

MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
**Tuesday, June 19, 2007**  
James Julian Boardroom  
Administration Building  
New Castle, Delaware 19720

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

The opening prayer was given by Father Drupreski, followed by the Pledge of Allegiance led by the Executive Director.

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

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

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Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

James N. Hogan, Vice-Chairperson  
Niels S. Favre  
Gary F. Simmerman  
Ceil Smith

ABSENT

Susan A. DeLanzo  
Rev. Edward W. Dorn

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9610. APPROVAL OF THE MAY 15, 2007 MINUTES

Commissioner Lathem motioned for approval of the May 15, 2007 minutes, seconded by Commissioner Favre, and approved by a voice vote of 10-0.

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9611. EXECUTIVE DIRECTOR'S REPORT

The Deputy Executive Director presented the following highlights that occurred within the Authority during the month of May, 2007.

***Delaware Memorial Bridge***

Total traffic during the month of May increased 1.8% compared to the same period in 2006. Non-commercial traffic increased 1.4% and commercial traffic increased 4.1%. When compared to the 3-year average, total May traffic increased 0.1%. Total traffic year-to-date decreased 1.2% compared to 2006. When compared to the 3-year average, year-to-date total traffic decreased 0.6%.

E-ZPass traffic for May represented 57.4% of the total overall traffic, as compared to 55.6% for the previous year. Total electronic traffic for 2007 represented 57.7%, an increase of 2.0% from 2006.

Authority work crews did an outstanding job preparing the grounds of the War Memorial for the May 30<sup>th</sup> Memorial Day service. The event was well attended and the Authority was the recipient of many favorable comments from veterans and elected officials regarding how well the park looked.

On May 31, DRBA Police at the bridge, working in conjunction with DEA, made a traffic stop on a suspected drug courier enroute from New York City to North Carolina and discovered a hidden compartment in the dashboard of the suspect's car containing \$89,500 in U.S. currency. A forensic examination of the money indicated it was permeated with a high level of cocaine. The U.S. Attorney's office has exercised jurisdiction in this case and is pursuing civil forfeiture of the currency.

The DRBA Police Department participated with the Delaware State Police in a program to prevent personal injury and fatal crashes during the Memorial Day Weekend. High visibility police presence as a deterrence to traffic violations was the focus of this program. No serious crashes occurred in our jurisdiction during the Memorial Day weekend.

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

In May, vehicle and passenger traffic increased 1.1% and 1.0%, respectively, when compared to May 2006. When compared to the average of the last three years, 2007 vehicle traffic and passenger traffic decreased 0.9% and 1.9%, respectively.

In May, fare revenues increased 2.5% and fee revenues increased 10.4%, when compared to May 2006. Year-to-date fare and fee revenues increased 2.8% compared to 2006.

In May, CMLF food sales increased 16.7% and retail sales increased 8.3%, when compared to May 2006. Year-to-date food and beverage revenues increased 0.6% and retail revenues decreased 3.5%, when compared to 2006.

The Cape May Terminal Facility passed its Cape May Dept. of Health inspection. No exceptions were noted.

The MV Cape Henlopen passed its underwater inspection, as required by the American Bureau of Shipping and U.S. Coast Guard. The Vessel Maintenance shop, with the assistance of RandDive (diving contractor), performed necessary repairs to the bowthruster control valves.

A CMLF Enhanced Security Operation exercise was conducted at the Cape May Terminal at the end of the month. This exercise included Transportation Security Administration (TSA) screening personnel and screening equipment. Personnel from the TSA Surface Transportation Security Inspector Program, Federal Air Marshals Service, DRBA Police, New Jersey State Police and Bomb Squad, Atlantic City Bomb Squad, Cape May Sheriffs, and Lower Township Police Department performed screening of passengers and vehicles at the CMLF Toll Plaza and provided surveillance detection operations. This exercise covered procedures to detect criminal terrorist pre-attack surveillance and to identify other suspicious behavior during the Memorial Day Holiday.

All the new roadside CMLF trailblazers (75 signs on DE side including two in Maryland and Virginia and 59 trailblazers in New Jersey) have been installed. The new signs provide directional and other information to the traveling public. These signs were produced by our in-house forces. Special thanks to Steve Melniczuk, Vincent Manetti, John Cornwell, Paul Barnard, and Charles Short who helped achieve this mission.

#### ***Airports***

A movie production company utilized the terminal and parking apron at New Castle Airport to film portions of the movie "Our Lady of Victory". Film crews began filming in the evening of May 29 until May 30. ASA/Delta Connection flights were not interrupted.

