

**DELAWARE RIVER**  
**JOINT TOLL BRIDGE COMMISSION**  
**MINUTES**  
**MEETING OF DECEMBER 22, 2008**

**DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**MEMBERS OF THE COMMISSION**

**NEW JERSEY**

HONORABLE DAVID R. DEGEROLAMO  
**Chairman**

HONORABLE DONALD HART

HONORABLE HARRY ZIKAS, JR

HONORABLE WILLIAM J. HODAS

VACANT

**PENNSYLVANIA**

HONORABLE GAETAN J. ALFANO  
**Vice Chairman**

HONORABLE MELISSA HELLER

HONORABLE JAMES L. BROUGHAL

HONORABLE BERNARD GRIGGS, JR.

HONORABLE JOHN PREVOZNIK  
**Secretary-Treasurer**

Revised 11/08

**DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**STANDING COMMITTEES**

**FINANCE, INSURANCE, MANAGEMENT OPERATIONS**

**PENNSYLVANIA:** Alfano, Broughal

**NEW JERSEY:** Hart\*, Zikas

Chairman-Ex Officio

**HUMAN RESOURCES, AFFIRMATIVE ACTION AND TRAINING AND SAFETY**

**PENNSYLVANIA:** Griggs, Broughal

**NEW JERSEY:** Hodas\*, Vacant

Chairman and Vice Chairman Ex-Officio

**PROJECTS, PROPERTY AND EQUIPMENT**

**PENNSYLVANIA:** Griggs\*, Alfano

**NEW JERSEY:** Hart, Hodas

Chairman – Ex-Officio

**PROFESSIONAL SERVICES COMMITTEE**

**PENNSYLVANIA:** Alfano\*, Heller

**NEW JERSEY:** Vacant, Zikas

Chairman – Ex Officio

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**AUDIT COMMITTEE**

**PENNSYLVANIA:** Prevoznik\*, Heller,

**NEW JERSEY:** Hodas, Hart

Chairman and Vice Chairman Ex-Officio

**CAI COMMITTEE**

**PENNSYLVANIA:** Alfano, Broughal

**NEW JERSEY:** DeGerolamo\*, Hart

**CONTRACTS SUB-COMMITTEE**

**PENNSYLVANIA:** Griggs\*, Alfano

**NEW JERSEY:** DeGerolamo, Hodas

\*Chairman of Committee

**DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION  
RECAPITULATION OF COMMITTEE MEMBERSHIP  
2008**

<b>DeGerolamo</b>	(1) Ex-Officio of all Committees
<b>Alfano</b>	(1) Finance, Insurance, Management Operations Committee (2) Projects, Property and Equipment Committee (3) Contracts Sub-Committee (4) Professional Services Committee (5) CAI Committee (6) Audit Committee * Ex-Officio of all Committees
<b>Broughal</b>	(1) Finance, Insurance, Management Operations Committee (2) Human Resources, Affirmative Action and Training and Safety Committee (3) CAI Committee
<b>Griggs</b>	(1) Human Resources, Affirmative Action and Training and Safety Committee (2) Projects, Property and Equipment Committee (Chairman) (3) Contracts Sub-Committee (Chairman)
<b>Hart</b>	(1) Finance, Insurance Management and Operations Committee (Chairman) (2) Projects, Property and Equipment Committee (3) CAI Committee (4) Audit Committee
<b>Heller</b>	(1) Professional Services Committee (2) Audit Committee
<b>Hodas</b>	(1) Human Resources, Affirmative Action and Training and Safety Committee (Chairman) (2) Projects, Property and Equipment Committee (3) Contracts Sub-Committee
<b>Prevoznik</b>	(1) Audit Committee (Chairman)
<b>Zikas</b>	(1) Finance, Insurance, Management Operations Committee (2) Professional Services

**DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**PROFESSIONAL ASSOCIATES**

**CONSULTING ENGINEERS**

TRANSYSTEMS CONSULTING ENGINEERS

Paramus, New Jersey

**LEGAL COUNSEL**

FOX ROTHSCHILD, LLP  
Philadelphia, Pennsylvania

FLORIO, PERRUCCI, STEINHARDT & FADER  
Phillipsburg, New Jersey

**EMPLOYMENT COUNSEL**

STRADLEY, RONON, STEVENS & YOUNG  
Philadelphia, Pennsylvania

WOLFF AND SAMSON  
West Orange, New Jersey

**AUDITOR**

MERCADIEN  
Princeton, New Jersey

**FINANCIAL ADVISOR**

VACANT

**COMMUNICATIONS CONSULTANT**

BELLEVUE COMMUNICATIONS  
Philadelphia, Pennsylvania

**INVESTMENT MANAGEMENT**

COMMERCE CAPITAL MARKETS  
Philadelphia, Pennsylvania

Revised 2008



# DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

ORGANIZATION CHART  
FRIDAY, SEPTEMBER 26, 2008

## COMMISSIONERS

**Executive Director**  
Frank G. McCartney

**Chief Engineer**  
George G. Alexandridis

**Assistant Chief Engineer**  
Roy Little

**Senior Program Area Manager**  
Kevin Skeels

**Deputy Executive Director of Communications**  
Joseph Donnelly

**Acting Director of Community Affairs**  
Richard McClellan

**Director of Policy & Planning**  
Glenn Reibman

**Chief Administrative Officer**  
Arnold Conoline

**Director of Human Resources**  
Patrick Heron

**Acting Director of Purchasing**  
Fred Fields

**Director of E-ZPass**  
Yvonne Kushner

**Deputy Executive Director of Operations**  
Frank J. Tolotta

**District Superintendents**  
Jack Prior (Acting), D I  
Lendell Jones, D II  
Bryan Hill, D III

**Director of Plants & Facilities**  
Frank Beruta

**Director of Security Safety and Training**  
James P. Stettner

**Director of Electronic Security Surveillance**  
Matthew Harigan

**Director of Information Technology**  
Mary Jane Hansen

**Director of Compact Authorized Investments**  
Julio Gundy

**Chief Financial Officer**  
Sean P. McNeeley

**Comptroller**  
Stephen Cathcart



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Meeting of December 22, 2008

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# **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**Meeting of December 22, 2008**

## **CALL TO ORDER**

The Regular Monthly Meeting of the Delaware River Joint Toll Bridge Commission was Called to Order at the New Hope Headquarters and Administration Building, 2492 River Road, New Hope, Pa. 18938-9579 in the Boardroom, on Monday, December 22, 2008 at 11:45 a.m., pursuant to notice properly forwarded to each member in compliance with the By-Laws. David DeGerolamo, Chairman, presided at this Meeting. The Commission met in Executive Session to discuss legal and personnel matters prior to this meeting.

## **APPEARANCES**

### **COMMISSION MEMBERS:**

Hon. Gaetan Alfano (Pennsylvania)  
Hon. David DeGerolamo (New Jersey)  
Hon. Melissa Heller (Pennsylvania)  
Hon. William Hodas (New Jersey)  
Hon. Bernard Griggs (Pennsylvania)  
Hon. Harry Zikas, Jr. (New Jersey)  
Hon. Donald Hart (New Jersey)  
Hon. James L. Broughal (Pennsylvania)  
Hon. John Prevoznik (Pennsylvania)

### **COMMISSION GENERAL COUNSEL:**

Marcel Groen Fox Rothschild, Pennsylvania Legal Counsel  
Levin Czubaroff, Fox Rothschild, Pennsylvania Legal Counsel  
Mark Peck, Florio, Perrucci, Steinhardt and Fader, New Jersey Legal Counsel

### **COMMISSION LABOR COUNSEL:**

Jonathan Bloom, Stradley Ronon, Pennsylvania Labor Counsel  
John Casey, New Jersey Legal Counsel

