

MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
**Tuesday, July 15, 2008**  
James Julian Boardroom  
Delaware Memorial Bridge Plaza  
New Castle, Delaware 19720

The meeting convened at 10:05 a.m. with Chairperson Parkowski presiding.

The opening prayer was given by Father Dupreski, followed by the Pledge of Allegiance led by Colonel McCarnan.

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  
  
Gary B. Patterson

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

ABSENT

William Lowe

Susan A. DeLanzo

9815. APPROVAL OF THE JUNE 17, 2008 MINUTES

Commissioner Lathem motioned for approval of the June 17, 2008 minutes, seconded by Commissioner Hensley, and approved by a voice vote of 10-0.

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9816. EXECUTIVE DIRECTOR'S REPORT

The Executive Director filed the following report for the month of June, 2008.

***Delaware Memorial Bridge***

Total traffic during the month of June decreased 7.9% compared to June 2007. Non-commercial traffic decreased 7.6% and commercial traffic decreased 10.2%. Year-to-date total traffic decreased 3.2% compared to the same period in 2007. When compared to the 3-year average, year-to-date traffic decreased 3.3%.

E-ZPass traffic for June represented 58.0% of the total overall traffic as compared to 55.6% for the previous year. Year-to-date electronic traffic represented 59.6%, an increase of 2.5% from 2007.

John Jones, Joe Volk, and Jim Salmon met with Summer Harlow, staff reporter for the News Journal, and Bill Gallo, managing editor for the Today's Sunbeam to discuss Phase III of the Delaware Memorial Bridge Approach Road Project. An overview of the project,

including planned highway upgrades and throughput enhancements on I-295 Northbound as well as a timeline for the completion of the Phase III improvements, were presented. Both news media outlets produced feature articles on the project prior to its start date of June 23, 2008.

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

In June, vehicle and passenger traffic decreased 9.0% and 7.6%, respectively, when compared to June 2007. Year-to-date vehicle traffic decreased 5.3% and passenger traffic decreased 4.3%, when compared to the same period in 2007. When compared to the average of the last three years, year-to-date vehicle traffic and passenger traffic decreased 6.0% and 4.0%, respectively.

In June, fare revenues increased 3.8% compared to June 2007. Year-to-date fare revenues decreased 1.8% when compared to the same period in 2007.

In June, CMLF food and beverage sales decreased 7.9% and retail sales decreased 15.7%, compared to June 2007. Year-to-date food and beverage revenues decreased 7.9% and retail revenues decreased 8.2%, compared to the same period in 2007.

The final stage of our migration to the new reservation technology platform, CarRes, occurred as the first vehicle was checked-in for the 7:30 a.m. departure from Cape May on June 4th. To the vehicle's driver, the only noticeable difference from the previous system was a barcode printed on their boarding card, which would subsequently be read by the handheld WiFi scanners being used by our police to notify the system that they had now boarded the vessel. Carus entered the ferry solutions market in 1998 with the launch of CarRes its Oracle based booking, ticketing, departure control and administration system for ferry operators. CarRes is a robust, scalable solution that offers not only fast and efficient processing of bookings for in-house call centers but also facilities distribution via the clients own websites, travel portals and trade partners systems. Thanks to Gerry DiNicola Owens, Heath Gehrke, and both of their staffs for all the work necessary to make this migration process so successful.

#### ***Airports***

On June 3<sup>rd</sup>, we were one of two recipients of the Federal Aviation Administration's 2008 DBE Advocate and Partner Award. The award recognized one or more airport sponsors who have demonstrated excellence in meeting the letter and the spirit of the Disadvantaged Business Enterprise (DBE) Program in the past year and was presented by Michael D. Freilich, the FAA's National External Program Manager, to Michael Schirmer, DBE Program Manager for the DRBA and Kelly Phillips Parker, DRBA Purchasing Administrator, at the 24th Annual Airport Business Diversity Conference.

