

MINUTES OF MEETING  
**THE DELAWARE RIVER AND BAY AUTHORITY**  
**Tuesday, September 15, 2009**  
Gallery of the Cape May Ferry Terminal  
1200 Lincoln Boulevard  
North Cape May, New Jersey 08204

The meeting convened at 11:05 a.m. with Chairperson Hogan presiding.

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

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Chairperson Hogan noted that the Authority Secretary is under the weather and that the Deputy Executive Director (DED) will act in his stead. He then called on the DED to read the meeting notice and take roll.

The DED 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.

PRESENT

James N. Hogan, Chairperson	Scott A. Green, Vice-Chairperson
Susan A. DeLanzo	Richard W. Downes
Edward W. Dorn	---
Niels S. Favre	William E. Lowe
Ceil Smith	Terri C. Murphy
Douglas L. Van Sant	Gary F. Traynor

ABSENT

Samuel E. Lathem

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10030.      APPROVAL OF THE JULY 21, 2009 REGULAR MEETING  
MINUTES

Due to the absence of the Board Secretary, Chairperson Hogan dispensed of the approval of the July 21, 2009 minutes until next month.

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10031.      EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented the following highlights that occurred within the Authority during July and August, 2009.

***Delaware Memorial Bridge***

In July, total traffic increased 6.8%, non-commercial traffic increased 8.7%, and commercial traffic decreased 6.5%, compared to July 2008. When compared to the 3-year average, total July traffic increased 2.1%. Year-to-date total traffic increased 1.3%, non-commercial traffic increased 3.2%, and commercial traffic decreased 9.9%, compared to the previous year. When compared to the 3-year average, year-to-date total traffic decreased 1.4%. E-ZPass traffic for

July represented 57.5% of the total overall traffic as compared to 57.1% for the previous year. Year-to-date total electronic traffic represented 59.7%, an increase of 0.5% from 2008.

In August, total traffic increased 2.1%, non-commercial traffic increased 3.2%, and commercial traffic decreased 6.5%, compared to August 2008. When compared to the 3-year average, total August traffic increased 0.06%. Year-to-date total traffic increased 1.4%, non-commercial traffic increased 3.2%, and commercial traffic decreased 9.5%, compared to the previous year. When compared to the 3-year average, year-to-date total traffic decreased 1.2%. E-ZPass traffic for August represented 58.7% of the total overall traffic as compared to 57.7% for the previous year. Year-to-date total electronic traffic represented 59.5%, an increase of 0.5% from 2008.

I-295 main-line construction on the Phase III, \$26.8 million Approach Roads Project which started in June 2008 is progressing well. This work entails significant construction on I-295 Northbound through the US 13/I-295 interchange and is estimated to be completed in 2010.

In August, an oil tanker ran aground on the Delaware River approximately 1000 feet south of the I-295 northbound span – the 1<sup>st</sup> structure. The U.S. Coast Guard - Philadelphia responded and handled this incident.

We are nearing the completion of an Energy Audit and Renewable Energy Feasibility Study for the Delaware Memorial Bridge complex. The purpose of the audit is to evaluate energy usage, conservation measures and their savings, and to evaluate the feasibility of utilizing renewable forms of energy such as tidal, wind, solar and geothermal. We will be presenting the results of the study and recommendations in October.

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

In July, vehicle traffic decreased 3.7%, passenger traffic decreased 4.9%, and fare revenues increased 4.8%, compared to July 2008. Year-to-date vehicle traffic decreased 8.2%, passenger traffic decreased 8.3%, and fare revenues decreased 1.8%, compared to the same period last year. Compared to the 3-year average, year-to-date vehicle traffic decreased 12.2%, passenger traffic decreased 11.7%, and fare revenues increased 4.1%.

In August, vehicle traffic decreased 10.1%, passenger traffic decreased 12.8%, and fare revenues decreased 4.1%, compared to August 2008. Year-to-date vehicle traffic decreased 7.8%, passenger traffic decreased 9.5%, and fare revenues decreased 3.1%, compared to the same period last year. Compared to the 3-year average, year-to-date vehicle traffic decreased 10.6%, passenger traffic decreased 12.2%, and fare revenues increased 4.3%.

In July, CMLF food and beverage revenues decreased 0.3% and retail revenues decreased 16.0%, compared to July 2008. Year-to-date food and beverage revenues decreased 7.0% and retail revenues decreased 18.1%. When compared to the 3-year average, year-to-date food and beverage revenues decreased 11.0% and retail revenues decreased 23.1%.

In August, CMLF food and beverage revenues decreased 13.2% and retail revenues decreased 18.7%, compared to August 2008. Year-to-date food and beverage revenues decreased 9.2% and retail revenues decreased 18.5%. When compared to the 3-year average, year-to-date food revenues decreased 10.6% and retail revenues decreased 22.7%.

We are pleased to provide our customers with a Starbucks Coffee Bar in the Cape May and Lewes terminals. In addition to Starbucks' latte, cappuccino, espresso, and other coffee beverages, our customers will be able to savor freshly-prepared bakery goods from local bakeries.

We celebrated the 45<sup>th</sup> Anniversary of the first bicycle crossing on the Cape May – Lewes Ferry as Mr. Neil Jackson, now a resident of Forest, Virginia, made the ceremonial crossing with his family. It was July 14, 1964, when Jackson, then 15 years old living 125 miles away from the Ferry Terminal, was on a mission to make a surprise visit to see his grandmother in Lewes, Delaware. He rode his bicycle all day from Barrington in Camden County, New Jersey to the North Cape May terminal. At the time, Jackson paid 50 cents for the crossing, the same as a foot passenger. The Cape Gazette, DE Coast Press, Cape May County Herald and the Press of Atlantic City covered the event.

The “Take A Break from the Ordinary” promotional campaign was initiated. This promotional effort not only focuses on the benefits of using the Ferry for vacationers traveling along the East Coast, but also encourages area residents and vacationers to use the service to get to great local events on the other side of the Delaware Bay. The goal of the new advertising campaign is to increase ridership of the ferry during the peak and shoulder seasons; increase awareness of the ferry among those who vacation in the northeast and southeast; and begin to reestablish the ferry as an experience, not a simply mode of transportation. Several area newspapers picked up the story.

We hosted the 3<sup>rd</sup> Annual Visual Intermodal Prevention and Response Program “VIPR” Operation in Cape May and Lewes. The Federal Air Marshalls, TSA, U.S. Coast Guard, and State and Local Agencies worked in conjunction with the DRBA to develop and implement these anti-terrorism exercises. We are pleased to work with all these law enforcement agencies in what is one of the largest events in the nation.

We briefed the City of Lewes and conducted an informational session at a Town meeting regarding the Freeman Highway Bridge Rehabilitation Project which is slated for construction in 2010. Approximately 25 residents attended this meeting. Primary discussion items included schedule, maintenance and protection of traffic during construction, and safety. We received favorable comments at the meeting and in the local press concerning the necessary work.

***Airports***

At Cape May Airport, work on the rehabilitation of Taxiway “B” and “D” continues and is approximately 15% complete. Work includes pavement rehabilitation, lighting, signage, and drainage. This project is funded by the FAA at the 95% level and is scheduled to be completed by January 2010.

The Collings Foundation visited New Castle Airport as part of their ‘Wings of Freedom Tour 2009.’ The Foundation conducted a static display and aircraft tour event which was open to the public.

New Castle Airport held its annual tabletop exercise of the Airport Emergency Plan (AEP) with emergency first responders to review response procedures to a simulated fuel farm fire on the airport. This review is required every 12 calendar months by FAA regulations.

Frank Minor, Steve Williams, and I met with representatives of Kent County and the State of Delaware regarding the potential for commuter service at the Civil Air Terminal.