The Millville Air Museum in conjunction with Dave Schultz Productions conducted their air show at Millville Airport over Memorial Day weekend. The event was a success with a strong turnout from the public.

The National Oceanic Atmospheric Administration (NOAA) held a Hurricane Season Awareness event at the Cape May Airport. Dr. Salvatore and the NASW Aviation Museum hosted the event which drew over 800 school children and 300 members of the general public. NOAA sent one of their P-3 Orion “Hurricane Hunter” aircraft. We received a letter from the National Weather Service expressing their thanks to Tom Berry, Assistant Airport Operations Manager, for his help in planning and executing the event. Thank you, Tom and Dr. Salvatore.

***Finance***

The Finance Department met with Bowman and Associates and the Chair and Vice Chair of the Audit Committee to review the results of the fiscal year 2006 Audit. Results were presented to the full Audit Committee in June. Staff has been working to finalize the Comprehensive Annual Financial Report and the financial components of the Authorities 2006 Annual Report.

***Employee Happenings***

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

Authorized Positions (2007 funded)	460
Positions Filled	423
Positions Filled (on LTD)	11
Total Positions that are Vacant	23

Job fairs were conducted at several locations during the month to seek seasonal/casual employees for hire at the Ferry. These job fairs were staffed by representatives from human resources and the various operating departments.

Andrew Ritchie and Jill Wolfe participated in a “Mock Interview” sponsored by Brandywine School District. Over 50 students participated in this opportunity to familiarize themselves with a real world experience of interviewing and the expectations of organizations in our community.

Lt. Cawman attended a two-day session, sponsored by the Federal Highway Administration, on “Risk Management for Terrorist Threats to Bridges and Tunnels.” The session provided an in-depth analysis of suspension bridges, their vulnerabilities and the mitigation tactics currently in use as well as proposed tactics for the future.

I attended the International Bridge, Tunnel and Turnpike Association (IBTTA) Facilities Management Workshop in Richmond, Virginia and participated as a roundtable speaker in the General Session entitled The Three O’s of a Toll Facility: Ownership, Operation and Organization. Additionally, I also participated in a two day Executive Director Fly-in. Approximately 25 Executive Directors (ED’s) from around the world and the United States met and discussed pertinent issues facing ED’s and their organizations.

Congratulations to Officer’s John Zajackowski and Ken Sheeky. Both were promoted to Sergeant.

Fran Kryszczak, a Maintenance Specialist II, retired on May 31, 2007 after 15 years of service with the Delaware River and Bay Authority. We wish Fran best wishes on his retirement.

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

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Commissioner Patterson presented the following minutes of the Budget & Finance Committee meeting held on June 4, 2007.

**BUDGET & FINANCE COMMITTEE MEETING**

**Monday, June 4, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

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

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

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

Governors' Representatives

Sonia Frontera - NJ

Staff

Jim Johnson, Jr.  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens  
Joe Larotonda  
Anna Marie Gonnella Rosato

Authority Secretary

Tom Pankok

- I. Committee Chair Patterson welcomed the Budget & Finance Committee and opened the meeting at approximately 9:42 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.

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

The following matters of a confidential nature were discussed.

- LONG RANGE PLANNING

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

- II. The Executive Director provided the Public Hearing Schedule for New Jersey and Delaware and further reported that meetings were held with the Governor of Delaware and representatives from the New Jersey Governor's office to brief them on the proposed toll increase. The Executive Director reported no major opposition from either state; however, Vice-Chairperson Hogan stated that New Jersey understood the need for the toll increase, but has not committed to a solution. The Executive Director also reported that independent meetings with New Jersey legislators, Asselta, Van Drew, and Albano had been scheduled; however, District 3 has not responded to schedule a date. The following schedule was reported.

Delaware: Carvel State Office Building  
820 N. French St.  
Wilmington, Delaware  
Workshop: Thursday, June 7, 2007 at 7:00 p.m.  
Hearing: Wednesday, June 20, 2007 at 7:00 p.m.

New Jersey: Salem Community College  
460 Hollywood Ave.  
Carneys Point, New Jersey  
Workshop: Monday, June 18, 2007 at 7:00 p.m.  
Hearing: Tuesday, June 26, 2007 at 7:00 p.m.