### **GOVERNORS REPRESENTATIVES:**

Alex Ficken, PA Governor's Office  
Maura Tully, NJ Governor's Authority Unit

### **REPRESENTING THE COMMISSION'S COMMUNICATIONS CONSULTANTS: BELLEVUE COMMUNICATIONS**

Pete Peterson, Bellevue Communications

# **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**Meeting of December 22, 2008**

## **COMMISSION STAFF MEMBERS:**

Frank G. McCartney, Executive Director  
Frank J. Tolotta, Deputy Executive Director of Operations  
Joseph Donnelly, Deputy Executive Director of Communications  
Arnold Conoline, Chief Administrative Officer  
Sean McNeeley, Chief Financial Officer  
Stephen Cathcart, Comptroller  
Patrick Heron, Director of Human Resources  
Richard McClellan, Acting Director of Community Affairs  
Julio Guridy, Director of Compact Authorized Investments

## **OTHERS:**

Richard Hieshetter, Public, Riverwalk (Easton)  
Sal Panto, Mayor of Easton  
Walter Hannigan, AVInternational  
Brian Keaveney, Pennoni Associates- CAI Program  
Bob Piwonski, Morrisville Resident  
Ron Meyers, Morrisville Resident  
Ron Mieszkowski, CMX  
Jim Van Dien, HDR  
Joe LoBuono, HDR  
John Raymond, PA Treasury  
Curt Yeske, Trenton Times  
Michael Duck, Morning Call  
J. Alan Fowler, Former Commission Member  
Phillip Mugavero, Former Commission Member,  
Kathy Diringer, NJ DOT  
Mayor Delvecchio, Mayor of Lambertville

## **ROLL CALL**

Frank G. McCartney, Executive Director, in his capacity as Secretary for this Meeting, called the Roll, and at the conclusion thereof, reported that there was a quorum present--there being four members present from Pennsylvania and four members present from New Jersey.

## **WELCOMING REMARKS OF CHAIRMAN**

Chairman DeGerolamo welcomed those persons whose identities are set forth hereinabove under "Appearances".

## **INTRODUCE ANY COMMENTS FROM THE PUBLIC**

Chairman DeGerolamo addressed the meeting and invited any comments from the Public or Press on items pertaining to today's Agenda.



# **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**Meeting of December 22, 2008**

## **EXECUTIVE DIRECTORS REPORT**

Good morning and happy holidays to everyone. Today marks the first full day of winter. It also is the first full day of Hanukkah. It's a special day for the Commission, too.

Following today's meeting, we plan to hold a brief ceremony downstairs to formally rededicate this new expanded headquarters and administration facility. This project was constructed over the course of the past year. We have planned a small ribbon-cutting and plaque-unveiling ceremony to mark the project's completion.

We anticipate attendance by some local dignitaries and – if you have a moment – I encourage everyone to visit our new second-floor gallery where a variety of bridge and river-scene photographs are on display for the occasion.

The photographers are from counties within our river jurisdiction and the photographs depict scenes from our northern, central and southern districts.

This is the first time we have attempted something like this and we hope to do more of it in the future to celebrate the unique cultural attributes of the river region this agency serves.

Before we immerse ourselves in the agenda before us, I would like to point out a couple of recent achievements for the Commission.

First, the Commission has begun a partnership with AAA Northampton County to provide E-ZPass QuickStart enrollments six days a week at the motor club's offices in Easton.

This is the first time we have offered our E-ZPass accounts through another entity's service-delivery system. The new partnership kicked off on December 8.

Chief Administrator Arnie Conoline and E-ZPass Director Yvonne Kushner are exploring similar partnership with other AAA clubs throughout the jurisdiction should this initial one prove successful.

Second, the Greater New Hope Chamber of Commerce recently presented the Commission with a 2008 Service Award in recognition and appreciation for all of the work – hanging festival banners, holiday lights and emergency repairs -- the Commission performs in the community on a gratis basis.

It is always gratifying to see when our agency's partnering and assistance efforts get recognized. Finally, I want to say a few words about an item on today's agenda – a resolution to bring our E-ZPass discount rates in line with other tolling agencies in the two states.