***Finance and Information Technology***

Staff met with Commissioners and Counsel to review alternatives and develop best practices concerning the procurement of profession services and discussed the issues of duration, staffing, presentation material and potential modification to Resolution 98-31 procurement guidelines. The results and recommendation of this effort were discussed in the September Projects Committee meeting.

The 2010 budget process began in August with the issuance of the Planning and Budget manual. This process will continue in earnest with internal departmental reviews in the coming months.

Staff continued to work with our vendor on the CapEx Manager Procurement and Project Management Software installation which was one of the initiatives that was recommended by the DBE Task Force. We plan to have the procurement component implemented by the end of this year.

***Economic Development***

Frank Minor and his staff conducted introductory meetings with various state, county, municipal leaders to develop a network of stakeholders for the development of an economic development plan for the organization.

***Employee Happenings***

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

Authorized Positions	442
Positions Filled	400

Positions Filled (on LTD)	4
Total Positions that are Vacant	38

In preparation for a possible Pandemic Flu Outbreak in the fall, we continue to implement the measures that have been detailed in our plan. Purell® Hand Sanitizing Dispensers were installed in all authority lavatories, break rooms, money rooms, and toll booths. The remainder of the pandemic flu contingency supplies is being stored for deployment, as needed.

The position of Chief Human Resources Officer was posted both internally and externally in July and closed on September 12<sup>th</sup>. An extensive outreach program was developed and executed by the executive recruitment firm handling this search.

The Community Initiatives Committee completed the Food Drive initiative which provided food and toiletry items to food banks located in Cape May County, Gloucester County, Cumberland County, Salem County, and the State of Delaware. The purpose of this initiative is to give support to local food banks that have been experiencing decreased contributions as well as an increase in demand.

The Community Initiatives Committee also delivered 100 bookbags filled with school supplies to the following school districts: Colonial and Seaford in Delaware; Logan Township and Wildwood Crest in New Jersey. Thank you to all those employees who participated in these initiatives.

Good Luck to our newest retirees - James Wilks, a Maintenance Specialist III with 27 years of service, Ken Rathof, a Maintenance Specialist III with 14 years of service, and Laraine Rathof, a Food Service Worker with 12 years of service.

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

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10032. COMMITTEE REPORT – BUDGET & FINANCE COMMITTEE

Commissioner Traynor presented the following Budget & Finance Committee meeting minutes of September 8, 2009.

**BUDGET & FINANCE COMMITTEE MEETING**  
**Tuesday, September 8, 2009**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Budget & Finance Committee and Public Hearing was held on Tuesday, September 8, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

Commissioners from Delaware

PRESENT

Committee Chair Van Sant  
Commissioner DeLanzo, Committee Member  
Commissioner Favre, Committee Member  
Chairperson Hogan

Committee Vice-Chair Traynor  
Commissioner Downes, Committee Member  
Commissioner Murphy, Committee Member  
Commissioner Lathem  
Commissioner Lowe  
Vice-Chairperson Green

Governors Representatives

Sonia Frontera – NJ

Legal Counsel

Phil Norcross – NJ

Mike Houghton - DE

Staff

Jim Johnson  
Frank Minor  
Victor Ferzetti  
Jim Walls  
Gerry Owens  
Anna Marie Gonnella Rosato  
Ken Hynson  
Joe Larotonda  
Kelly Phillips Parker  
AJ Crescenzi  
Michelle Griscom-Collins  
John Sarro

1. At the request of Committee Chair Van Sant, Committee Vice-Chair Traynor opened the Budget & Finance Committee meeting at approximately 12:17 p.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.

2. Proposed Resolutions

- Community Contribution Requests – Committee Vice-Chair Traynor discussed the multi-year commitment for Habitat for Humanity and other contributions; however, nothing was finalized. Both New Jersey and Delaware deferred discussion and action to the upcoming Board meeting in September.

- Over \$25,000 Vendor List – The Chief Financial Officer reported that the items listed were all related to events with vessels at the Cape May-Lewes Ferry. All were handled under Emergency Circumstances with staff providing the proper documentation. On motion by Commissioner Favre, seconded by Commissioner Van Sant, the Committee recommended approval of the Over \$25,000 Vendor List. A Resolution will be presented to the full Board for consideration at the September meeting.

- Professional Services Agreements – The Chief Financial Officer reported that an RFP for Professional Property Management Services for the Riverfront Market and Salem Business Centre had been conducted. Three bids were received. Deaton McCue and Company, Inc., submitted the lowest responsive bid to provide property management services for the Riverfront Market; and, Emory Hill Real Estate Services, Inc. submitted the lowest responsive bid to provide property management services for the Salem Business Centre. The CFO also reported that the current property management company for the Salem Business Centre submitted a late bid and was not accepted. It was also noted that the bid was higher than the other bids. Commissioner Downes questioned the cost of each and why the amounts were not included in the proposed Resolution. The Centralized Purchasing Director reported services for the Riverfront would be \$8,940 and services for the Salem Business Centre would be \$21,000 and would look to amend on future Resolutions. The CFO added that these costs would be for the management services only and there could be additional expenses such as repairs, furniture, etc. The Committee questioned which property management company currently providing services at the Salem Business Centre. It was reported that there were issues involving the current property management company; however, staff noted that the company in question will not be providing services at either of the locations. Committee Vice-Chair Traynor noted that the Authority has not had any past problems with the newly selected Salem Business Centre property management company, Emory Hill. After discussion, Commissioner Favre motioned to approve the Professional Services Agreements with Deaton McCue and Company and Emory Hill Real Estate Services, Inc.; however, with the additional option renewals will be brought back to the Committee for approval. Commissioner Murphy seconded the motion. The Resolution will be presented to the full Board for consideration at the September meeting.

4. Committee Vice-Chair Traynor requested an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Favre, seconded by Commissioner Murphy, the Session was closed.

The following matters of a confidential nature were discussed.

- LEGAL MATTERS

With no further business to discuss in Executive Session, on motion by Commissioner Murphy, seconded by Commissioner Downes, the Budget & Finance Committee was opened to the Public.

5. 2010 Budget Process

The CFO presented the 2010 Operating Budget Schedule. Significant dates for Commissioners are as follows:

- September 8, 2009 Present Preliminary 2010 Policy Issues to the Budget & Finance Committee
- October 5, 2009 Present Draft Budget to the Budget & Finance Committee
- November 2, 2009 Present Reviewed 2010 Operating Budget to the Budget & Finance Committee
- November 16, 2009 Present Proposed 2010 Operating Budget to the Board
- November 17, 2009 Adopt Formal 2010 Budget

The CFO presented and reviewed each of the 2010 Policy Issues which included the following: Full Time Wages; Healthcare; Pension; Other Post Employment Benefits; Vessel Fuel; Community Contributions, Insurance, Minor Capital Equipment; and Operating Budgets for Managed Properties. The CFO informed the Committee that he would be working on the other budget lines once department budget hearings were concluded. He noted, however, that the aforementioned items constituted the majority of the total budget and requested that the Committee communicate any analysis or requests so that staff can follow-up accordingly.

With no further business to discuss, on motion by Commissioner Downes, seconded by Commissioner Murphy, the Budget & Finance Committee adjourned at 1:05 p.m.

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

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10033. COMMITTEE REPORT – PERSONNEL COMMITTEE

Commissioner Dorn presented the following Personnel Committee meeting minutes of September 8, 2009.