Commissioner Cooper questioned why staff was presenting a series of options for review rather than finalizing one option and presenting that option. He stressed that the commercial truckers are suffering financially already and should not have to bear the burden solely and supports a toll increase across the board. Chairperson Parkowski stressed that the strategy to offer several options, as well as inviting public opinion on the various solutions, had been discussed and agreed upon for several meetings. He reviewed the necessity for the Authority to raise \$11 million in additional revenue through a toll increase to fund \$85 million to fund capital expenses to reach 2010, at which time, an additional toll increase would be necessary to fund out year capital expenses. It was further reported that this strategy has been used by DelDOT to provide the public with options, receive a public response, and then for the Commissioners to make the final decision.

Commissioner Hensley requested all materials to be provided to the Commissioners as well as a list of talking points.

III. The Acting CFO reviewed the proposed Resolutions for consideration.

- Over \$25,000 Vendor List – The Committee questioned the purchase vs lease of video games for the Cape May-Lewes Ferry. Staff reported that RFP's have been conducted previously without much response and the games have been revenue producers. After review, on motion by Commissioner Smith, 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 June meeting.
- Community Contribution Requests – The requests for Delaware and New Jersey had not been finalized as of the Committee meeting; however, on motion by Commissioner Hensley, seconded by Commissioner Favre, the Committee recommended approval of the Community Contribution requests, subject to finalization. A Resolution will be presented to the full Board for consideration at the June meeting.

With no further business to discuss, on motion by Commissioner Lathem, seconded by Commissioner Favre, the Budget & Finance Committee adjourned at 10:42 a.m.

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

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9613. COMMITTEE REPORT – PROJECTS

Commissioner Lowe presented the minutes of the June 4, 2007 Projects Committee meeting.

**PROJECTS COMMITTEE**  
**Monday, June 4, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Monday, June 4, 2007, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

PRESENT

Commissioner Lowe, Committee Chair  
Commissioner Hensley, Committee Mbr  
Commissioner Latham

Commissioners from New Jersey

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

Governors' Representative

Sonia Frontera – NJ

Staff

Jim Johnson  
Don Rinear  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola-Owens  
Victor Ferzetti  
John Jones  
Kelly Phillips Parker  
Anne Marie Gonnella-Rosato  
A. J. Crescenzi  
Jim Salmon  
Steve Williams

Authority Secretary

Tom Pankok

- I. The Projects Committee meeting convened at approximately 11:43 AM. Those in attendance were provided an informational package consisting of an agenda, one draft resolution, two bid tabs, a contract close-out letter, and the monthly contractor payment chart.
- II. Resolutions: Staff opened the meeting with the introduction of a draft resolution regarding the Capital Improvement Program (CIP) Project Approval Process. Staff reviewed the current project review process with the Committee and discussed possible improvements to the existing process. Staff reported that the adopted 5-year CIP budget is considered a planning document and that the adopted 1-year CIP budget provides staff with sufficient direction to initiate legal, engineering, and procurement due diligence so that the Committee and Board can take action in a timely and informed manner. Also reviewed were the established policies and procedures of Resolution 98-31 and 01-84 which govern the procurement of Professional Services, Material and Supplies, Construction, and Construction Management Contracts and Transfer of Funds. Staff discussed in detail the capital budget development process and the resulting CIP budget document. Staff also discussed the different categories of capital projects such as crossings, airports, economic development, annual, infrastructure, revenue-producing, FAA-supported, and projects necessary for the protection of public health, safety, and property. A discussion took place regarding achieving a proper balance between project controls and avoiding an adverse impact to efficiency and effectiveness of work. It was then determined that staff and Authority Counsel should further review this matter and determine if a resolution is required, and if so, the recommended language of the resolution as soon as possible.
- III. Bid Openings/Award Actions:
  - DMB-06-03, South Norfolk Southern Railroad Bridge Overpass, Replacement I-295 Northbound – Delaware Memorial Bridge: A public bid opening was held May 23, 2007, in which six bids were received. Staff recommended

award to the responsive low bidder, J.D. Eckman, Inc. in the amount of \$7,077,200.00. The Projects Committee concurred with the recommendation and authorized the action be presented at the June board meeting.

- DMB-07-02, Repainting Suspended Spans – First Structure, Delaware Memorial Bridge: A public bid opening was held on May 24, 2007, in which five bids were received. Staff recommended award to the responsive low bidder, Marinis Brothers for the base bid of \$1,809,040.28. The Projects Committee concurred with the recommendation and authorized the action to be presented at the June board meeting.

IV. Contract Close-Out Action:

- MVA-04-03, Snow Removal Equipment/Operations Building, Millville Airport, was approved for final payment and contract close-out in the total amount of \$2,337,556.05 to the contractor, Stanker & Galetto, Inc., of Vineland, New Jersey. The Projects Committee concurred with the recommendation and authorized the action be presented at the June board meeting.