We are recommending that the Commission approve the following changes in its E-ZPass program effective January 1:

- Begin charging a \$1 monthly administrative maintenance fee on each E-ZPass account – currently 67,804 in our system.
- Eliminate the 20-percent "casual" discount currently provided to all motorists whenever they use an E-ZPass transponder to pay a toll at a DRJTBC crossing.

## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

### **Meeting of December 22, 2008**

- Eliminate the 5-percent peak-period discount for trucks and other commercial vehicles.
- Maintain an off-peak discount for trucks and other commercial vehicles – revising it to 10 percent, down from 15 percent.

The changes are projected to generate roughly \$5 million next year, enabling the Commission to meet its debt-service coverage ratios for 2009.

The changes also will bring the DRJTBC in step with toll agencies that instituted account fees and eliminated “casual” discounts years ago.

While these changes mark the first time the Commission will apply a fee or eliminate a category of discount since it began offering E-ZPass six years ago, the Commission will still maintain a commuter discount and an off-peak truck discount. The commuter discount – which is a deeper discount than the casual discount -- rewards people who live in communities near our toll bridges and use those facilities the most. The commuter discount reduces the base 75 cent toll to 45 cents. The 10-percent off-peak truck discount rewards truckers who travel when traffic volumes are at their lowest levels. This is the last meeting for 2008, one of the busiest construction years in the Commission’s history.

On behalf of all the staff, I wish everyone the warmest of holidays and a Happy New Year.

### **APPROVAL OF MINUTES FOR COMMISSION MEETING HELD NOVEMBER 24, 2008**

**R: 1672-12-08 - ADM-01-12-08**

Chairman DeGerolamo addressed the meeting and invited the introduction of a Resolution approving the Minutes of the Commission Meeting held November 24, 2008.

At the conclusion of the review, Commissioner Zikas and Commissioner Hart seconded the adoption of the following Resolution:

Commissioner Prevoznik addressed the meeting and requested to be recorded as abstaining from this vote.

**"RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December, that the Minutes of the Commission Meeting held on November 24, 2008, be and the same hereby are approved."

Chairman DeGerolamo invited questions on the Resolution. No further questions were presented and the Resolution was adopted.



# **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**Meeting of December 22, 2008**

## **OPERATIONS REPORT-MONTH OF NOVEMBER 2008**

**R: 1673-12-08 - ADM-02-12-08**

Chairman DeGerolamo addressed the meeting and asked if there were any questions on any of the reports contained in the "Operations Report".

At the conclusion of the review, Commissioner Zikas moved and Commissioner Hart seconded the adoption of the following Resolution:

**"RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at it's Regular Meeting assembled this 22nd day of December that the Commission, via this Resolution, acknowledges receipt, understanding and authorizes filing of the report entitled, 'Operations Report, Month of November 2008, as set forth in the Supplement to the Minutes of this Meeting."

Chairman DeGerolamo invited questions on the Resolution. No questions were presented and the Resolution was unanimously adopted.

## **REVISION TO THE MBE/WBE PILOT PROGRAM TO INCLUDE SBE REQUIREMENT FOR NEW JERSEY CONSULTANT CONTRACTS**

**R-1674-12-08 – ADM-03-12-08**

Chairman DeGerolamo addressed the Meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review, Commissioner Broughal moved and Commissioner Heller seconded the adoption of the following Resolution:

**"WHEREAS;** the Delaware River Joint Toll Bridge Commission (the "Commission") was created, as a body corporate and politic, by a compact between the State of New Jersey and the Commonwealth of Pennsylvania, with the consent of the Congress of the United States (the "Compact"); and be it

**"WHEREAS,** the Commission is responsible, among other powers and duties, to maintain and operate seven toll, and thirteen toll supported, bridges which cross the Delaware River between New Jersey and Pennsylvania; and be it

**"WHEREAS,** the Commission is engaged in a major capital program for, among other efforts, the Rehabilitation and Enhancement of its bridge infrastructure system; and be it