**PERSONNEL COMMITTEE MEETING**  
**Tuesday, September 8, 2009**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority’s Personnel Committee was held on Tuesday, September 8, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey  
PRESENT

- Committee Chair Dorn
- Commissioner Favre, Committee Member
- Commissioner DeLanzo
- Commissioner Van Sant

Commissioners from Delaware

- Committee Vice-Chair Lathem
- Commissioner Murphy, Committee Member
- Commissioner Traynor, Committee Member
- Commissioner Downes

Chairperson Hogan

Commissioner Lowe  
Vice-Chairperson Green

Governors' Representatives

Sonia Frontera – NJ

Legal Counsel

Phil Norcross – NJ

Mike Houghton - DE

Staff

Jim Johnson, Jr.  
Frank Minor  
Victor Ferzetti  
Jim Walls  
Gerry DiNicola Owens  
Anna Marie Gonnella Rosato

Authority Secretary

Tom Pankok

I. Committee Chair Dorn welcomed the Personnel Committee and opened the meeting at 9:12 a.m. The Authority Secretary reported that the public meeting of the Personnel Committee had been duly noticed in accordance with the Authority's Freedom of Information Regulations, read the Statement of Notice, and called the roll.

2. Committee Chair Dorn made a motion to request an Executive Session, closed to the public to discuss matters of a confidential nature. On motion by Commissioner Lathem, seconded by Commissioner Murphy, the Session was closed.

The following matters of a confidential nature were discussed.

- CONTRACT NEGOTIATIONS
- PERSONNEL MATTERS
- LEGAL MATTERS

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

- CHRO Search

The Executive Director reported that the posting will close on September 12, 2009. As of September 5<sup>th</sup>, 137 responses have been received with an expectation of 200-225 to be received by the closing date. There has been extensive outreach and has been advertised two times in a range of newspapers, as well as posted on the websites of the Society for Human Resource Management, the National Association of African Americans in Human Resources, Workplace Diversity, Monster.com, Career Builder, and the Urban League.

- EEO Recruitment Manager

Eight candidates had been selected and interviewed with a second round of four candidates interviewed. A candidate has been recommended and undergoing an extensive background check, which should be completed by the end of the week. The Executive Director will reach out to the Committee once completed.

With no further business to discuss, on motion by Commissioner Murphy, the Personnel Committee adjourned at 10:45 a.m.

With no further business to discuss, on motion by Commissioner Downes, the Personnel Committee adjourned at 10:50 a.m.

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Commissioner Favre presented the following Projects Committee meeting minutes of September 8, 2009.

**PROJECTS COMMITTEE**  
**Tuesday, September 8, 2009**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of the Delaware River and Bay Authority’s Projects Committee was held on Tuesday, September 8, 2009, at the Delaware Memorial Bridge Administration Building, New Castle, Delaware.

Commissioners from Delaware

Commissioners from New Jersey

PRESENT

Commissioner Lowe, Committee Vice-Chair  
Commissioner Murphy, Committee Mbr  
Commissioner Lathem, Committee Mbr  
Commissioner Traynor  
Commissioner Downes  
Vice-Chairperson Green

Commissioner Favre, Committee Chair  
Commissioner Dorn, Committee Mbr.  
Commissioner Van Sant, Committee Mbr.  
Commissioner DeLanzo  
Chairperson Hogan

Governors’ Representatives

Sonia Frontera – NJ

Authority Secretary

Tom Pankok

Staff

Jim Johnson  
Frank Minor  
Victor Ferzetti  
Jim Walls  
Gerry DiNicola Owens  
A.J. Crescenzi  
Heath Gehrke  
Steve Williams  
Anna Marie Gonnella-Rosato  
John Jones  
Kelly Phillips-Parker  
John Sarro

Counsel

Mike Houghton, Esq., DE Counsel  
Phil Norcross, Esq., NJ Counsel

Other

Dan Wolfensburger, Exec. Dir.,  
Central DE Econ. Dev. Council

1. The Projects Committee meeting convened at approximately 11:00 a.m. Those in attendance were provided an informational package consisting of an agenda, a memorandum containing Procurement Recommendations from Commissioners Favre and Lowe, a Summary of the August 3, 2009 Procurement Meeting, three resolutions, four contract close-outs letters, and the monthly contractor payment chart with associated change orders (through August).

2. Report on Procurement Meeting and Initiatives

Commissioner Favre advised the Committee that he and Commissioner Lowe convened a meeting to discuss the procurement process, as requested by the Commission’s Chair and Vice Chair. The meeting was held on August 3, 2009 in Lewes, DE and the attendees also included the CFO, Centralized Purchasing Administrator, Delaware Counsel and New Jersey Counsel. Commissioner Favre stated that the meeting was very educational and he commended the Centralized Purchasing Administrator for the meeting presentation and the management of the procurement process. Commissioner Favre stated that the procurement process, although time consuming, is very well thought out and executed. Commissioner Favre also added that while he had hoped to find areas to accelerate the timeline for processing RFPs, there are many activities required and the timing is just a byproduct of the process and is in line with the nature of a bi-state authority. Commissioner Favre reiterated the recommendation for all Commissioners to

attend a procurement overview meeting and devote approximately two hours to understand how the procurement system is organized and managed.

The CFO then provided a brief overview of the meeting and the recommendations put forth by Commissioners Favre and Lowe. The CFO advised the Committee that a full summary of the meeting was included in their handout if they wished to review the details further. The Committee reviewed the procurement recommendations submitted by Commissioners Favre and Lowe, outlined below, and agreed to present them at the September Board meeting for adoption.

Current Action Items:

1. Modify Resolution 98-31 to reduce the frequency of advertisements from two consecutive weeks in two newspapers of general circulation in Delaware and New Jersey, to one advertisement in each of two newspapers of general circulation in Delaware and New Jersey.

2. Set a standard for contract length and number of optional annual extensions based upon the type of service being procured:

- a. General Service Agreements: Three (3) years with one optional annual renewal.
- b. Project Specific: The length of the project.
- c. Industry Best Practices: determined on a case by case basis based on industry guidelines when applicable.

3. Present information to the authorizing committee prior the award of a professional services contract to include:

- a. The names of the firms that submitted a proposal.
- b. The average score for each firm resulting from the written evaluation.
- c. The names of the short-listed firms invited to participate in oral interviews.
- d. The average score for each firm resulting from the oral interviews.
- e. The dollar amount of the contract.

4. Allow the originating committee in committee session, with the consent of the Chairperson and Vice chairperson of the Board of Commissioners, to approve the following:

- a. The utilization of available annual extensions for previously awarded professional service contracts; and
- b. Increases in not-to-exceed limits or contracted dollar amounts of previously awarded contracts for additional project(s) and/or scope of work in cases where:
  - i. the Authority is receiving funding and/or grants from a government agency to cover the increased expenditure in accordance with customary funding parameters; and/or
  - ii. the expense is related to the requirements of an economic development opportunity.

Future Action Items:

5. Examine the possibilities for streamlining the signature/contract execution process to shave time off the contracting process.

6. Counsel review of lease negotiation and contract approval process to ascertain if cost and time savings can be achieved.

7. Arrange a procurement and RFP overview session for all Commissioners.

3. Resolutions:

- Resolution to Amend Resolution 98-31 by Reducing the Public Advertising Requirement for All Public Procurement from Two (2) Consecutive Weeks to One (1) Advertisement. One of the procurement recommendations made is to reduce the requirement for advertising of public opportunities in the newspaper from two (2) consecutive weeks in a newspaper in Delaware and New Jersey, to one advertisement in a newspaper in Delaware and one in New Jersey. New Jersey counsel questioned whether the Resolution should codify the current practice of advertising public procurement opportunities via the Authority website and Commissioner Murphy recommended that the resolution be amended to include language regarding web site electronic notification. All Committee members concurred. The Projects Committee directed that the resolution be presented (with the amendment) at the September board meeting for adoption.