V. Miscellaneous Items/Updates:

- CMLF-07-04, MV Henlopen Underwater Inspection Update: Staff reported that the underwater survey of the MV Henlopen has been completed resulting in the US Coast Guard informing the Authority that the vessel passed the inspection resulting in the Authority not having to dry-dock the vessel.
- Cape May Airport Hangar Site Preparation: Staff provided an overview on the status of the hangar development initiative at Cape May Airport. It was reported that the developer has commenced hangar construction and will begin erecting steel in three weeks. It was also reported that the Authority has a lease obligation regarding completing site utility work that is required for the under construction hangar complex. The design of the Authority's portion of the work is now complete and ready for construction. The Authority's portion of the work is estimated to cost \$120,000, which is in the approved capital budget. Two construction procurement options were presented to the committee. One was to modify an existing open contract (CMA-04-03). Staff stated that the Authority has the ability to make changes to existing contracts under certain conditions. This additional work involves work of the same character, conditions, and location of work done in Contract CMA-04-03. The second option presented was to go through the standard procurement process which would delay the project and impact the developer. The Committee preferred the first option if legally supportable.
- Airport Business Plan Update: The Director of Airports gave a presentation on the importance of business plan development at all of the Authority's airports. He presented information on what is an airport business plan as well as its' purpose, the importance of connectivity between operational and business and capital goals, benchmarking with other like airports, and how the Authority will use the business plan information. He also advised the Committee that a business plan will help determine what the airports will be in ten years as well as assist in the development of a marketing strategy development. The next steps include business plan presentation by July 31<sup>st</sup> for New Castle Airport, August 31<sup>st</sup> for Delaware Airpark and CAT, September 30<sup>th</sup> for Cape May Airport, and October 31<sup>st</sup> for Millville Airport.

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

There being no further business for the Projects Committee, the public meeting was adjourned at approximately 12:55 PM.

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

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9614. COMMITTEE REPORT – PERSONNEL & FINANCE

Commissioner Lathem presented the following minutes of the Personnel committee meeting of June 4, 2007.

**PERSONNEL COMMITTEE MEETING**  
**Monday, June 4, 2007**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

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

Commissioners from Delaware

Commissioners from New Jersey

**PRESENT**

Committee Chair Lathem  
Commissioner Cooper, Committee Member  
Commissioner Lowe, Committee Member  
Commissioner Hensley  
Chairperson Parkowski

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

Governors’ Representatives

Sonia Frontera

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Trudy Spence-Parker  
Gerry DiNicola Owens

Authority Secretary

Tom Pankok

- I. Committee Chair Lathem welcomed the Personnel Committee and opened the meeting at approximately 10:45 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.

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

- II. The Chief Human Resource Officer provided the spreadsheet which mapped out the process for updating the Delaware River and Bay Authority Employees’ Personnel Manual. The CHRO noted that the following Sections had been reviewed and updated as necessary.

- a. Section III – Equal Employment Opportunity & Anti-Harassment Policy – Adopted by Resolution 07-11 on February 20, 2007
- b. Section IV – Employee Classifications – changes clarify the section of the document and do not impact the original intent.
- c. Section V – Employment Requirements – the following change was reviewed to reflect a new Drug and Alcohol Policy which subjects all applicants for employment to drug testing following an offer of employment. The Drug and Alcohol Policy is currently under legal review.

The Committee discussed a drivers license policy for all employees who drive an Authority vehicle. The Acting Chief Financial Officer reported that this has been requested previously by the Authority’s Insurance Company; however, there has been no determination of the level of risk at this time.

The Committee also discussed terminations for employees who do not conform to policies and standards for rank and file employees as well as management. It was recommended that these discussions occur during the review and updating of the corresponding Sections of the Personnel Manual.

The CHRO reported that additional Sections will be presented to the Committee, as well as the new Drug and Alcohol Policy, next month for consideration and recommendation.

With no further business to discuss, on motion by Commissioner Favre, seconded by Commissioner Lowe, the Personnel Committee adjourned at 11:22 a.m.