Several events occurred at Cape May Airport during June. First, two hundred Boy Scouts participated in the 2008 Trauma-Thon training and camp-out event in the Cape May Airport industrial park. And second, the International Aerobatic Committee's aerobatic contest was held. The event included 32 aerobatic contestants. The event was a big win for all as the IAC was pleased with our event preparation and coordination throughout. Local businesses at the airport such as Big Sky, the museum and the Flight Deck Diner enjoyed revenues from fuel sales, food sales and overnight hanger fees. A special thanks to all of our staff especially Tom Berry, Dave McCarthy, Nick Dumas, Joe Clemente, John Cross and Michele Griscom-Collins for their extra efforts.

#### ***Finance***

The Authority's \$30 million VRDB debt has been negatively impacted by the recent downgrade and negative outlook of Ambac, the bond insurer. Under these circumstances, Victor Ferzetti has been monitoring the matter and investigating various options that the Authority may need to take to address the situation. He briefed the Budget and Finance Committee on the situation this month.

#### ***Employee Happenings***

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

Authorized Positions (2008 funded)	456
Positions Filled	419
Positions Filled (on LTD)	7
Total Positions that are Vacant	30

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

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9817. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Patterson deferred the presentation of the Budget & Finance meeting minutes of July 7, 2008 to Commissioner Simmerman. Commissioner Simmerman presented the following.

**BUDGET & FINANCE COMMITTEE MEETING**  
**Monday, July 7, 2008**  
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, July 7, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Hensley, Committee Member-via phone  
Commissioner Lathem  
Commissioner Lowe  
Chairperson Parkowski

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

Governors Representatives

Sonia Frontera – NJ

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Gerry Owens  
Ken Hynson  
Joe Larotonda  
AJ Crescenzi  
John Jones  
Anna Marie Gonnella Rosato

Authority Secretary

Tom Pankok

Invited Guests

Cavanaugh Capital Management  
Jim Cavanaugh  
Jim Dugan

- I. Committee Vice-Chair Simmerman welcomed the Budget & Finance Committee and opened the meeting at approximately 9:10 a.m. The Authority Secretary reported that the public meeting of the Budget & Finance Committee had been duly noticed in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. The Acting Chief Financial Officer introduced Mr. Jim Cavanaugh and Mr. Jim Dugan, the Authority’s Financial Advisors. As part of the continual monitoring of the Authority’s Series 2000B variable rate bonds insured by Ambac, it was reported that the latest interest reset for the bonds was currently at 6.5% down from 8.0% last week. CCM presented options to address the interest rate increase for discussion and consideration. The options presented were as follows:

- Refund the SeriesB bonds –
  - Traditional VRDB structure with a letter of credit/liquidity from a bank, weekly rate resets
  - Fixed rate bonds
- Pay off bonds with cash from General Fund

The Committee was presented the Comparison of Refunding Using Variable Rate Debt Bonds with Bank Letter of Credit, Refund Using Fixed Rate, and Pay off Debt with Cash. After review of the pros and cons, it was recommended to move forward with refunding using VRDBs with a Letter of Credit. The Acting CFO discussed the procurement of a Letter of Credit, the market conditions, and preliminary activity and bank interest expressed to date. The Committee concurred with a recommendation to negotiate with those banks that have expressed an interest in supplying a LOC. The Acting CFO also noted that the Underwriter, Bond Counsel and Underwriters Counsel procured for the 2004 Refunding (Resolutions 04-11 & 04-12) are authorized to provide services related to refunding any existing Authority debt. A Preliminary Timetable was presented with the closing expected in September. On motion by Commissioner Favre, seconded by Commissioner Hensley, the Committee recommended staff move forward with the refunding as presented. Staff will present the various documents associated with the refunding to the Committee as needed.

- III. The Committee reviewed the Community Contribution requests for July. After review, and subject to the finalization of the Delaware requests, the Committee recommended approval of the Community Contribution requests. A Resolution authorizing the requests will be presented to the full Board for consideration at the July meeting.
- IV. The Acting Chief Financial Officer reviewed the vendors and items included in the proposed Resolution authorizing the Over \$25,000 Vendor list. After review, on motion by Commissioner Favre, seconded by Commissioner Hensley, the Committee recommended approval of the proposed Resolution. The Resolution will be presented to the full Board for consideration at the July meeting.
- V. The Acting CFO provided a mid-year review of Authority Revenue and Expenses. Recent trends in Bridge revenue shows a reduction in revenue of approximately 6% and approximately 10% in Food Service. Expenses, as of June 30, 2008, are 43% expended. Salary & Wages are \$1.4 million under budget due to various position vacancies and Benefits expenditures have been modest and below projections. CMLF Vessel Operations are 52% expended with \$2.7 million in vessel fuel being a majority of the operations expense. The Acting CFO presented vessel fuel costs from 2006 – June, 2008. Currently, the cost per gallon is over \$4.00. If fuel were to remain at current prices, a projected \$1.9 million deficit is expected by the end of the year. In accordance with the Authority's Procurement Resolution 98-31, the Acting CFO requested authorization to move funds between divisions. The Acting CFO expressed his intent to transfer approximately \$1.5 million from various wage and benefit lines now, and monitor the situation and transfer accordingly in the future. The Committee questioned whether the move would affect filling future positions. The Acting CFO reported that we would continue to monitor recent trends in revenue and be judicious in filling positions as to maintain options and flexibility for the 2009 budget process.

Commissioner Favre added that the Board may need to consider the viability of a fuel sur-charge; however, Committee Vice-Chair Simmerman stressed that the deficit could be met at this time with Authority funds; however, going forward a sur-charge should be investigated.

With no further business to discuss, on motion by Commissioner Hensley, the Budget & Finance Committee adjourned at 9:53 a.m.

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

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9818. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Lathem presented the minutes of the Personnel Committee of July 7, 2008.

**PERSONNEL COMMITTEE MEETING**  
**Monday, July 8, 2008**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Personnel Committee was held on Monday, July 8, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

**PRESENT**

Committee Chair Lathem  
Commissioner Lowe, Committee Member  
Commissioner Hensley (via phone)  
Chairperson Parkowski

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

Governors’ Representatives

Sonia Frontera-NJ

Staff

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

- I. Committee Chair Lathem welcomed the Personnel Committee and opened the meeting at 11:22 a.m. The Deputy Executive Director reported that the public meeting of the Personnel Committee had been duly noticed in accordance with the Authority’s Freedom of Information Regulations, read the Statement of Notice, and called the roll.
- II. Committee Chair Lathem requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Dorn, seconded by Commissioner Lowe, the Session was closed.

The following matters of a confidential nature were discussed.

- PERSONNEL MATTERS
- LEGAL UPDATE

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

With no further business to discuss, on motion by Commissioner Favre, the Personnel Committee adjourned at 11:35 a.m.

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

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In the absence of Commissioner Lowe, Commissioner Favre presented the Projects Committee meeting minutes of July 7, 2008.

**PROJECTS COMMITTEE**  
**Monday, July 7, 2008**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority's Projects Committee was held on Monday, July 7, 2008, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

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

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

Governors' Representative

Sonia Frontera – NJ

Staff

Jim Johnson  
Don Rainear  
Jim Walls  
Gerry DiNicola-Owens  
Victor Ferzetti  
John Jones  
Kelly Phillips-Parker  
Anna Marie Gonnella  
John Sarro  
A.J. Cresczeni  
Steve Williams  
Heath Gehrke  
Tom Berry

- I. The Projects Committee meeting convened at approximately 11:35 a.m. Those in attendance were provided an informational package consisting of an agenda, five bid tabulations, three contract close-out actions, and the monthly contractor payment chart with associated change order information.
- II. Resolutions: None
- III. Bid Openings/Award Actions:
  - NCA-06-03, Obstruction Removal-Phase I, New Castle Airport: A public bid opening was held on May 28, 2008 in which two bids were received. Staff recommended that the award be delayed until the FAA determines if grant funding is available. Discussions with the FAA indicate that they should be able to decide on project funding soon. The Projects Committee concurred with the recommendation and authorized the action be delayed until the FAA's funding determination is made. The Committee stated that should the FAA decide on funding before the July board meeting, a Projects Committee meeting could be noticed and held prior to the July board meeting. Staff stated that the award decision could be delayed until September without impact to bidding document contract language.

- DMB-08-01, Repainting East Truss Spans, Second Structure, Delaware Memorial Bridge: A public bid opening was held on July 1, 2008 in which three bids were received. Staff recommended contract award in the amount of \$3,121,600.00 be made to the responsive low bidder, Allied Painting, Incorporated. The Projects Committee concurred with the recommendation and authorized the action to be presented at the July board meeting.
- DMB-08-02, Repainting Side Suspended Spans, First Structure, Delaware Memorial Bridge: A public bid opening was held on July 1, 2008 in which five bids were received. Staff recommended contract award in the amount of \$1,372,791.98 be made to the responsive low bidder, Marinis Brothers, Incorporated. The Projects Committee concurred with the recommendation and authorized the action to be presented at the July board meeting.
- DMB-07-03, Administration Building HVAC Economizer Upgrades, Delaware Memorial Bridge: A public bid opening was held on July 2, 2008 in which one bid was received from Schlosser & Associates, Incorporated in the amount of \$99,000.00. The bid contained one non-material irregularity. The proposal bond was issued for 10% of the price bid instead of 50% of the price bid as required. Schlosser submitted a replacement proposal bond in the correct amount of 50% of the price bid within 2 hours after the bid opening. Staff recommended that the Authority waive the non-material irregularity and award the contract to Schlosser & Associates, Inc. The Projects Committee concurred with the recommendation and authorized the action to be presented at the July board meeting.
- DMB-07-04, Administration Building Computer Room Renovation, Delaware Memorial Bridge: A public bid opening was held on July 2, 2008 in which two bids were received. The lowest price bid was submitted by Joshi Construction Company; however, Joshi's bid submission was deemed non-responsive because it failed to include the required cashier's check and the proposal bond was issued for 10% of the total price bid instead of 50% as required. The second bid from Schlosser & Associates, Inc was responsive. Staff recommended that the Authority reject Joshi's bid based on the irregularities and award the contract to Schlosser and Associates, Inc in the amount of \$455,000. The Projects Committee concurred with the recommendation and authorized the action to be presented at the July board meeting.

IV. Contract Close-Out Actions:

- Contract No. DAP-07-03, Obstruction Removal, Delaware Airpark: The recommendation was made to close this contract out and that final payment be made to the contractor, Eastern States Construction of Wilmington, Delaware. The final price for this project is \$199,000.00. The Projects Committee concurred with the recommendation.
- Contract No. CMA-04-03, SRE/Storage Building, Cape May Airport: The recommendation was made to close this contract out and that final payment be made to the contractor, TNT Construction Co., Inc. of Paulsboro, New Jersey. The final price for this project is \$2,284,340.24. The Projects Committee concurred with the recommendation.
- Contract No. CMLF-07-08, Drydocking and Repairs M/V Delaware, Cape May-Lewes Ferry: The recommendation was made to close this contract out and that final payment be made to the contractor, Colonna's Shipyard, Inc. of Norfolk, Virginia. The final price for this project is \$955,305.70. The Projects Committee concurred with the recommendation.

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

VI. Miscellaneous Items/Updates:

- Aerobatic Event at Cape May Airport: The Director of Airports briefed the Committee regarding the recent aerobatics competition held at Cape May Airport. The event was approved by local officials and DRBA and was deemed a success. It was briefed that future events may take place at the airport. Tom Berry and other DRBA employees were recognized for their hard work to ensure the event was a success.
- Australian Ferry Operations Trip Report: The Director of Ferry Operations briefed the Projects Committee on his recent visit to Australia to tour the latest model of a motor vessel that is being considered for the Authority's future use as part of the Cape May-Lewes Ferry Marine Master Plan.
- European Ferry Operations Trip Planning: Chairperson Lowe has recommended that he and other members of the Projects Committee and staff schedule a visit to Holland and Scotland to tour other motor vessels that are being considered for the Authority's future use as part of the Cape May-Lewes Ferry Marine Master Plan. The trip is being planned for September.

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

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

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9820. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Smith deferred the presentation of the June 17, 2009 Economic Development Committee meeting minutes to Commissioner Hensley. Commissioner Hensley presented the following.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Monday, July 7, 2008**  
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, July 7, 2008, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from Delaware

PRESENT

Committee Vice-Chair Hensley-via phone  
Commissioner Lathem  
Commissioner Lowe  
Chairperson Parkowski

Commissioners from New Jersey

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

Governors Representatives

Sonia Frontera - NJ

Staff

Jim Johnson  
Don Rainear  
Victor Ferzetti  
Jim Walls  
Gerry Owens  
Anna Marie Gonnella Rosato  
AJ Crescenzi

Authority Secretary

Tom Pankok

Michelle Griscom-Collins  
Kelly Phillips Parker  
John Jones

- I. Committee Vice-Chair Hensley welcomed the Economic Development Committee and opened the meeting at approximately 10:00 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.
- II. The Deputy Executive Director provided information regarding the following proposed Agreements for Committee consideration.
  - Amendment to the Lease Agreement Between the Delaware River and Bay Authority and Thomas Duffy, Millville Airport, Millville, New Jersey. Mr. Duffy currently leases space in the Multi-tenant hangar at the Millville Airport. Mr. Duffy requires additional space and requests a total of 50% of space in Hangar 112, as well as retaining 25% space in the Multi-tenant facility, for a term of one year with three one year options. Mr. Duffy also desires to have Right of First Refusal on vacant land adjacent to hangar 112 totaling approximately 30,000 square feet in order to construct a new hangar facility for a term of three years. After review, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the Lease Amendment.
  - Amendment to the Lease Purchase Agreement between the Delaware River and Bay Authority and the State of Delaware (Delaware Air National Guard). In 2005, the State of Delaware, on behalf of the Delaware Air National Guard, desired to purchase approximately 10.42 acres of land on at the New Castle Airport. Due to the timing and appropriate releases required from the FAA, the DRBA entered into a Lease Purchase Agreement with the State of Delaware. All releases have been received and the State will purchase the Property at the fair market value of \$175,000 per acre, with the State and the Authority sharing costs to demolish current existing buildings and related remediation within those buildings. After review, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Committee recommended approval of the Amendment to the Resolution Authorizing the Lease Purchase Agreement.
- III. The Deputy Executive Director reported that the Authority received correspondence informing of an opportunity for the Authority to purchase two parcels of property adjacent to the Delaware Air Park due to dissolution of a partnership. Lots C & D, consisting of approximately 30 acres could be used for the construction of T-hangars and to address storm water issues. Parcel A, contains a significant amount of wetlands and could be less attractive. Vice-Chairperson Hogan added that it may be beneficial to acquire the land to avoid any other construction close to the Airport. These parcels would be 95% reimbursable by the FAA. Staff will continue to conduct due diligence and keep the Committee informed. Commissioner Dorn requested a tour of the site.

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

The following matters of a confidential nature were discussed.

- LONG TERM PLANNING ALTERNATIVES

With no further business to discuss, on motion by Commissioner Dorn, seconded by Commissioner Hensley, the Economic Development Committee adjourned at 11:20 a.m.

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

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9821. 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 May.

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

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9822. 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 May 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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9823. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Acting CFO presented a chart for June 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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9824. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Acting CFO presented a chart for the month of June 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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9825. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF JUNE 30, 2008.

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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9826. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract #DMB-08-01 Repainting East Truss Spans – Second Structure
- Contract #DMB-08-02 Repainting Side Suspended Spans-First Structure
- Contract #DMB-07-03 Administration Bldg HVAC Economizer Upgrades
- Contract # DMB-07-04 Administration Bldg Computer Room Renovation
- Close-out Contract #CMA-04-03 SRE/Storage Building
- Close-out Contract #CMLF-07-08 Drydocking and Repairs M/V Delaware
- Close-out Contract #DAP-07-03 Obstruction Removal- Delaware Airpark
- Resolution 08-36 Approval of the Community Contribution Requests
- Resolution 08-37 Authorizing Authority Expenditures \$25,000 and over
- Resolution 08-38 Amending Res. 07-45 Lease Agreement with Thomas Duffy, Millville Airport
- Resolution 08-39 Amending Res.05-24 Authorizing Lease Purchase Agreement with the State of Delaware (Delaware Air National Guard)

There were no public comments.

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9827. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

<u>Contractor</u>		<u>Payment</u>
DMB-07-02	Marinis Brothers	\$ 304,724.17
DMB-06-03	J.D. Eckman, Inc.	\$1,287,640.98
DMB-04-01	Mumford and Miller	\$ 721,920.60
CMLF-07-08	Colonna’s Shipyard	\$ 10,000.00
CMLF-07-07	Walt’s Professional Painting	\$ 16,247.50
NCA-04-01	Diamond Materials	\$ 426,410.10
DAP-07-03	Eastern States Construction	\$ 10,000.00
CAT-07-01	Joseph T. Hardy & Sons	\$ 9,450.01
CMA-07-01	Scalfo Electric, Inc.	\$ 13,500.00
CMA-04-03	TNT Construction Co., Inc.	\$ 97,832.00

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9828. REPAINTING EAST TRUSS SPANS – SECOND STRUCTURE-dmb: CONTRACT # DMB-08-01

The COO stated that a public bid opening was held on July 1, 2008 in which three bids were received. Staff recommended contract award in the amount of \$3,121,600.00 be made to the responsive low bidder, Allied Painting, Incorporated, of Franklinville, NJ. The Projects Committee concurred with the recommendation of staff.

Commissioner Dorn motioned to award Contract DMB-08-01 to the aforementioned in the amount of \$3,121,600.00, seconded by Commissioner Cooper, and unanimously approved by voice vote.

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9829. REPAINTING SIDE SUSPENDED SPANS-FIRST STRUCTURE: CONTRACT #DMB-08-02

The COO stated that a public bid opening was held on July 1, 2008 in which five bids were received. Staff recommended the contract award be made to the lowest responsive bidder, Marinis Brothers, Inc., of New Castle, DE in the amount of \$1,372,791.98. The Projects Committee concurred with the recommendation.

Commissioner Simmerman motioned to award Contract DMB-08-01 to the aforementioned in the amount of \$1,372,791.98, seconded by Commissioner Dorn, and unanimously approved by voice vote.

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9830. ADMINISTRATION BUILDING HVAC ECONOMIZER UPGRADES – CONTRACT # DMB-07-03

The COO stated that a public bid opening was held on July 2, 2008 in which one bid was received from Schlosser & Associates, Incorporated in the amount of \$99,000.00. The bid contained one non-material irregularity. The proposal bond was issued for 10% of the price bid instead of 50% of the price bid as required. Schlosser submitted a replacement proposal bond in the correct amount of 50% of the price bid within 2 hours after the bid opening. The Projects Committee concurred with the recommendation of staff and waived the non-material irregularity and awarded the contract to Schlosser & Associates, Inc.

Commissioner Dorn motioned to award Contract #DMB-07-03 to the aforementioned in the amount of \$99,000.00, seconded by Commissioner Smith, and unanimously approved by voice vote.

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9831. ADMINISTRATION BUILDING COMPUTER ROOM RENOVATION-DMB: CONTRACT #DMB-07-04

The COO stated that a public bid opening was held on July 2, 2008 in which two bids were received. The lowest price bid was submitted by Joshi Construction Company; however, Joshi’s bid submission was deemed non-responsive because it failed to include the required cashier’s check and the proposal bond was issued for 10% of the total price bid instead of 50% as required. The second bid from Schlosser & Associates, Inc., of Newark, DE was responsive. The Projects Committee accepted staff’s recommendation to reject Joshi’s bid based on the material irregularities and award the contract to Schlosser & Associates, Inc in the amount of \$455,000.

Commissioner Favre motioned to award Contract #DMB-07-04 to the aforementioned in the total amount of \$455,000.00, seconded by Commissioner Dorn, and unanimously approved by voice vote.

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9832. CONTRACT CLOSE-OUT: SRE/STORAGE BUILDING: CONTRACT #CMA-04-03

On November 1, 2004 Contract No. CMA-04-03, SRE/Storage Building, was awarded to TNT Construction Co., Inc. of Paulsboro, New Jersey for the bid price of \$2,065,500.00.

During the contract period, Change Order No.’s 1-3 were approved for the project.

- 1. June, 27, 2008            Adjustments in quantities to reflect actual field conditions.  
Add: \$218,840.24.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$2,284,340.24

A motion was made by Commissioner Cooper to close-out Contract #CMA-04-03, seconded by Commissioner Dorn, and unanimously approved by voice vote.

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9833. CONTRACT CLOSE-OUT – DRYDOCKING AND REPAIRS M/V DELAWARE: CONTRACT #CMLF-07-08

On April 29, 2007 Contract No. CMLF-07-08, Drydocking and Repairs M/V Delaware, was awarded to Colonna’s Shipyard, Inc. of Norfolk, Virginia for the bid price of \$889,810.00.

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

- 1. April 29, 2008      Adjustments in quantities to reflect actual field conditions.  
Add: \$65,495.70

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$955,305.70

A motion was made by Commissioner Favre to close-out Contract #CMLF-07-08, seconded by Commissioner Smith, and unanimously approved by voice vote.

\* \* \* \* \*

9834. CONTRACT CLOSE-OUT – OBSTRUCTION REMOVAL - DELAWARE AIRPARK: CONTRACT # DAP-07-03

On February 1, 2008 Contract No. DAP-07-03, Obstruction Removal, was awarded to Eastern States Construction of Wilmington, Delaware for the bid price of \$199,000.00.

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 \$199,000.00.

A motion was made by Commissioner Favre to close-out Contract #DAP-07-03, seconded by Commissioner Hensley and unanimously approved by voice vote.

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9835. CHAIRPERSON’S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOAD

**RESOLUTION 08 - 36 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 July 08; and

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

Community Contributions

New Jersey

Friends Home at Woodstown Incorporated	\$ 4,000
Ranch Hope Strang School	\$ 5,000
Salem Oaks Little League Football	\$ 1,000
Twins Community Midget Football League Incorporated	\$ 1,000
<b>Total</b>	<b><u>\$ 11,000</u></b>

Delaware

Tri State Bird Rescue and Research Incorporated	\$ 6,000
Urban Youth Golf Program Association	\$ 1,300
<b>Total</b>	<b><u>\$ 8,300</u></b>
<b>Grand Total (New Jersey and Delaware)</b>	<b><u>\$ 18,300</u></b>

A motion to approve Resolution 08-36 was made by Commissioner Patterson, seconded by Commissioner Simmerman. With Commissioner Smith abstaining on Friends Home at Woodstown Inc., and Ranch Hope Strang School, Resolution 08-36 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 08-37 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1 THROUGH DECEMBER 31, 2008.**

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 1/1/08 THROUGH 12/31/08

VENDOR	SERVICE DESCRIPTION	DETERMINATION
Fairlite Electric Supply Co.	Electrical supplies CMLF	Quotes
Kelly's Products Co., Inc.	Equipment for CMLF Food Service	Quotes
Oberly, Jennings & Rhodunda/ WolfBlock LLP	Legal Services	
R.E. Michel Company, Inc.	HVAC improvements to existing Sanyo HVAC Systems	Quotes
Vistar/VSA	Candy, Gum and dessert products CMLF Food Service	Quotes

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

A motion to approve Resolution 08-37 was made by Commissioner Simmerman, seconded by Commissioner Smith and approved by a roll call vote of 10-0.

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**RESOLUTION 08-38 – AMENDING RESOLUTION 07-45 LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THOMAS DUFFY, 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, the Authority’s Board of Commissioners approved Resolution 07-45 authorizing the Executive Director to finalize a Lease Agreement (“Agreement”) with Thomas Duffy (“Duffy”) for a hangar at the Airport; and

WHEREAS, the structure of the transaction has changed and Duffy needs additional hangar space at the -Airport; and

WHEREAS, Duffy desires to also lease a 25% share of the Multi-tenant facility at the price of \$10.50 per square foot; and

WHEREAS, the term of the Agreement shall be for one (1) year; and

WHEREAS, Duffy shall have the option to renew this -Agreement for three (3) periods of one (1) year each; and

WHEREAS, rent during the option years shall increase annually by the Consumer Price Index (CPI); and

WHEREAS, Duffy also desires to have a Right of First Refusal on the currently vacant land directly adjacent to hangar 112 totaling approximately 30,000 square feet in order to construct a new hangar facility; and

WHEREAS, the term of the Right of First Refusal shall be for a three (3) year period.

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

A motion to approve Resolution 08-38 was made by Commissioner Simmerman, seconded by Commissioner Favre and approved by a roll call vote of 10-0.

\* \* \* \* \*

**RESOLUTION 08- 39 – AMENDING RESOLUTION 05-24 AUTHORIZING THE LEASE PURCHASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND THE STATE OF DELAWARE (DELAWARE AIR NATIONAL GUARD)**

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

WHEREAS, the State of Delaware, on behalf of the Delaware Air National Guard (the "State"), desires to purchase approximately 10.42 acres of land on Airport Rd. (the "Property"); and

WHEREAS, the Authority has acquired the appropriate releases from the Federal Aviation Administration and New Castle County; and

WHEREAS, with these acquired releases, the State no longer has the need to lease the property; and

WHEREAS, the State is purchasing the Property at the Fair Market Value price of \$175,000 per acre; and

WHEREAS, the State and the Authority will share the costs incurred in connection with the demolition of the buildings currently existing on the Property and the related remediation of substances within those buildings.

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

A motion to approve Resolution 08-39 was made by Commissioner Patterson, seconded by Commissioner Favre, and approved by a roll call vote of 10-0.

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9836. COMMISSIONERS PUBLIC FORUM

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

Elder Ty Johnson, Interdenominational Ministers Action Council (IMAC) spoke. He thanked the Commissioners for meeting with IMAC and the concerned citizens group and believed progress was being made. He stated that he will continue monitoring the progress and seeking justice for all. Elder Johnson then asked when the proposed Task Force will be meeting. He commended the Commissioners for their efforts.

Chairperson Parkowski noted that the meeting with IMAC and the concerned citizens was productive. He stated that the establishment of the Task Force will be to identify any barriers in the Authority's bidding process affecting minority owned businesses. Recommendations from the Task Force will be made to the full Board. A meeting of the Task Force will be scheduled shortly.

Mr. Herman Holloway, Jr., Community Activist, spoke. He said that he is very comfortable with the progress relating to minority contracting issues but concerned over the slow progress regarding equality and fairness issues for all employees. He does not want these concerns to fall on the back burner.

Chairperson Parkowski stated that the Authority has procedures and processes in place as a means of dealing with racial issues and employment practices. The Commissioners are attempting to deal with issues without violating or impacting the litigation process. Chairperson Parkowski then thanked Messer's Johnson and Holloway for their comments.

Next, Charity Irving spoke. She asked what progression and motion has taken place since the June meeting regarding the establishment of a Task Force.

Chairperson Parkowski stated that the Authority is making progress in putting together a Task Force to look at minority issues and that the first meeting will begin in August.

Commissioner Simmerman gave kudos's to Jim Salmon for the production of the DRBA's 2007 Annual Report. He then invited the Commissioners to hold a fall meeting at the Millville Sports Motor Cross Park in Cumberland County.

Commissioner Dorn wanted to assure IMAC and other guests that the Commissioners will seek fairness for all employees.

Commissioner Patterson distributed copies of a July 6, 2008 New York Times article regarding suicide. He said that it offers insight on jumpers and that the article was worth reading.

Commissioner Lathem congratulated Bernard Pepukayi, Delaware Governor's Representative to the Board of Commissioners, for his promotion to Family Court Commissioner for the State of Delaware. He thanked Chairperson Parkowski for his support of Mr. Pepukayi's nomination.

Chairperson Parkowski stated that Mr. Pepukayi is the first and only African-American in Delaware's court system and he was happy to support him.

There were no other comments.

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

The meeting was adjourned 10:55 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Secretary