- DMB 1<sup>st</sup> Structure Improvement Program Project Management and General Engineering Services Contract Award: The Chief Operations Officer presented this resolution to award a consulting agreement to assist the Authority with the upcoming 1<sup>st</sup> Structure Improvement Program of the Delaware Memorial Bridge. This Improvement Program agreement consists of an initial term of five (5) years with three optional two-year renewals and has a \$10 million estimated cost. The Improvement Program consists of specific initiatives including numerous studies, inspections, design, and assistance during construction. A competitive selection process was completed in accordance with Resolution 98-31 resulting in AECOM USA, Inc. being designated first. The COO made the recommendation to award this contract to AECOM USA. Commissioner Downes asked if the \$10 million cost included sub-consultants. The Chief Engineer stated that the AECOM team included sub-consultants. The recommendation was made that the Resolution incorporate the procurement recommendation that any extensions or modifications to the contract amount be authorized by the original authorizing committee and all Committee members concurred. The Projects Committee concurred with the recommendation and directed that the resolution be presented (with the amendment) at the September board meeting for adoption.

- CMLF General Engineering Consulting and Naval Architecture Services: The Chief Operations Officer presented this resolution to award a consulting agreement to assist the Authority with its CMLF vessel improvement program. This agreement consists of an initial term of three (3) years with three (3) optional two (2) year renewals and has an estimated budget of \$2.1 million. The program consists of specific initiatives including fleet inspections, numerous studies, planning, model testing, design, and assistance during construction. A competitive selection process was completed in accordance with Resolution 98-31 resulting in AMSEC LLC being designated first. The COO made the recommendation to award this contract to AMSEC LLC. The recommendation was made that the Resolution incorporate the procurement recommendation that any extensions or modifications to the contract amount be authorized by the original authorizing committee and all Committee members concurred. The Projects Committee concurred with the recommendation and directed that the resolution be presented (with the amendment) at the September board meeting for adoption.

4. Bid Openings/Award Actions: None

5. Contract Close-Out Actions:

- DMB-07-01, 2007-2008 Deck Resurfacing and Overpasses: The COO recommended final payment and contract close-out to the contractor, Eastern Highway Specialists, Inc. of Wilmington, DE for the total final contract price of \$1,969,768.75. The Projects Committee concurred with the recommendation and authorized the action be presented at the September board meeting.

- CAT-07-01, Aviation Fuel Farm: The COO recommended final payment and contract close-out to the contractor, Joseph T. Hardy & Sons of New Castle, Delaware for the total final contract price of \$316,552.00. The Projects Committee concurred with the recommendation and authorized the action be presented at the September board meeting.

- NCA-06--03, Obstruction Removal (Phase I): The COO recommended final payment and contract close-out to the contractor, Eastern States Construction of Wilmington, Delaware for the total final contract price of \$554,507.79. The Projects Committee concurred

with the recommendation and authorized the action be presented at the September board meeting.

- CMA-07-02, Drainage Improvements (Phase II): The COO recommended final payment and contract close-out to the contractor, K.E. Seifert, Inc., of Langhorne, Pennsylvania for the total final contract price of \$529,598.79. The Projects Committee concurred with the recommendation and authorized the action be presented at the September board meeting.

6. Contractor Payment (through August): The COO informed the Committee of the monthly construction contractor payments to be made in September.

7. Miscellaneous Items/Updates:

- Dover Civil Air Terminal (CAT) Business Plan: The Director of Airports provided a CAT business plan presentation to the Committee which included background, issues, proposed business initiatives, business plan alternatives, and implementation timeline. He stated that the facility is currently not a public use airport and that the DRBA is a tenant of the State of Delaware. Proposed business initiatives could include air cargo parking, International Park of the Americas, airline service, and fixed based operator services. Pro forma comparisons were provided for a 10-year baseline development scenario and ultimate development scenario. Dan Wolfensburger, Executive Director, Central Delaware Economic Development Council, provided comments regarding related initiatives that Kent County is pursuing. The Projects Committee stated that they would like to further understand and explore the alternatives presented and directed that this topic be placed on a future Committee meeting agenda.

- New Castle Airport (Small Community Air Service Development Program Grant Application): The Director of Airports provided a review of this program and stated that the overall goal of this initiative is to determine demand for airline service in northern Delaware. The Director of Airports stated that an application for this grant has been filed with the U.S. Department of Transportation and that the total cost would be \$200,000 (\$40,000 cost shared by the DRBA). The DRBA will be notified by December 2009 if the grant will be awarded to the DRBA. If so, the study would have to be completed by July 2010. If the study results conclude that airline service is feasible, then an operating plan, identification of potential carriers, and a marketing plan would have to be done separate from this study. The COO explained the U.S. Department of Transportation's grant condition that requires the contract award for this study within 90 days of grant award notification. The COO then presented the procurement options to satisfy this requirement.

7. There being no further business for the Projects Committee, the public meeting was adjourned at approximately 12:15 pm.

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

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10035. COMMITTEE REPORT – ECONOMIC DEVELOPMENT

Commissioner Downes presented the following Economic Development Committee meeting minutes of September 8, 2009.

**ECONOMIC DEVELOPMENT COMMITTEE**  
**Tuesday, September 8, 2009**  
Delaware Memorial Bridge Complex  
New Castle, Delaware

A public meeting of The Delaware River and Bay Authority's Economic Development Committee was held on Tuesday, September 8, 2009, at the Delaware Memorial Bridge Complex, New Castle, Delaware.

Commissioners from New Jersey

PRESENT

Commissioner DeLanzo, Committee Member  
Commissioner Favre  
Chairperson Hogan

Governors Representatives

Sonia Frontera – NJ

Legal Counsel

Phil Norcross – NJ

Staff

Jim Johnson  
Frank Minor  
Victor Ferzetti  
Gerry Owens  
Jim Walls  
A.J. Crescenzi  
Anna Marie Gonnella Rosato  
Michelle Griscom-Collins  
John Jones  
John Sarro  
Steve Williams

Commissioners from Delaware

Committee Chair Downes  
Commissioner Lowe, Committee Member  
Commissioner Murphy  
Vice-Chairperson Green

Mike Houghton - DE

II. Committee Chair Downes welcomed the Economic Development Committee and opened the meeting at approximately 1:06 p.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.

2. The Deputy Executive Director and Michelle Griscom-Collins provided information on the following proposed Leases.

- Resolution Amending the Lease Agreement Between the Delaware River and Bay Authority and M & M Mini Storage at the Cape May Airport to include two additional periods of ten years each at a fair market value and adjusted annually by the Consumer Price Index. This Amendment would allow M & M Mini Storage to obtain bank financing for capital improvements to their leasehold. Delaware Legal Counsel commented on the extensive length of time of the renewals and the right to for the Authority to relocate tenants. The Committee discussed and recommended changes to the Authority's Standard Lease form to include the Authority's right to relocate and limitations on the period of any option. On motion by Commissioner Lowe, seconded by Commissioner DeLanzo, the Committee recommended approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration at the September meeting. Staff will incorporate the recommended changes to the standard Lease Agreement form.

- Resolution Authorizing a Lease Agreement Between the Delaware River and Bay Authority and Truth Recycling, Inc. at the Cape May Airport. This electrical product recycling business and will create 15-16 jobs. The Deputy Executive Director reported that this is a new business and is affiliated with Brick Recycling in Brick, New Jersey and 15 jobs generated is significant. The momentum may carry over to Cumberland and Salem County. The DED further reported that the Authority has a record of good customer service and the Authority need to create an environment for their businesses to prosper. Delaware Legal Counsel suggested obtaining, and incorporating into the lease, the appropriate indemnification from the parent company as well the previously discussed changes to the standard Lease Agreement form. After discussion, on motion by Commissioner Lowe, seconded by Commissioner DeLanzo, the Committee recommended approval of the Lease Agreement. A Resolution will be presented to the full Board for consideration at the September meeting.

- Resolution Amending the Lease Agreement with G & W Development, LLC, at the New Castle Airport. G & W has changed its business, business needs and name and the leasing agent is now MX Jet Services, Inc. MX Jet desires to adjust the Lease Term from twelve to eighteen months with one period of one year with the option adjusted by the Consumer Price Index. Staff will incorporate the recommended changes to the standard Lease Agreement form. After discussion, on motion by Commissioner Lowe, seconded by Commissioner DeLanzo, the Committee recommended approval of the Lease Amendment. A Resolution will be presented to the full Board for consideration at the September meeting.

### 3. Delaware Airpark – Arnold/Mitchell Property Update

John Sarro reported that the Review Appraisal had been received since the last update in July and concurs with the original appraisal and requested authorization for staff to move forward with negotiations to purchase available property contiguous to the Delaware Airpark. The land purchase is eligible for 95% reimbursable FAA funding with the State of Delaware, as landowner and sponsor has agreed, in principle to pay the 5% sponsor portion. These funds have been included in the FAA's 2010 CIP, subject to their appropriations cycle. The Committee discussed and questioned the possibility of losing the funding commitments. Committee Chair Downes suggested incorporating language to address a possible change of funding into the terms of a contract. On motion by Commissioner Lowe, seconded by Commissioner DeLanzo, the Committee recommended authorizing staff to move forward in the negotiations to acquire the available property.

### 4. Gateway to Economic Growth – The Delaware River and Bay Authority Interactive Economic Development Strategic Plan

The Deputy Executive Director and A.J. Crescenzi presented a DRAFT document outlining the Economic Development Strategic Plan. The DED and AJ Crescenzi presented the three-part Draft Strategic Plan which included the following:

- Sharing the Vision
- DRBA Asset Management and Development
- Build a Network of Communication
- DRBA Funding for Projects Proposals – Traditional Funding Projects

After the presentation, Delaware Legal Counsel added that, although the Authority has been approached to provide funding for projects, in accordance with the Delaware-New Jersey Compact, the Authority must own, operate, and control projects and does not provide grant funding. Committee Chair Downes noted that the development of a marketing strategy may involve an increased marketing budget and should be reviewed in the upcoming 2010 Budget Process. The DED reported that a budget would be presented. The Committee had no further questions.

### 5. Water Allocation to Cape May

Michelle Griscom-Collins reported that, prior to the Authority's take-over of the Cape May Airport operations, Cape May County and the Lower Township MUA had a 1992 Agreement for Cape May County to provide water from sources located at the Cape May Airport. A percentage was allocated to the Cape May Airport, the City of Cape May, the Lower Township MUA, and Borden's—a private company. The Lower Township MUA requested additional water to meet their needs and contacted the DRBA, as operator of the Cape May Airport. Staff met with, and agreed to work with local entities and the New Jersey DEP; however, during discussions, Borden agreed to provide their total water allotment percentage to meet the needs of the MUA. There is no immediate action required by the Committee; however, the DEP has required that the 1992 Agreement be updated to reflect the changes. Staff will provide additional updates as necessary.

With no further business to discuss, on motion by Commissioner Lowe, seconded by Commissioner DeLanzo, the Economic Development Committee adjourned at 1:30 p.m.

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

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10036. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Controller presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Three Forts Ferry Crossing, and Food Services for the months of June and July.

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

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10037. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The Controller presented charts showing statements of income and expenses for the months of June and July with comparisons to the same periods last year.

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

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10038. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The Controller presented charts for July and August showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

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

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10039. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The Controller presented charts for the months of July and August showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The charts also include cash expenditures spent to date for the committed projects.

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

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10040. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF JULY AND AUGUST, 2009.

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

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

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10041. PUBLIC COMMENT ON ACTION ITEMS.

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

- Contract Closeout #DMB-07-01 2007-08 Deck Resurfacing and Overpasses, DMB
- Contract Closeout #CMA-07-02 Drainage Improvements –Phase II, Cape May Airport
- Contract Closeout #NCA-06-03 Obstruction Removal – Phase I, New Castle Airport
- Contract Closeout #CAT-07-01 Aviation Fuel Farm, Civil Air Terminal

- Resolution 09-49 Rev Community Contribution Requests
- Resolution 09-50 Authorizes Expenditures Over \$25,000
- Resolution 09-51 Authorizes a Contract with Deaton McCue to Provide Property Mgmt Services for the Riverfront Market and Emory Hill Real Estate Services for Property Mgmt Services for Salem Business Park
- Resolution 09-52 Amends Resolution 98031 by Reducing the Public Advertising Requirement For All Public Procurement From 2 Consecutive Weeks to 1 Advertisement and Codifies the Practice of Posting Public Procurement Opportunities on the Authority Website
- Resolution 09-53 Authorizes an Agreement with AECOM USA for Project Management and General Engineering Consultant Services for the 1<sup>st</sup> Structure Improvement at the DMB
- Resolution 09-54 Authorizes an Agreement with AMSEC to Provide General Engineering Consulting and Navel Architect Services for the CMLF
- Resolution 09-55 Amends the Lease Agreement with M&M Mini Storage at the Cape May Airport
- Resolution 09-56 Authorizes a Lease Agreement with Truth Recycling at the Cape May Airport
- Resolution 09-57 Amends the Lease Agreement with G&W Development at the New Castle Airport

There were no public comments.

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10042. SUMMARY OF AUTHORIZED CONTRACT PAYMENTS.

Contract No.	Contractor	Current Amount
DMB-08-02	<b>Marinis Brothers, Inc.</b>	213,543.82
DMB-07-01	<b>Eastern Highway Specialists, Inc.</b>	2,000.00
DMB-04-01	<b>Mumford and Miller</b>	1,554,959.21
CMLF-06-03R	<b>PKF-Mark III, Inc.</b>	177,930.00
NCA-06-02	<b>Diamond Materials</b>	208,483.89
NCA-06-03	<b>Eastern States Construction</b>	10,000.00
CAT-07-01	<b>Joseph T. Hardy &amp; Sons</b>	5,000.00
CMA-05-01	<b>South State, Inc.</b>	512,693.89
CMA-07-02	<b>K.E. Seifert, Inc</b>	22,000.00

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10043. CONTRACT CLOSEOUT # DMB-07-01

On September 4, 2007 Contract No. DMB-07-01, 2007-2008 Deck Resurfacing and Overpasses, was awarded to Eastern Highway Specialists, Inc., of Wilmington, Delaware for the bid price of \$1,918,850.00.

During the contract period Change Order No's. 1-9 were approved for the project.

- 1. July 31, 2009 Adjustment in quantities to reflect actual field conditions.  
Add: \$50,918.75.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$1,969,768.75.

A motion to close out Contract #DMB-07-01 was made by Commissioner Favre, seconded by Commissioner Dorn, and approved by a voice vote of 11-0.

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10044. CONTRACT CLOSEOUT #CMA-07-02

On August 1, 2008 Contract No. CMA-07-02, Drainage Improvements-Phase II, was awarded to K.E. Seifert, Inc., of Langhorne, Pennsylvania for the bid price of \$542,486.50.

During the contract period Change Order No's. 1-2 were approved for the project.  
1. August 19, 2009 Adjustment in quantities to reflect actual field conditions.  
Subtract: \$12,887.71.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$529,598.79.

A motion to close out Contract CMA-07-02 was made by Commissioner Van Sant, seconded by Commissioner Favre, and approved by a voice vote of 11-0.

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10045. CONTRACT CLOSEOUT #NCA-06-03

On December 1, 2008 Contract No. NCA-06-03, Obstruction Removal-Phase I was awarded to Eastern States Construction of Wilmington, Delaware for the bid price of \$561,200.00.

During the contract period Change Order No's. 1-3 were approved for the project.  
1. August 13, 2009 Adjustment in quantities to reflect actual field conditions.  
Subtract: \$6,692.21.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$554,507.79.

A motion to close out Contract NCA-06-03 was made by Commissioner Smith, seconded by Commissioner Murphy, and approved by a voice vote of 11-0.

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10046. CONTRACT CLOSEOUT #CAT-07-01

On May 1, 2008 Contract No. CAT-07-01, Aviation Fuel Farm, was awarded to Joseph T. Hardy & Sons of New Castle, Delaware for the bid price of \$282,090.00.

During the contract period Change Order No's. 1-3 were approved for the project.  
1. August 21, 2009 Adjustment in quantities to reflect actual field conditions.  
Add: \$34,462.00.

It is recommended that the Authority accept the project and make final payment to the contractor. The total price for this project is \$316,552.00.

A motion to close out Contract CAT-07-01 was made by Commissioner Downes, seconded by Commissioner Traynor, and approved by a voice vote of 11-0.

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10047. CHAIRPERSON'S CALL FOR ACTION ON THE RESOLUTIONS BEFORE THE BOARD

**RESOLUTION 09 - 49 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 September 09; and

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

Community Contributions

**New Jersey**

Aids Coalition of Southern New Jersey Incorporated	\$ 1,000
Big Brothers Big Sisters of Burlington, Camden and Gloucester Counties	\$ 1,000
Big Brothers Big Sisters of Cumberland and Salem Counties	\$ 5,000
Boys and Girls Clubs of Gloucester County	\$ 8,000
Bridgeton Area Police Athletic League	\$ 7,000
Court Appointed Special Advocates of Cumberland, Gloucester And Salem Counties (CASA)	\$ 1,000
Friend of Cape May Jazz Incorporated	\$ 4,000
Literacy Volunteers of Gloucester County	\$ 1,471
Swedesboro Economic Development Committee	\$ 5,000

**Total** **\$ 33,471**

**Delaware**

Boys and Girls Clubs of Delaware	\$ 5,000
Delaware Police Chiefs Foundation	\$ 5,000
Peter Spencer Family Life Foundation (August Quarterly Festival)	\$ 5,000

**Total** **\$ 15,000**

**Grand Total (New Jersey and Delaware)** **\$ 48,471**

A motion to approve Resolution 09-49 (Rev 9/15/09) was made by Commissioner Lowe, seconded by Commissioner Dorn. With Commissioner Downes abstaining, Resolution 09-49 was approved by a roll call vote of 10-0 with 1 abstention.

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**RESOLUTION 09-50 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2009 THROUGH DECEMBER 31, 2009.**

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

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

DELAWARE RIVER & BAY AUTHORITY  
PROJECTED VENDORS TO BE PAID OVER \$25,000  
OPERATION EXPENDITURES  
FOR THE PERIOD 1/1/09 THROUGH 12/31/09

VENDOR	SERVICE DESCRIPTION	DETERMINATION
Fairlite Electric	Circuit Breakers for the Emergency Generators on the M/V Twin Capes and M/V Cape May	Emergency

Randive	Emergency Rudder repairs on the M/V Twin Capes and the M/V Cape May	Emergency
Dee Electric	Emergency repairs to the Generator on the M/V Delaware.	Emergency

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

A motion to approve Resolution 09-50 was made by Commissioner Traynor, seconded by Commissioner DeLanzo, and approved by a roll call vote of 11-0.

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**RESOLUTION 09-51 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND DEATON MCCUE AND COMPANY, INC. TO PROVIDE PROPERTY MANAGEMENT SERVICES FOR THE RIVERFRONT MARKET AND EMORY HILL REAL ESTATE SERVICES, INC. TO PROVIDE PROPERTY MANAGEMENT SERVICES FOR THE SALEM BUSINESS CENTER**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact that owns and manages the Riverfront Market in Wilmington, Delaware and the Salem Business Center in Salem, New Jersey; and

WHEREAS, the Authority desires to procure property management services for the Riverfront Market and the Salem Business Center with an initial term of two (2) years with three (3) optional one-year renewals, such renewals to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Authority publicly advertised and issued a Request for Sealed Bids for the required property management services in compliance with Resolution 98-31 which governs the procedure for the procurement of non-professional services; and

WHEREAS, the Authority received three bids; and

WHEREAS, Deaton McCue and Company, Inc. submitted the lowest responsive bid to provide property management services for the Riverfront Market at an annual cost of \$8,940 plus maintenance expenses; and

WHEREAS, Emory Hill Real Estate Services, Inc. submitted the lowest responsive bid to provide property management services for the Salem Business Center at an annual cost of \$21,000 plus maintenance expenses ; and

WHEREAS, the Budget and Finance Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Property Management Agreement with Deaton McCue and Company, Inc. to manage the Riverfront Market and a Property Management Agreement with Emory Hill Real Estate Services, Inc. to manage the Salem Business Center and to have such agreements, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 09-51 was made by Commissioner Favre, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

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**RESOLUTION 09-52 – AMENDS RESOLUTION 98-31 BY REDUCING THE PUBLIC ADVERTISING REQUIREMENT FOR ALL PUBLIC PROCUREMENT FROM TWO (2) CONSECUTIVE WEEKS TO ONE ADVERTISEMENT AND**

**CODIFIES THE PRACTICE OF POSTING PUBLIC PROCUREMENT OPPORTUNITIES ON THE AUTHORITY WEBSITE.**

WHEREAS, The Delaware River and Bay Authority (the "Authority") is a bi-state Authority created by Compact for the purpose of owning, operating and controlling both Crossing and Non-Crossing facilities in the states of Delaware and New Jersey; and

WHEREAS, the Authority adopted Resolution 98-31 entitled Procedure for Procurement of Professional Services, Materiel and Supplies, Construction and Construction Management Contracts and Transfer of Funds at the September 15, 1998 meeting of the Board of Commissioners; and

WHEREAS, the Authority reviews its procurement practices from time to time; and

WHEREAS, the Authority desires to amend Resolution 98-31 by replacing Sections 1a. and 2a. in their entirety; and

NOW, THEREFORE, BE IT RESOLVED, that Resolution 98-31 is hereby amended by deleting Section 1a. in its entirety and replacing it with the following language:

1. a. Any professional service contract awarded to any person, partnership, corporation, company, association or similar entity or any affiliate thereof which individually exceeds \$50,000 shall be publicly announced, not less than one time in one newspaper of general circulation in each of the States of Delaware and New Jersey, and on the Authority website, on each occasion when such professional services are required and each such announcement shall include (i) the project identification, (ii) general description and scope of the project, (iii) location, (iv) deadline for submissions of brief letters of interest and (v) criteria for selection including any special criteria required for any particular project, and shall indicate how interested parties can apply for consideration. For projects of an unusual or complex nature, a list of qualified bidders may also be prepared by the Authority and these persons given notice of the Project by the Authority.