**"WHEREAS,** in order to protect the substantial investment the Commission has made, and continues to make, in said infrastructure, the Commission desires to provide equal employment and contracting opportunities for all persons regardless of race, color, religion, sex, national origin, age or non-job related disability; and be it

## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

### **Meeting of December 22, 2008**

**“WHEREAS**, in order to afford equal opportunity to all qualified firms to participate in the contract process and not be discriminated against on grounds of race, color, religion, national origin, or non-job-related disability in regard to any Consultant or Construction Contracts related to the implementation of its Capital Program; and be it

**“WHEREAS**, the State of New Jersey has established a race and gender neutral SBE program via Executive Order #71; and be it

**“WHEREAS**, the Commission desires to have the New Jersey Consultant contracts conform to the requirements of the State of New Jersey SBE program;

**“NOW, THEREFORE**, be it resolved, by the Delaware River Joint Toll Bridge Commission at its’ Regular Meeting assembled this 22nd day of December, 2008, the Commission amends Resolution R-1597-07-08- ADM-05-07-08 as follows;

- (1) The effective date of the one-year MBE/WBE/SBE Pilot Program for Consultant or construction contracts related to the implementation of the Commission’s Capital Program shall be December 22<sup>nd</sup>, 2008
- (2) The participation goals of this one-year MBE/WBE/SBE Pilot Program shall be:
  - a. For Pennsylvania Consulting and all Construction Contract – 7% MBE and 3% WBE
  - b. For New Jersey Consulting Contracts- 25% race and gender neutral related to the implementation of its Capital Program
- (3) Said pilot program shall continue until December 31, 2009 or until modified or revoked by further resolution of the Commission.”

Chairman DeGerolamo invited questions on the Resolution. No questions were presented and the Resolution was unanimously adopted.

### **APPROVAL OF 2009 TEMPORARY BUDGET**

**R:1675-12-08 – ADM-04-12-08**

Chairman DeGerolamo addressed the Meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Broughal seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at it’s Regular Meeting assembled this 22<sup>nd</sup> day of December 2008, that the Commission approves a Temporary Budget in the amount of \$12,182,178, covering January 1, 2009 through March 31, 2009 to provide Delaware River Joint Toll Bridge Commission with operating funds until the adoption of the 2009 budget.”



## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

### **Meeting of December 22, 2008**

Chairman DeGerolamo invited questions on the Resolution. No questions were presented, and the Resolution was adopted.

#### **TRANSFER OF WILLIAM LUSCIK, JR. FROM CUSTODIAL WORKER I TO MAINTENANCE WORKER III-DELAWARE WATER GAP TOLL BRIDGE**

**R: 1676-12-08 – HR-01-12-08**

Chairman DeGerolamo addressed the Meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review, Commissioner Hodas moved and Commissioner Prevoznik seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes the transfer of William Luscik, Jr. on or after February 2, 2009 from his current Custodial Worker I position to the Maintenance Worker III position in District III at the DWG Toll Bridge that will become vacant with the retirement of Kenneth Foulkes. This transfer is authorized with compensation fixed at \$35,635 per annum, which is step 4 in the salary range for the Maintenance Worker III position (\$30,791-39,289), pending satisfactory completion of the required personnel processing.”

Chairman DeGerolamo invited questions on the Resolution. No questions were presented, and the Resolution was unanimously adopted.

#### **RESTORATION OF SENIOR CLERK TELLER-FOLLOWING OUT-OF-CLASS-ASSIGNMENT-CARL GRAHAM**

**R: 1677-12-08 – HR-02-12-08**

Chairman DeGerolamo addressed the Meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review, Commissioner Hodas moved and Commissioner Prevoznik seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution authorizes the restoration of Carl Graham to his current permanent classification of Senior Clerk Teller at the Milford-Montague Bridge effective January 1, 2009 at the salary rate for Step 6 of the pay range established for said classification as reflected in the approved 2009 Operating Budget; and be it

**“FURTHER RESOLVED**, that the Commission authorizes the Executive Director to effect this restoration of Carl Graham to his current permanent classification as proposed.”

## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Meeting of December 22, 2008

Chairman DeGerolamo invited questions on the Resolution. No questions were presented, and the Resolution was unanimously adopted.

### RENEWAL OF SELECT INSURANCE POLICIES

**R: 1678-12-08 - INS-01-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Broughal seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes renewal of the following bridge and property insurance policies with the carriers recommended by The Graham Company for the term February 1, 2009 to February 1, 2010, in the amount of \$1,101,931.00:

- Bridge Property - Primary,
- Bridge Property - Excess (2 policies)
- Excess Flood
- Property - Buildings
- Boiler & Machinery
- Contractors Equipment
- Builders Risk

**“FURTHER RESOLVED**, that the Commission authorizes the Executive Director to affect the renewal of the aforementioned bridge and property insurance policies.”

Vice Chairman Alfano addressed the meeting and said:

*“Again, I would just note this was the subject of an extensive presentation by the Graham Company.”*

Chairman DeGerolamo invited any further questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

**Meeting of December 22, 2008**

### **C-393, PRELIMINARY ENGINEERING & ENVIRONMENTAL DOCUMENTATION OF THE SCUDDER FALLS (I-95) TS BRIDGE IMPROVEMENTS**

**R: 1679-12-08 - ENG-01-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

Commissioner Heller addressed the meeting and requested to be recorded as recusing herself from this vote.

At the conclusion of the review Commissioner Hart moved and Commissioner Broughal seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes the Executive Director to execute Contract Modification No. 9 to Contract C-393A, Preliminary Engineering & Environmental Documentation of the Scudder Falls (I-95) TS Bridge Improvements by an amount of \$279,901.00, and to increase the not-to-exceed amount of said contract from \$5,518,853.65 to \$5,798,754.65, a 5% increase; and be it

**“FURTHER RESOLVED**, Identify the General Reserve Fund as the source of funds required for payment of any invoices; and be it

**“FURTHER RESOLVED**, The Executive Director is hereby authorized to approve and execute all necessary contracts on behalf of the DRJTBC.”

Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was adopted.

### **NEW HOPE-LAMBERTVILLE TOLL BRIDGE CANTILEVER BRACKET IMPROVEMENTS CONSTRUCTION MANAGEMENT & CONSTRUCTION INSPECTION SERVICES**

**R: 1680-12-08 - ENG-02-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hart seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes the Executive Director to negotiate scope and fee with the Consultant whose letter of interest has been deemed qualified through the RFLOI procurement process and determined to be fair, reasonable and in the best interest of the Commission; and be it



## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

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Chairman DeGerolamo invited questions on the Resolution. No questions were presented, and the Resolution was unanimously adopted.

### **C-380A, TRENTON-MORRISVILLE TOLL BRIDGE REHABILITATION AND ONE AUXILIARY NORTHBOUND LANE**

**R: 1681-12-08 - ENG-04-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

Commissioner Heller addressed the meeting and requested to be recorded as recusing herself from this vote.

At the conclusion of the review Commissioner Broughal moved and Commissioner Hart seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes the Executive Director, in consultation with the Chair and Vice Chair of the Commission, to execute a Settlement Agreement and Release (hereinafter, “Settlement Agreement”) by and between the Delaware River Joint Toll Bridge Commission (“Commission”) and the Louis Berger Group, Inc. (“LBG”) for Contract C-380A (Trenton-Morrisville Toll Bridge Rehabilitation and One Auxiliary Northbound Lane Feasibility Study, Preliminary and Final Design and Post Design Services) and all necessary agreements, contracts, and other documents in furtherance of this resolution behalf of the Commission, including, but not limited to, Contract Modification No. 3. The Settlement Agreement shall provide that, among other things, LBG will release the Commission from and against any and all claims, disputes and liabilities in connection with Contract C-380A through the effective date of the Settlement Agreement.

