initial term of the Ground Lease has approximately twenty-four years (“Initial Term”) remaining and the Authority has begun to encounter reluctance on the part of the financial and investment communities to invest in the Airport given the limited number of years remaining in the Initial Term; and

WHEREAS, the Authority has determined that it will become increasingly difficult to attract investment in the Airport by private entities as the length of the Initial Term of the Ground Lease continues to decrease; and

WHEREAS, the Authority has further determined that it is necessary to enter into leases and other arrangements with tenants at the Airport that extend beyond the Initial Term of the Ground Lease and into the renewal terms granted by the Authority, but not yet exercised by the Authority; and

WHEREAS, the State and the Authority are working on an agreement to amend the Ground Lease to allow the Authority to enter into leases and other arrangements with tenants of the Airport that extend beyond the Initial Term and into the renewal terms granted to the Authority, but not yet exercised by the Authority.

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

A motion to approve Resolution 06-34 was made by Commissioner Simmerman, seconded by Commissioner Patterson and approved by a roll call vote of 11-0.

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9443. COMMISSIONERS PUBLIC FORUM

Vice-Chairperson Parkowski asked if any members of the public would like to address the Commission.

There were no public comments.

Commissioner Patterson wanted to thank everyone for the tremendous support the Authority has given him and his family over the loss of his mother. He stated that a memorial was dedicated in her honor.

Commissioner Koebig welcomed Commissioner Smith to the Board. She was delighted to see another female appointed.

Commissioner Hensley also welcomed Commissioner Smith to the Board.

Commissioner Favre said that he took the Ferry over and spoke to Bryan Helm, marine pilot. Mr. Helm wanted to extend his appreciation for the flowers he and his family received from the Authority for the loss of his mother.

Commissioner Simmerman welcomed Commissioner Smith. He also thanked Chairperson Wallace for the good work that he did at the Authority and, as a friend, he wanted to wish him well.

Commissioner Dorn commended Dr. Wallace for his accomplishments on the Board. He also congratulated Commissioner Smith on her appointment and noted that he has worked with Mrs. Smith over the years and that she will be an asset on the Board.

Commissioner Lathem stated that Dr. Wallace is a good man and that it should not be so easy for people to destroy a man and his family. Commissioner Lathem will keep him in his prayers.

* * * * *

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

The meeting was adjourned 12:05 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary