

MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Tuesday, December 20, 2011
James Julian Boardroom
Delaware Memorial Bridge Plaza
New Castle, Delaware 19720

The meeting convened at 11:02 a.m. with Chairperson Lowe presiding.

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

Board Secretary Pankok 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

William E. Lowe, Chairperson
Richard W. Downes
Scott A. Green
Samuel E. Lathem
Terry C. Murphy

James N. Hogan, Vice-Chairperson
Edward W. Dorn
Niels S. Favre
Ceil Smith
Douglas Van Sant

ABSENT

Gary F. Traynor

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Chairperson Lowe called for the acceptance of the Agenda.

Commissioner Green motioned to accept the Agenda, seconded by Commissioner Favre, and the motion carried by a voice vote of 10-0.

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10465. APPROVAL OF THE NOVEMBER 15, 2011 MINUTES

Commissioner Favre motioned to approve the November 15, 2011 minutes, seconded by Commissioner Dorn, and unanimously approved by a voice vote of 10-0.

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10466. APPROVAL OF THE 2012 MEETING SCHEDULE

Commissioner Smith motioned to approve the 2012 Board and Committee meeting dates, seconded by Commissioner Dorn, and approved by a voice vote of 10-0.

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10467. EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented his report for the month of November, 2011.

Delaware Memorial Bridge

In November, total traffic decreased 0.6%, non-commercial traffic decreased 0.7%, and commercial traffic increased 0.4%, compared to November 2010. When compared to the 3-year average, total November traffic increased 0.3%. Year-to-date total traffic decreased 1.7%, non-commercial traffic decreased 1.9%, and commercial traffic increased 0.1%, compared to the previous year. When compared to the 3-year average, year-to-date total traffic decreased 1.7%.

E-ZPass traffic for November represented 65.0% of the total overall traffic as compared to 62.6% for the previous year. Year-to-date total electronic traffic represented 63.5%, an increase of 2.3% from 2010.

The pre-construction meeting was held for Contract DMB-10-06 Inspection of DMB Main Cables and Suspender Ropes. The Contractor will submit a project schedule for approval prior to receiving notice to proceed. Field work is expected to begin in March 2012.

On Veterans' Day, military veterans were honored during memorial services at our DMB War Memorial Park. Dignitaries, including Governor Jack Markell, Lt. Governor Matt Denn, Senator's Tom Carper and Chris Coons, Congressman John Carney, State Attorney General Beau Biden, Secretary of State Jeff Bullock, State Treasurer Chip Flowers, State Auditor Tom Wagner, State Representative James Johnson and County Executive Paul Clark welcomed and addressed the attendees. Our entire staff did another wonderful job at making sure everything was perfect for our guests.

I also want to highlight the fantastic restoration work our Maintenance staff has completed at the memorial. This work included the restoration of 120 panels (that include Veteran's names) as well as fixing the supporting structure with new cement work, caulking and a beautifully restored gold star. I am very proud of the work that they have accomplished and plans are underway to rededicate the memorial in the spring.

Cape May Lewes Ferry

In November, revenue vehicle traffic decreased 2.9%, revenue passenger traffic decreased 1.8%, and fare revenues decreased 2.3%, compared to November 2010. Year-to-date vehicle traffic decreased 7.1%, passenger traffic decreased 7.2%, and fare revenues decreased 6.6%, compared to the same period in 2010. Compared to the 3-year average, year-to-date revenue vehicle traffic decreased 9.9%, passenger traffic decreased 10.6%, and fare revenues decreased 7.7%.

In November, CMLF food and beverage revenues increased 0.3% and retail revenues decreased 1.5% compared to November 2010. Year-to-date food and beverage revenues increased 0.1% and retail revenues decreased 5.0% compared to the same period in 2010. When compared to the 3-year average, year-to-date food and retail revenues decreased 4.5%.

The Public Information Officer and CMLF Marketing Manager are working with representatives of Today's Media to develop an agreement to restart the Twin Capes Traveller magazine for our ferry customers.

Airports

New Castle Airport hosted its annual snow removal tenant operations meeting to review airport snow removal operations, including tenant responsibilities. Airport personnel presented aircraft de-icing procedures, tenant aircraft operation notifications, and airport priorities. Airport Operations and Maintenance personnel also held a joint snow removal operations training class.

The New Castle Airport Wildlife Hazard Management Group met to review wildlife activity and mitigation procedures for the third quarter 2011. Group members include DRBA Airport Operations, Maintenance and Engineering, as well as, DuPont Aviation, FAA Air Traffic Control, and the Delaware Air National Guard. Members are responsible for reviewing wildlife hazard data and make recommendations for further improving hazard conditions. Staff presented a wildlife hazards briefing to the Corporate Commons Association regarding installation of a wire grid system over the Common's detention pond to deter geese. A recent Wildlife Hazard Assessment conducted by USDA listed the open body of water as an attractant that needed to be mitigated due to its close proximity to New Castle Airport.

The Delaware River and Bay Authority economic development team worked with the owners of Cape May Brewing Company to publicize and hold an open house at the Brewing facility at the Cape May Airport.

The Director of Airports attended a Civil Air Terminal Expansion RFI Informational meeting that was conducted by the Delaware Department of Transportation. The meeting was attended by more than 50 individuals and was hosted by DelDOT staff. RFI responses are due by December 30th, 2011. The purpose of the RFI is to seek private interest in constructing additional infrastructure to support potential expansion of the CAT as well as its operation.

2012 Operating Budgets, Five-Year Strategic Plan (2012-2016) and 2012 Capital Improvement Program

Staff began preparing the 2012 Operating Budget and 2012 Capital Improvement Program in late summer with the conduct of internal Department presentations and reviews by members of Senior Leadership. Public presentations were conducted with the Budget and Finance and Projects Committee’s beginning in September and they continued each month leading up to the most recent discussions in November. During this period, staff worked to address various comments received from the Board.

Employee Happenings

Permanent Full-time staffing levels at the end November:

Authorized Positions	418
Positions Filled	362
Positions Filled (on LTD)	7
Total Positions that are Vacant	49
Vacant Positions in Process to fill	7

Gregory Chambers, EEO/AA & Diversity Manager will be teaching a course for Authority employees “Relating to People Different from Yourself” during the month of December.

The Community Initiatives Committee (CIC) hosted the Toys for Tots campaign during the months of November and December. Thank you for all who contributed to this campaign.

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

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10468. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

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

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

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10469. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expenses for the month of November 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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10470. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for November 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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10471. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of November 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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10472. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF NOVEMBER, 2011.

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

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

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10473. PUBLIC COMMENT ON ACTION ITEMS.

The Chairperson noted the following action items that were being considered and asked for public comment.

- Contract Close-out DMB-10-01 Repainting West Girder Spans- First Structure, DMB
- Resolution 11-48 Lease Agreement with Aeroways, Inc., New Castle Airport
- Resolution 11-49 Lease Agreement with Piasecki Aircraft Corp, New Castle Airport
- Resolution 11-50 Easement Agreement with DelDOT and New Castle County, New Castle Airport
- Resolution 11-51 Recognizing and Saluting Thomas A. Pankok for Dedicated Service to DRBA

There were no public comments.

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10474. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS

Contract No.	Contractor	Current Amount
DMB-10-01	Allied Painting, Inc.	500.00
DMB-10-03	Abel Fence, LLC Miscellaneous Steelwork	11,267.21
DMB-09-02	Mumford and Miller	151,218.99
DMB-05-01R	Cornell & Company Elevator Replacement/ Misc. Steelwork	604,787.60
CMLF-11-02	Corman Marine Construction	77,494.86
NCA-08-02	Greggo & Ferrara, Inc. Rehabilitate and extend Taxiway "H"	86,400.40
NCA-08-01	Diamond Materials, LLC Runway I Safety Area Improvements	51,950.00
MVA-05-01	Giberson Plumbing & Excavating	305,298.20

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10475. CONTRACT CLOSE-OUT – REPAINTING WEST GIRDER SPANS – FIRST STRUCTURE, DMB; CONTRACT DMB-10-01

On November 1, 2010 Contract No. DMB-10-01, Repainting West Girder Spans – First Structure, was awarded to Allied Painting, Inc. of Cherry Hill, New Jersey for the bid price of \$951,800.00.

During the contract period Change Order No. 1 was approved for the project.
Subtract: \$1,461.00.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$950,339.00.

A motion to close out Contract DMB-10-01 was made by Commissioner Green, seconded by Commissioner Dorn, and unanimously approved by a voice vote of 10-0.

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10476. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

RESOLUTION 11-48 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AEROWAYS, INC.

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

WHEREAS, Aeroways, Inc. (“Aeroways”) desires to lease approximately 50% of the hangar located at 10 DRBA Way at the Airport totaling approximately 7,500 square feet of hangar space and 4,150 square feet of office and shop; and

WHEREAS, Aeroways has agreed to pay the Authority annual rent in the amount of One Hundred and Fifty Thousand Dollars 00/100 (\$150,000.00); and

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

WHEREAS, Aeroways shall have the option of renewing the Lease Agreement for four one (1) year periods; and

WHEREAS, rent during each option period shall be adjusted by the Consumer Price Index.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Aeroways, Inc. 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 11-48 was made by Commissioner Green, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 11-48 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Aeroways, Inc., regarding New Castle Airport.

Committee: Economic Development

Board Date: December 20, 2011

Purpose of Resolution:

To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for hangar space at the New Castle Airport.

Background for Resolution:

The Delaware River and Bay Authority owns a hangar facility located at 10 DRBA Way. The hangar totals approximately 15,000 square feet of hangar space and 8,400 square feet of office and shop space. Aeroways, Inc. wishes to lease 25% of this hangar facility from the Delaware River and Bay Authority to house corporate aircraft.

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RESOLUTION 11-49 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND PIASECKI AIRCRAFT CORPORATION

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

WHEREAS, Piasecki Aircraft Corporation ("Piasecki") desires to lease approximately 5,200 square feet of hangar space located in Unit 4 at 11 Penns Way at the New Castle Airport; and

WHEREAS, Piasecki has agreed to pay the Authority monthly rental in the amount of Three Thousand Nine Hundred Dollars (\$3,900.00); and

WHEREAS, the initial term of the lease ("Lease Agreement") is for six (6) months; and

WHEREAS, Piasecki shall have the option of renewing the Lease Agreement for ten, six month (6) month periods; and

WHEREAS, rent shall adjusted each year by two percent (2%).

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

A motion to approve Resolution 11-49 was made by Commissioner Dorn, seconded by Commissioner Green, and approved by a roll call vote of 10-0.

Resolution 11-49 Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Piasecki Aircraft Corporation, regarding New Castle Airport

Committee: Economic Development

Board Date: December 20, 2011

Purpose of Resolution:
To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for space at the New Castle Airport.

Background for Resolution:

The Delaware River and Bay Authority owns a hangar known as Unit 4 at 11 Penns Way at the New Castle Airport. Piasecki Aircraft Corporation wishes to lease this hangar facility for the storage, maintenance, development and testing a US Navy helicopter. The initial term of the lease is for 6 months to coincide with their grant funding cycle. The lease price is based upon an appraisal and market demand. The property was appraised in November 2009 and has been unrented since that time.

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RESOLUTION 11-50 - EASEMENT AGREEMENT WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION AND NEW CASTLE COUNTY

WHEREAS, New Castle County (the “County”) is the owner in fee simple of a piece of land along with the improvements erected thereon, located in New Castle County, Delaware, commonly known as the New Castle Airport and identified as Tax Parcel Number 10-018.00-006; and

WHEREAS, the Delaware River and Bay Authority (the “Authority”) leased this land from the County in 1995 for a thirty (30) year term with two thirty (30) year renewal options; and

WHEREAS, the Delaware Department of Transportation (“DELDOT”) requires an increased right-of-way along a portion of Old Churchman’s Road and a portion of New Churchman’s Road for the establishment and maintenance of a new connector road between the two roads in connection with the Authority’s proposed development of a thirty-eight acre parcel of land on the southeasterly side of Old Churchman’s Road; and

WHEREAS, DELDOT has determined that a permanent easement on, over, across and through a portion of the County’s land is necessary for the purpose of increasing the existing right-of-way along a portion of Old Churchman’s Road and a portion of New Churchman’s Road and the construction of a new connector road; and

WHEREAS, the County has agreed to grant a permanent easement to DELDOT for the purpose of the required road improvements; and

WHEREAS, the Authority desires to enter into an easement agreement with the County and DELDOT to formalize the parties rights and obligations with respect to easements along Old Churchman’s road and New Churchman’s Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Permanent Easement Agreement with New Castle County and the Delaware Department of Transportation relating to the New Castle Airport, and with the advice and consent of counsel, to have such easement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 11-50 was made by Commissioner Green, seconded by Commissioner Smith, and approved by a roll call vote of 10-0.

Resolution 11-50 Executive Summary

- Resolution:** Authorizes the execution of a permanent easement at the New Castle Airport to the Delaware Department of Transportation
- Committee:** Economic Development
- Board Date:** December 20, 2011

Purpose of Resolution:

Authorizes the Executive Director, Chairperson and Vice Chairperson to execute and deliver an easement to DelDOT for right-of-way along Old Churchman’s and New Churchman’s Road. The easement is required for the proposed future development of a parcel of land commonly referred to as the Thirty-Eight Acre parcel. As the fee simple owner of the land, the County has reviewed the agreement and has approved the easement agreement.

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RESOLUTION 11-51 - RECOGNIZES AND SALUTES THOMAS A. PANKOK FOR HIS DEDICATED SERVICE TO THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, Thomas A. Pankok was appointed by Governor James E. McGreevey to serve as the Secretary to the Delaware River and Bay Authority, participating in his first Commission Meeting on April 16, 2002; and

WHEREAS, Mr. Pankok served with distinction, enthusiasm and dedication as the Board Secretary for nearly ten years before stepping down on December 20, 2011; and

WHEREAS, Mr. Pankok, through his experience as an elected official from South Jersey, provided an understanding of public meeting procedures and willingly supplied his time, talents and energy to successfully fulfill the duties of Delaware River and Bay Authority Board Secretary; and

WHEREAS, as the Secretary for the Delaware River and Bay Authority, Mr. Pankok actively recorded the proceedings of the Authority by attending each and every Public Board Meeting and documenting the affairs as they related to the operations of the Delaware Memorial Bridge, Cape May - Lewes Ferry, the DRBA Business Centre, New Castle Airport, Millville Airport, Cape May Airport, Delaware Airpark, Civil Air Terminal at Dover, and the Three Forts Ferry Crossing, all of which are managed by the Delaware River and Bay Authority; and

WHEREAS, as a result of Mr. Pankok’s diligence as Secretary, Delaware River and Bay Authority minutes accurately reflect the comments and actions that occurred during Committee and Commission meetings, which are now preserved for the benefit of future generations in Delaware and New Jersey.

NOW THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority does hereby praise and congratulate Thomas A. Pankok for the invaluable services rendered by him to the States of Delaware and New Jersey through his outstanding contributions as Secretary to the Delaware River and Bay Authority Commission and does hereby record the Commissioners sincere appreciation by the presentation of this Resolution, adopted today, December 20, 2011.

A motion to approve Resolution 11-51 was made by Commissioner Hogan, seconded by Commissioner Lowe, and approved by a roll call vote of 10-0.

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10477. COMMISSIONERS PUBLIC FORUM

Chairperson Lowe called for comments from the public and the Commissioners.

Christopher Field, FOP Local #14 Representative, approached the Commissioners. He commended the CHRO, the HR staff, and Kelly Benefits for explaining the new information packages that were sent in the mail to all employees. He also thanked the Payroll Clerk, Sue Evertt Jester, for her help working out payroll wages through the Authority’s kronos system. He

then spoke on issues such as vacancies, promotions, and career development within the Police department.

Chairperson Lowe thanked Officer Field for his comments.

Corporal Philip Hiller, DRBA police officer, spoke. He talked about his 10 years of service with the Authority and how family and coworkers were all part of a family. Employees were treated with respect. He commented on the bare bones staffing levels that, as a result, have caused several injuries in his department and the slowness in hiring and processing promotions.

Chairperson Lowe thanked Corporal Hiller for his comments.

Commissioner Dorn noted that he led a 15-car funeral procession from New Jersey into Delaware recently for a deceased veteran and the funeral parlor was sent an invoice for going over the DMB. He requested that the Authority look into free bridge passes for the deceased veterans going to their final resting place.

Commissioner Lathem stated that the DRPA has allocated \$2.2 million dollars to be distributed to the food banks of PA and NJ with approval from the Pennsylvania and New Jersey Governors yet this Authority cannot give to non-profits in Delaware. Commissioner Lathem also requested that the flags flown at the War Memorial be made in America.

Commissioner Green wished everyone a Happy Hanukkah and Merry Christmas.

Vice-Chairperson Hogan said that he knew Board Secretary, Tom Pankok, for a long time and that he wanted to thank him for his service and dependability to the Commissioners.

Mr. Thomas Pankok spoke. He said that this was the best board that he has served. He thanked everyone for their help. He was given a standing ovation.

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There being no further business, the meeting was adjourned at 11:34 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok
Secretary