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

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9615. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith presented the following minutes of the Economic Development committee meeting of June 4, 2007.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Monday, June 4, 2007**  
 Delaware Memorial Bridge Complex  
 New Castle, Delaware

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

Commissioners from Delaware

PRESENT

Committee Vice-Chair Hensley  
 Commissioner Cooper, Committee Member  
 Commissioner Lathem  
 Commissioner Lowe  
 Chairperson Parkowski

Commissioners from New Jersey

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

Governors Representatives

Sonia Frontera - NJ

Staff

Jim Johnson  
 Don Rainear  
 Victor Ferzetti

Authority Secretary

Tom Pankok

Invited Guests

Jim Walls  
Project  
Trudy Spence-Parker  
Gerry Owens  
Anna Marie Gonnella Rosato  
Jim Salmon  
John Sarro  
Kelly Phillips Parker  
John Jones  
AJ Crescenzi

Delaware Bay Oyster Revitalization

The Committee Chair Smith welcomed the meeting of the Economic Development Committee and opened the meeting at approximately 11:25 a.m. The Authority Secretary reported that the public meeting of the Economic Development Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

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

- William Kindle, Robert Smeltzer, Ronald Gelzunas and Joseph Gilmartin Lease Amendments at the Cape May Airport modifying the current leasehold to reflect a footprint change in location. The annual land rent shall be \$0.18 per square foot. After review, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the Lease Amendments. A Resolution will be presented to the full Board for consideration at the June meeting.
- General Polygon Lease renewal of Building 203 consisting of 5,100 square feet of machine shop space at the Millville Airport for five years. Over the course of the period, the renewal will bring the lease rates up to the current Fair Market Value. After review, on motion by Commissioner Hensley, seconded by Commissioner Dorn, the Committee recommended approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration at the June meeting.
- XO Jet Lease Agreement in connection with the purchase of the Hangar (formerly known as the MBNA Hangar) from Bank of America. The Lease consists of 19,880 square feet of Hangar Bay A beginning October 1, 2007 and Hangar Bay B consisting of 17,880 square feet as well as the first floor office space. The Deputy Executive Director reported that staff will continue to negotiate the remaining issues. After review, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the Lease Agreement as presented, subject to finalization. A Resolution will be presented to the full Board for consideration at the June meeting.
- North American Energy Services Second Amendment to the Lease at the Salem Business Centre is a "housekeeping" Amendment to change the Base Year from 2003 to 2004 for the purposes of calculating reimbursement to the DRBA from NAES for the costs of maintaining the premises and increases NAES's contribution for those costs. After review, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the Lease Amendment. A Resolution will be presented to the full Board for consideration at the June meeting.

The Deputy Executive Director introduced representatives from the Oyster Revitalization Project, Mr. Rick Cole, DNREC and Mr. Barney Hollinger, Delaware Bay Shellfish Council. At the May meeting, no action was taken to approve a funding

request from the Oyster Revitalization Project due to a mis-communication in the total amount requested. Chairperson Parkowski requested the delay to allow for clarification and additional information. With those issues clarified, an Amendment to the Original Agreement and Contribution Agreements Authorized Under Resolutions 05-19 and 06-11 Revitalizing Oysters in the Delaware Bay was presented. The success of the original two-year study subsequently enabled the Revitalization Task Force to receive an additional \$2 million dollars in federal funding to carry the Study to its third year. Chairperson Parkowski reported that the \$134,000 request would leverage the \$2 million federal grant. The States of New Jersey and Delaware would also be providing in-kind services. The representatives reported that the shell planting has been scheduled to take place between June 15<sup>th</sup> and July 15<sup>th</sup> and should increase the oyster industry significantly. It was further reported that a new federal funding source had been identified and no additional funding requests would be made to the Authority. After discussion, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the request for funding assistance in the amount of \$134,000. A Resolution authorizing the Amendment to the Original Agreement will be presented to the full Board for consideration at the June meeting.

There being no further business to discuss, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Economic Development Committee adjourned at 11:42 a.m.

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

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9616. 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 April.

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

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9617. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

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

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

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9618. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

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

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

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9619. 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 chart was ordered filed with the permanent records of the Authority.

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9620. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MAY 31, 2007.

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

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

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9621. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract DMB-60-03 South Norfolk Southern RR Bridge Overpass
- Contract DMB-07-02 Repainting Suspended Spans –First Structure
- Contract Close-out MVA-04-03 SRE/OPS Building, Millville Airport
- Resolution 07-28 Approval of Community Contribution Requests
- Resolution 07-29 Authorizing Authority Expenditures \$25,000 and over
- Resolution 07-30 Amends the Lease Agreement with Kindle, Smeltzer, Gelzunas & Gilmartin at the Cape May Airport
- Resolution 07-31 Lease Amendment with General Polygon Systems at Millville Airport
- Resolution 07-32 Lease Agreement with XO Jet at the New Castle Airport
- Resolution 07-33 Second Amendment Lease Agreement with Salem Business Centre
- Resolution 07-34 Amends Original Agreement Obligation and Contributions Agreement Under Resolutions 05-19 and 06-11 Revitalizing Oysters in the Delaware Bay

There were no comments from the public.