NOW, THEREFORE, BE IT ALSO RESOLVED, that Resolution 98-31 is hereby amended by deleting Section 2a. in its entirety and replacing it with the following language:

2. a. Any contract for the purchase of materiel and supplies and non-professional services for the Authority with any person, partnership, corporation, company, association or similar entity or any affiliate thereof which contract individually exceeds \$50,000, or in the combination with other contracts, exceeds \$50,000 in any one calendar year shall be pursuant to a contract entered into by the Authority after competitive bidding. The advertisement for such bids shall be published at least one time in one newspaper of general circulation in each of the States of Delaware and New Jersey and shall be posted on the Authority website. The advertisement shall indicate the character, quantity and location of the work or the character and quantity of materiel, the time and place where the plans and specifications or descriptions may be obtained and where proposals are to be received. This provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices competitively bid by the States of Delaware or New Jersey for state agencies. "Materiel" means materials, equipment, tools, supplies, or any other personal property, but does not include real property, or electric, gas, water, telephone, or similar utilities.

A motion to approve Resolution 09-52 was made by Commissioner Van Sant, seconded by Commissioner Lowe, and approved by a roll vote of 11-0.

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**RESOLUTION 09-53 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND AECOM USA, INC. TO PROVIDE 1<sup>ST</sup> STRUCTURE IMPROVEMENT PROGRAM PROJECT MANAGEMENT AND GENERAL ENGINEERING CONSULTING SERVICES FOR THE DELAWARE MEMORIAL BRIDGE**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact that owns, operates and controls the Delaware Memorial Bridge; and

WHEREAS, the Authority desires to procure professional project management and general engineering consulting services for the 1<sup>st</sup> Structure Improvement Program for the Delaware Memorial Bridge with an initial term of five years with three optional two-year renewals, such renewals to be authorized by the Projects committee with the consent of the Chairperson and the Vice Chairperson of the Board of Commissioners, and an estimated budget of ten million dollars (\$10,000,000); and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (“RFP”) for the required program project management and general engineering consulting services in compliance with Resolution 98-31 which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated three proposals pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed all three firms and conducted oral interviews; and

WHEREAS, AECOM USA, Inc. was designated first on the preference list; and

WHEREAS, the Authority negotiated for services at compensation determined to be fair and reasonable with AECOM USA, and in making such determination, conducted an analysis of the cost of the services in addition to considering the scope and complexity; and

WHEREAS, the Projects Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Services Agreement with AECOM USA, Inc. to provide project management and general engineering consulting services for the 1<sup>st</sup> Structure Improvement Program for the Delaware Memorial Bridge and to have such agreement, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 09-53 was made by Commissioner Murphy, seconded by Commissioner Favre, and approved by a roll call vote of 11-0.

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**RESOLUTION 09-54 – AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND AMSEC LLC TO PROVIDE GENERAL ENGINEERING CONSULTING AND NAVAL ARCHITECT SERVICES FOR THE CAPE MAY-LEWES FERRY**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority created by Compact that owns, operates and controls the Cape May-Lewes Ferry; and

WHEREAS, the Authority desires to procure professional project management and general engineering consulting and naval architect services for the Cape May-Lewes Ferry with an initial term of three (3) years with three (3) optional one-year renewals, such renewals to be authorized by the Projects committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners, and an estimated budget of two million one hundred thousand dollars (\$2,100,000); and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (“RFP”) for the required general engineering consulting and naval architect services in compliance with Resolution 98-31 which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated five proposals pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed three firms and conducted oral interviews; and

WHEREAS, AMSEC, LLC was designated first on the preference list; and

WHEREAS, the Authority negotiated for services at compensation determined to be fair and reasonable with AMSEC, LLC, and in making such determination, conducted an analysis of the cost of the services in addition to considering the scope and complexity; and

WHEREAS, the Projects Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Services Agreement with AMSEC, LLC to provide general engineering consulting and naval architect services for the Cape May-Lewes Ferry and to have such agreement, upon review and advice of counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

Chairperson Hogan stated that, prior to the establishment of the Ad Hoc Ferry Committee, Commissioner Favre raised the question of approving Resolution 09-54 before the Ad Hoc Ferry Committee had a chance to meet. Chairperson Hogan said he had discussions with the Projects Committee and Vice-Chairperson Greene and is now favorable to approving the Resolution.

A motion to approve Resolution 09-54 was made by Commissioner Favre, seconded by Commissioner Lowe, and approved by a roll call vote of 11-0.

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**RESOLUTION 09-55 – AMENDING THE LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND M & M MINI STORAGE 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, M & M Mini Storage (“M & M”) desires to undertake various capital improvements to its leasehold; and

WHEREAS, M & M requests an extension of the term of its Lease Agreement (the “Agreement”) in order to acquire the bank financing for the capital improvements; and

WHEREAS, M & M shall have the option of renewing the Agreement for two (2) additional periods of ten (10) years each; and

WHEREAS, rent shall be adjusted at the beginning of each renewal term to the Fair Market Value (FMV); and

WHEREAS, during each renewal term, rent shall be adjusted annually 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 Amended Lease Agreement with M & M and, with the advice and consent of counsel, to have such Amended Lease Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 09-55 was made by Commissioner Favre, seconded by Commissioner DeLanzo, and approved by a roll call vote of 11-0.

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**RESOLUTION 09-56 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND TRUTH RECYCLING, INC. 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, Truth Recycling, Inc. (“Truth Recycling”) desires to lease Building 97 commonly referred to as the Tomwar Building totaling approximately 15,000 sq.ft. of warehouse and office space; and

WHEREAS, Truth Recycling has agreed to pay the Authority Ninety-One Thousand Five Hundred Dollars (\$91,500) annual rent during the initial term of the Lease Agreement (the “Agreement”); and

WHEREAS, the initial term of the Agreement is for five (5) years; and

WHEREAS, Truth Recycling shall have the option of renewing the Agreement for two (2) periods of five (5) years; and

WHEREAS, during the initial and the renewal term, rent shall be adjusted annually by the Consumer Price Index; and

WHEREAS, rent shall be adjusted at the beginning of the renewal term to the Fair Market Value (FMV).

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

A motion to approve Resolution 09-56 was made by Commissioner DeLanzo, seconded by Commissioner Favre, and approved by a roll call vote of 11-0.

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**RESOLUTION 09-57 AMENDING THE LEASE AGREEMENT WITH G & W DEVELOPMENT, LLC. AT THE NEW CASTLE AIRPORT**

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

WHEREAS, the Authority entered into a Lease Agreement (the “Agreement”) with G & W Development, LLC (“G&W”) to lease warehouse space at the Airport in order to expand its maintenance business; and

WHEREAS, G&W has changed its business and its business needs; and

WHEREAS, the name of the leasing entity is now MX Jet Services, Inc. (“MX Jet”); and

WHEREAS, the Lease Term of the Agreement shall be adjusted from twelve (12) months to eighteen (18) months; and

WHEREAS, MX Jet shall have the option of renewing the Amended Lease Agreement for one (1) period of one (1) year; and

WHEREAS, rent during the option period shall be adjusted 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 Amended Lease Amendment with G & W

Development, LLC and, with the advice and consent of counsel, to have such Amended Lease Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

A motion to approve Resolution 09-57 was made by Commissioner Lowe, seconded by Commissioner Van Sant, and approved by a roll call vote of 11-0.

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10048.            COMMISSIONERS PUBLIC FORUM

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

Mr. Mike DeMarcantonio, Executive Director, Lower Township MUA spoke. He noted the presence of Kevin Lare, Deputy Mayor, and other representatives from the Township. He spoke of the 1992 Water Allocation Agreement between the Authority and Lower Township MUA that allocated 8.6 million gallons of water a month to the Cape May Airport and adjacent Industrial Park. The Township is requesting the Authority relinquish a portion of the allocation to benefit approximately 300 homes in the Township that are experiencing contamination in existing wells. NJDEP has denied the Township additional water usage. Mr. DeMarcantonio noted that the Township previously met with the Authority and asked to meet again in an effort to negotiate the possibility of supplying addition water to these households. He said the existing agreement was obsolete and would like to renegotiate a new one.