Prior to execution of the Settlement Agreement and all other necessary agreements, contracts and other documents in furtherance of this resolution, including, but not limited to, Contract Modification No. 3, these documents will be reviewed by Commission staff and Commission legal counsel to verify that these documents are fair, reasonable and in the best interest of the Commission; and be it

**“FURTHER RESOLVED**, The Executive Director, after consultation with the Chair and Vice Chair of the Commission, is hereby authorized to approve and execute all necessary agreements, contracts, and other documents on behalf of the Commission in furtherance of this resolution, including, but not limited to, the Settlement Agreement and Contract Modification No.3 Prior to execution, such agreements, contracts, and other documents, including but not limited to, the Settlement Agreement and Contract Modification No. 3 shall be reviewed by Commission Staff

## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

### **Meeting of December 22, 2008**

and Commission legal counsel to verify that such agreements, contracts and other documents are fair, reasonable and in the best interest of the Commission.”

Chairman DeGerolamo invited questions on the Resolution. No questions were presented, and the Resolution was adopted.

### **T-436A, EASTON-PHILLIPSBURG TOLL BRIDGE SIGN STRUCTURE REPLACEMENTS, SIGN STRUCTURE REPAIRS AND SIGNAGE UPGRADE**

**R: 1682-12-08 - ENG-05-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hart seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission, at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes the Executive Director, in consultation with the Chair and Vice Chair of the Commission, to execute a Settlement Agreement and General Release by and between the Delaware River Joint Toll Bridge Commission (“Commission”) and Perrello, Inc. (hereinafter, “Settlement Agreement”). Prior to execution of the Settlement Agreement, the Settlement Agreement will be reviewed by Commission staff and Commission legal counsel to verify that the Settlement Agreement is fair, reasonable and in the best interest of the Commission; and be it

**“FURTHER RESOLVED**, The Executive Director, after consultation with the Chair and Vice Chair of the Commission, is hereby authorized to approve and execute all necessary agreements, contracts, and other documents on behalf of the Commission in furtherance of this resolution, including, but not limited to, the Settlement Agreement. Prior to execution, such agreements, contracts, and other documents shall be reviewed by Commission staff and Commission legal counsel to verify that such other agreements, contracts and other documents are fair, reasonable and in the best interest of the Commission.”

Chairman DeGerolamo invited questions on the Resolution. No questions were presented, and the Resolution was unanimously adopted.



# DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Meeting of December 22, 2008

## TOLL ADJUSTMENT

R: 1683-12-08 - ADM-05-12-08

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Broughal moved and Commissioner Alfano seconded the adoption of the following Resolution:

The Delaware River Joint Toll Bridge Commission (the "Commission") was created in accordance with Article 1, Section 10, Clause 3 of the Constitution of the United States of America, the Congress of the United States of America has consented to the Compact by Acts approved August 30, 1935, August 4, 1947, March 31, 1952 and April 2, 1987, as a bi-state agency by an agreement between the Commonwealth of Pennsylvania and the State of New Jersey executed on December 19, 1934 by the Governor of the Commonwealth of Pennsylvania and executed on December 18, 1934 by the Governor of the State of New Jersey, as thereafter supplemented, modified and amended by supplemental agreements between the Commonwealth of Pennsylvania and the State of New Jersey from time to time (collectively, the "Compact").

The Commission is composed of ten (10) members (collectively, the "Commissioners"), five (5) from the Commonwealth of Pennsylvania, who are citizens appointed by the Governor of the Commonwealth of Pennsylvania and serve at the pleasure of the Governor of the Commonwealth of Pennsylvania, and five (5) from the State of New Jersey, who are citizens appointed by the Governor of the State of New Jersey with the consent of the State Senate for three (3) year terms.