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9622. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>	<u>Payment</u>
DMB-06-02 Marinis Brothers, Inc.	\$165,453.08
DMB-06-01 Eastern Highway Specialists	\$137,470.79
DMB-04-04 J.D. Eckman, Inc.	\$728,784.95
CMLF-06-01 TTI Environmental, Inc.	\$ 8,235.00
NCA-01-02 Diamond Materials	\$ 12,351.86
MVA-04-02 Glasgow, Inc.	\$242,322.02
MVA-04-03 Stanker and Galetto, Inc.	\$ 2,290.00

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9623. SOUTH NORFOLK SOUTHERN RAILROAD BRIDGE  
OVERPASS REPLACEMENT I-295 NORTHBOUND – DMB – CONTRACT #DMB-  
06-03

The Chairperson noted that a public bid opening was held on May 23, 2007 and six (6) bids were received. J.D. Eckman, Inc. of Atglen, PA was the lowest responsive bidder with a bid amount of \$7,077,200.00. The COO and the Projects Committee recommend awarding the bid to the above noted contractor for the total amount noted above .

Director of Engineering and Maintenance, fielding a question from Vice-Chairperson Hogan, stated that the I-295 Mainline Bridge is the Authority's bridge; thus, the Authority has the responsibility of periodical inspections and repairs.

A motion to award Contract #DMB-06-03 to J.D. Eckman, Inc. in the amount of \$7,077,200.00 was made by Commissioner Patterson, seconded by Commissioner Lowe. A roll call vote was taken and resulted in a vote of 9 in favor and 1 abstention from Vice-Chairperson Hogan. With two (2) absentee Commissioners from New Jersey, and Commissioner Hogan's abstention, the motion failed due to the lack of the necessary four (4) favorable votes from the New Jersey Commissioners. After consulting with staff on the timing of the award, Chairperson Parkowski stated that the awarding of the contract will be discussed at the next Commissioner meeting.

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9624. APPROVAL OF REPAINTING SUSPENDED SPANS –  
FIRST STRUCTURE-DMB – CONTRACT #DMB-07-02

Chairperson Parkowski noted that there were five (5) bids received and Marinis Brothers of New Castle, Delaware was the lowest responsive bidder with a base bid of \$1,809,040.28. Staff and the Projects Committee recommend awarding the bid to the above noted contractor.

A motion to award the contract to Marinis Brothers in the amount of \$1,809,040.28 was made by Commissioner Favre, seconded by Commissioner Simmerman, and approved by a roll call vote of 10-0.

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9625. CONTRACT CLOSE-OUT – SRE/OPS BUILDING,  
MILLVILLE AIRPORT – CONTRACT #MVA-04-03

On December 1, 2004 Contract No. MVA-04-03, SRE/OPS Building, was awarded to Stanker & Galetto, Inc. of Vineland, New Jersey for the bid price of \$2,160,000.00.

During the contract period, Change Order No's.1-11 were approved for the project.

1. May 30, 2007 Adjustments in quantities to reflect actual field conditions.  
Add: \$177,556.05.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$2,337,556.05.

A motion to close-out Contract #MVA-04-03 was made by Commissioner Simmerman, seconded by Commissioner Lowe, and approved by a voice vote of 10-0.

\* \* \* \* \*



Commissioners meeting, seconded by Commissioner Simmerman, and approved by a voice vote of 10-0.

A second motion was made by Commissioner Favre to approve Resolution 07-28 as amended and seconded by Commissioner Lathem. With Commissioner Hensley abstaining on Parent Information Center of Delaware and Commissioner Lathem abstaining on AFL-CIO Community Services of Delaware, Resolution 07-28 as amended was approved by a roll call vote of 10-0 except with the above noted abstentions, where such votes were 9 in favor and 1 abstention.

\* \* \* \* \*

**RESOLUTION 07-29 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2007**

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

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

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

VENDOR	SERVICE DESCRIPTION	DETERMINATION
Betson Baltimore	Video Game Purchases for CMLF	Quotes
Randive, Inc.	Vessel Underwater Inspections & Repairs	Quotes
United Electric	Misc. Electric Materials	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 was made by Commissioner Favre to table Wade Aulffo Roofing from Resolution 07-29 and to consider it at the July Commissioners meeting, seconded by Commissioner Lowe and approved by a voice vote of 10-0.