Chairperson Hogan thanked Mr. DeMarcantonio for the briefing and stated that water in New Jersey is a complex issue. He then recommended the Deputy Executive Director meet with Lower Township and our New Jersey attorney to discuss the issue.

New Jersey Legal Counsel stated that he has been involved in conversations regarding water allocations and the contamination of wells in Lower Township over the last few weeks. He noted the Authority's concern for future water needs at the airport.

Commissioner Favre recused himself of discussions on this issue because of his Cape May City Council seat.

Mr. Mark Hightower spoke next. He said he wants to work with Big Sky Aviation at the Cape May Airport, but finds the contract process slow. He is looking to do business at the Airport by spring, 2010.

Chairperson Hogan thanked Mr. Hightower for his comments. He asked the Deputy Executive Director to arrange a conference call with Mr. Hightower to discuss his plans and how it fits within the Cape May Airport Business Plan.

Dr. Joseph Salvatore, Founder, Developer, and Chairman of the Naval Air Station Wildwood Aviation Museum spoke. He thanked the Authority, and particularly Commissioners DeLanzo and Favre for supporting the Airfest. It was the largest turnout at the Museum. Dr. Salvatore spoke of the 2 million dollars of grants the Museum has received since its inception in 1997 and that it is on the National Historic Register. He would like the Authority to relinquish WWII Mess Hall building to create a United States Coast Guard Museum. He said the Authority has not maintained the building.

Chairperson Hogan thanked Dr. Salvatore for his comments.

Ed Butler, President, Lower Township Taxpayers Association spoke. He spoke of the need for municipal water in certain areas of the Township to serve a population with contaminated wells. He asked that the Authority negotiate with the Township MUA as a good neighbor.

Chairperson Hogan stated that this is a new issue presented to the Board and that staff, along with Authority counsel, will initiate discussions with all involved.

Frank Bankard, Local 542, spoke. He read the following prepared statement and left a copy of his letters addressed to Commissioner Dorn and the Executive Director that he references in his statement with the DED. The letters are filed with the minutes.

Dear Commissioners:

Local 542 made a FOIA request on July 24<sup>th</sup> in regards to the Berkshire Analysis regarding pay equality, gender and race. This request has gone unanswered and I have made repeated requests since that time for this report.

At the last Commissioners meeting on July 21<sup>st</sup>, I exhibited a document on this matter which Local 542 performed using DRBA information and then provided a copy of this document and letter to Commissioners Dorn on July 24<sup>th</sup>. As for my letter to Commissioner Dorn, we feel it's clear and hammers directly on everything we have tried to address for the past 4 years on this subject in regards to workers performing the same type of work, although, being paid far below their co-workers. I like to be clear, the Union has never tried or proposed from its inception to drastically change the top rate of pay in these categories and most of these categories our Members at the top pay rate have ~~accepted~~ pay increases of 2% or less per year for the past 3 years! Our goal again and still is to pay individuals equal for the job they perform.

We still expect a Copy or inspection of the Berkshire Analysis as per your FOIA and we ~~wait~~ for a response to our request.

The beginning of this year the Authority has posture its financial position in accordance to the Global economic downturn and has cited that expenditures need to be addressed throughout. We question the legitimacy of this position, for example:

- Local 542 filed 4 Grievances this year which all have been denied. Some with clear infractions to the Contract. After denial, we sought Arbitration to hopefully have them settled and rectify. These Grievances are;
  1. Hiring Seasonal employees while Bargaining Unit Members were currently laid off.
  2. Reassigning Employees with greater Seniority to positions pay without negotiating with the Union or providing the appropriate pay rate to these new positions per the work assigned.
  3. Assigning established work to another unit of workers without bargaining with the Union.
  4. Supervisors performing Bargaining unit work during the normal work day and on overtime and weekends, which is at a higher hourly cost than our unit workers are paid.

*And soon to be: failure to promote a Bargaining Unit worker in the same scope as the Authority has done to non-bargaining unit employees.*

Local 542 Labor Counsel has requested to DRBA Counsel that all Arbitrations be consolidated to one Arbitrator to save cost and time.

- a. The Authority wants each Grievance/Arbitration done individually, which instead of paying an Arbitrator once, we now will pay 4 or more times! No where in the real world would any employer waste its resources with this type of absurdity.

The new caveat to save money by the Authority is for Upper Management to relinquish the use of their assigned DRBA Vehicles. This give back, is then rewarded with a \$4500.00 after tax payment for returning a DRBA car. Meanwhile, our members have gone without Uniforms for over a year and been hit with an increase to their Health Care Coverage and no pay increases for 2009.

Last month I was able to meet with Governor Corzine and addressed some of the issues we have at the DRBA. He seemed sympathetic and conveyed his concern on two topics I brought to his attention:

1. The replacement of Full Time workers with Temp/Casual workers who then go on the New Jersey Unemployment roll when laid off from the DRBA, only to have more temp workers hired to replace those workers. He remarked, his position since Public Office was never to replace permanent jobs with Temps and feels this is unjustifiable.
2. The length of time our Local has gone without a Collective Bargaining agreement. He feels negotiations should never take this amount of time to obtain a CBA.

The bottom line I expressed to Governor, that in Cape May County alone, we have a 15% unemployment rate. At this time, right across the passageway to the Ferry we have a Paint Shop which use to have 12 fulltime painters. We now represent 4 painters! There are 4 more casual painter that have been given an additional 200 hours more time to work this year above the Authority Max limit of 1000 hours, because the workload cannot be handled with this sort staff. These additional hours only exasperate our argument of understaffing and the elimination of full time workers. This one Department is by no means an isolated incident. At the Bridge we currently have 21 full time toll collectors while the Authority maintains a casual staff of over 60 employees. This job needs to be maintained 24 hours 7 days a week. These casuals receive no benefits, although, some of these casual workers receive up to an additional 500 hours a year above the Authority Maximum because the need to maintain an operable work staff, but eventually they are laid off.

With the surplus that this Authority has, along with a total separate budget for Community Giving's, the state of this economy should be addressed by you the Commissioners of the shortfall of full time workers. Giving to a Charity is by far a great thing to do. But when people are losing their homes and health care that should be the first agenda item before any Charity is addressed. As the old Chinese proverb goes, 'give a man a fish you feed him for a day teach a man to fish you feed him for life' there are many people that want full time work on both sides of this River and you as Commissioners have the power to correct these wrongful actions, furthermore, you would only be upholding the mission statement of the DRBA.

Thank you,

Chairperson Hogan thanked Mr. Bankard for his comments.

Bill McHugh, MEBA representative, spoke. He asked if the \$4,500 given to certain employees as a stipend in lieu of an Authority auto was true. He said that he sees this action as an employee contract. The same as MEBA bargaining in good faith. Mr. McHugh said that the action taken by the Authority giving money to those employees with automobiles to him was a perceived contractual agreement much the same as MEBA employees.

Vincent Ascione, Local 542 representative spoke. He thanked the Commissioners for allowing him to speak. He said that he has seen quite a few changes in the last few years regarding Board members and governors. But people at the bridge have not changed. He is asking for bargaining in good faith through the negotiation process. He gave accolades to Authority employees stating that they are hard working and loyal employees looking for pay raises.

Janet Pitts, President, Lower Township Taxpayers Association, spoke. Ms. Pitts inquired about the Authority's Community Contribution program.

Chairperson Hogan noted the presence of Kenneth Hynson, Community Contribution Administrator, who will be happy to meet with her to explain the program.

\* \* \* \* \*

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

The meeting was adjourned 12:25 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Thomas A. Pankok  
Secretary