A second motion to approve Resolution 07-29 as amended was made by Commissioner Favre, seconded by Commissioner Lowe, and approved by a roll call vote of 10-0.

\* \* \* \* \*

**RESOLUTION 07-30 AMENDING THE LEASE AGREEMENTS WITH WILLIAM KINDLE, ROBERT SMELTZER, RONALD GELZUNAS AND JOSEPH GILMARTIN AT THE CAPE MAY AIRPORT**

WHEREAS, The Delaware River and Bay Authority (the "Authority"), is the operator of the Cape May Airport ("Airport") in the Township of Lower, New Jersey ; and

WHEREAS, the Authority entered into Lease Agreements with Mr. Kindle, Mr. Smeltzer, Mr. Gelzunas and Mr. Gilmartin to lease land at the Airport in order to construct hangars; and

WHEREAS, the location of the hangar construction has been changed from the main concrete terminal ramp to the asphalt ramp near the SRE Building; and

WHEREAS, the amount of the required leasehold has been modified to reflect the new footprint of the facility; and

WHEREAS, the annual rent for the land shall be \$0.18 per sq. ft.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Amendments with William Kindle, Robert Smeltzer, Ronald Gelzunas and Joseph Gilmartin and, with the advice and consent of counsel, to have such Lease Amendments executed by the Chairperson, Vice Chairperson, and the Executive Director

A motion to approve Resolution 07-30 was made by Commissioner Simmerman, seconded by Commissioner Smith and approved by a roll call vote of 10-0.

\* \* \* \* \*

**RESOLUTION 07- 31 LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND GENERAL POLYGON SYSTEMS AT MILLVILLE AIRPORT, MILLVILLE, NEW JERSEY**

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

WHEREAS, General Polygon Systems (the “Tenant”) desires to renew it’s lease for Building 203 at the Airport for five (5) years totaling approximately 5,100 square feet in order to operate a machine shop; and

WHEREAS, the Tenant currently pays annual rent in the amount of \$15,877.00; and

WHEREAS, the Tenant has agreed to renew its Lease for a 5-year term and to pay the Authority \$19,426.00 annual rent during the first (1) year of the renewal term and \$22,950.00 annual rent during the second (2) year of the renewal term; and

WHEREAS, rent shall increase by the Consumer Price Index (CPI) annually during the remaining three (3) years of the first (1) renewal term; and

WHEREAS, the Tenant shall have the option of renewing this Lease Agreement for on additional one (1) period of five (5) years; and

WHEREAS, rent during the option period shall be based upon the Fair Market Value (FMV) and shall be adjusted annually by the Consumer Price Index (CPI).

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

A motion to approve Resolution 07-31 was made by Commissioner Smith, seconded by Commissioner Simmerman and approved by a roll call vote of 10-0.

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**RESOLUTION 07-32 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND XO JET AT THE NEW CASTLE AIRPORT**

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

WHEREAS, the hangar facility located at 142 Old Churchmans Rd. more commonly referred to as the MBNA Hangar (“Hangar”) contains approximately 49,000

sq. ft. of space comprised of Hangar Bay A with 19,880 sq. ft., Hangar Bay B with 17,880 sq. ft. and 11,200 sq. ft. of office space on two (2) floors; and

WHEREAS, XO Jet desires to lease portions of the Hangar; and

WHEREAS, XO Jet has agreed to lease Hangar Bay A and the first floor of office space beginning October 1, 2007; and

WHEREAS, XO Jet has agreed to lease Hangar Bay B beginning March 1, 2008; and

WHEREAS, XO Jet has agreed to pay the Authority \$10.35 per sq. ft. for space leased in the year one (1) of the initial term of the Lease Agreement, \$11.60 per sq. ft for space leased during year two (2) of the Lease Agreement and \$12.88 per sq. ft. for the space leased during year three (3) of the Lease Agreement; and

WHEREAS, Rent during the remainder of the Initial Term shall increase annually by the Consumer Price Index (CPI); and

WHEREAS, the Initial Term of this Lease Agreement is for ten (10) years beginning October 1, 2007; and

WHEREAS, XO Jet shall have the option of renewing the Lease Agreement for two (2) additional five (5) year periods; and

WHEREAS, Rent shall be adjusted at the beginning of each renewal period to the Fair Market Value (FMV) with annual CPI increases.

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

A motion to approve Resolution 07-32 was made by Commissioner Lowe, seconded by Commissioner Simmerman and approved by a roll call vote of 10-0.

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**RESOLUTION 07 – 33 - AUTHORIZING THE SECOND AMENDMENT TO LEASE BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND NORTH AMERICAN ENERGY SERVICES AT THE SALEM BUSINESS CENTRE.**

WHEREAS, The Delaware River and Bay Authority (the “DRBA”) and North American Energy Services (“NAES”) entered into a lease agreement for approximately 6,500 of rentable square feet at the Salem Business Centre on October 1, 2003 (the “Original Lease”); and

WHEREAS, the parties executed a First Amendment to Lease on June 14, 2005 for an additional 2,697.5 of rentable square feet; and

WHEREAS, the Original Lease established the year 2003 as the Base Year for purposes of calculating reimbursement to the DRBA from NAES for expenses connected with the Premises delineated as Suite 100, 1 Collins Drive, Carney’s Point, New Jersey, with rentable square footage totaling 8,702.5; and

WHEREAS, the parties have determined that it is appropriate to use 2004 as the Base Year for the Lease and therefore requires the Original Lease to be so modified.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Second Amendment To Lease with

NAES and, with the advise and consent of counsel, to have the Second Amendment To Lease executed by the Chairperson, Vice Chairperson, and the Executive Director.

With Deputy Executive Director Rainear noting that this Resolution is a housekeeping matter, a motion to approve Resolution 07-33 was made by Commissioner Lowe, seconded by Commissioner Cooper, and approved by a roll call vote of 10-0.

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**RESOLUTION 07-34 AMENDS THE ORIGINAL AGREEMENT OBLIGATION AND CONTRIBUTION AGREEMENTS AUTHORIZED UNDER RESOLUTIONS 05-19 AND 06-11 REVITALIZING OYSTERS IN THE DELAWARE BAY**

WHEREAS, in 2005 The Delaware River and Bay Authority (the “Authority”) agreed to participate in a three (3) year Oyster Revitalization Study (“Study”) by providing \$150,000.00 as the cash match requirement to a federal Energy and Water Appropriations grant (“Grant”) in an effort to increase oyster production along the Delaware in the States of Delaware and New Jersey; and

WHEREAS, the Study is a joint initiative involving the U.S. Army Corps of Engineers (USACE), the New Jersey Oyster Industry, the Delaware Department of Natural Resources and Environmental Control (DNREC), the Divisions of Fish and Wildlife in Delaware and New Jersey and support from the Delaware Shellfish Advisory Council, the New Jersey Shell Fisheries Council and various legislators in Delaware and New Jersey; and

WHEREAS, the Authority fulfilled its financial commitment in March, 2006 by providing the total cash match within a two (2) year period and under two (2) Contribution Agreements with the Delaware Department of Natural Resources and Environmental Control (DNREC); and

WHEREAS, the Oyster Industry Revitalization Task Force (“OIRTF”), with assistance from various legislatures in Delaware and New Jersey, was successful in receiving an additional \$2 million dollars in federal funding in FY2007 to carry the Study to its third (3) year; and

WHEREAS, the Authority has been requested by the OIRTF to continue its participation by contributing an additional \$134,000.00 as the cash match to the FY2007 federal funds; and

WHEREAS, the Authority, in contributing the FY2007 cash match of \$134,000.00, fulfills the Authority’s commitment to the Study.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of a Contribution Agreement in the amount of \$134,000.00 with the Study’s Cooperating Agency to revitalize the oyster industry in the Delaware Bay and, with the advice and consent of counsel, to have such an Agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 07-34 was made by Commissioner Patterson, seconded by Commissioner Smith.

The Acting CFO, fielding a question from Vice-Chairperson Hogan, stated that the Authority’s contribution will come from the general fund.

Commissioner Favre noted that the Authority’s commitment to the Study has been fulfilled.

Resolution 07-34 was approved by a roll call vote of 10-0.

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9627. COMMISSIONERS PUBLIC FORUM

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

Richard Cole, DNREC, spoke. He thanked the Commissioners on behalf of the Oyster Revitalization Task Force for their continued interest and support for the improvement of the ecology of the Bay.

Chairperson Parkowski stated that this is a Study both states agreed to support.

Chairperson Parkowski stated that he and Vice-Chairperson Hogan have been attending the public work sessions on the toll increase. He noted that staff responded to the public's questions and that all input will be considered at the Commissioners level.

\* \* \* \* \*

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

The meeting was adjourned 11:15 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Board Secretary