The Commissioners desire to memorialize their mutual understanding with respect to the future capital expenditures and Compact-authorized investments of the Commission, as well as the financial stability of the Commission, and have agreed as follows:

"**WHEREAS**, after sufficient investigation and study into the matter, the Commission has determined that it will require approximately One Billion Dollars (\$1,000,000,000) through the year 2018 in connection with its plans to rehabilitate and renew the bridges under the control of the Commission through the implementation of the Commission's four-pronged strategy (the "Capital Program"), as follows:

- System Preservation – bridge rehabilitation and/or modernization
- System Protection – protect facilities from sabotage or terrorism
- System Management– operational and/or service changes to optimize capacity of the bridges
- System Enhancement– expansion and/or construction of new transportation facilities

"**WHEREAS**, the Commission plans to fund the Capital Program by, among other things, a previously issued 2003 bond by the Commission, and two (2) additional bond issues which the Commission issued in 2005 and 2007 (collectively, the "Bond Issues"); and be it

## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

### Meeting of December 22, 2008

“WHEREAS, the Commission intends to fund through the year 2011 up to \$40 million in certain Compact Authorized Investments for Transportation Infrastructure Improvements (as more particularly set forth and authorized in the Compact) (collectively, the “Compact Authorized Investments”); and be it

“WHEREAS, the Commissioners are committed to the Commission maintaining its current credit rating and credit worthiness (the “Credit Rating”); and be it

“WHEREAS, the Commission’s Bond Indentures require, among other things, that the Commission take certain steps so that the net revenue generated by the Commission from certain funding sources is at least an amount that satisfies those certain formulae set forth in detail in the Security for Bonds, Rate Covenant section of the Bond Indentures (the “Debt Service Coverage Ratio”); and be it

“WHEREAS, after sufficient investigation and study into the matter, the Commission has determined that the minimum targeted cash balance of the Commission should be the greater of Eighty Million Dollars (\$80,000,000.00) or fifteen (15%) percent of the Commission’s then current outstanding principal indebtedness (the “Minimum Balance”); and be it

“WHEREAS, the Commission believes that it is in the best interest of the Commission and the public if a uniform amount is charged for each trip in the toll direction (each a “Crossing”) over a bridge under the control of the Commission (each, a “Toll Bridge”); and be it

“WHEREAS after sufficient investigation and study into the matter, the Commission has concluded that, as soon as it can be practically implemented, the appropriate amount to be charged for each automobile per Crossing on any Toll Bridge is Seventy-Five Cents (\$0.75) (the “Auto Toll”); and be it

“WHEREAS, the Commission has further determined that use of the E-ZPass by commuters making twenty (20) or more trips in a thirty five (35) day period for payment of the Auto Toll should result in a savings of forty (40%) percent to such user, thereby reducing the Auto Toll to Forty-Five Cents (\$0.45) (the “Auto Commuter Discount”); and be it

“WHEREAS, the Commission has further determined that, effective as of April, 30 2007, the appropriate amount to be charged for vehicles not otherwise covered by the Auto Toll per Crossing on any Toll Bridge is Three Dollars and Twenty-Five Cents (\$3.25) per axle (the “Truck Tolls”) as more particularly set forth in the attached Toll Table (the “Toll Table”); and be it

“WHEREAS, the Commission further determined that the Truck Tolls shall be adjusted as necessary at any time in order to satisfy any requirements with respect to one or more of the Bond Issues in order to complete the planned Capital Program, as planned; and be it

“WHEREAS, the Commission has further determined that use of the E-ZPass for payment of the Truck Tolls should result in a savings of Ten (10%) percent if used during the off-peak hours of 9:01 PM to 5:59 AM ( the “Truck Discount”); and be it



## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

### Meeting of December 22, 2008

**“WHEREAS**, the Commission has further determined that a one dollar (\$1.00) per month Account Maintenance Fee on all E-Z Pass accounts is necessary; and be it

**“WHEREAS**, upon review of the proposed Auto Toll, Auto Commuter Discount, Truck Tolls, Off peak Truck Discount, Account Maintenance Fee and Toll Table, it is recommended that the Commission approve the Auto Toll, the Auto Commuter Discount, the Truck Tolls, the Off Peak Truck Discount, Account Maintenance Fee and the Toll Table and enact and implement such tolls and discounts as required and in accordance with the applicable effective dates set forth above, and take such steps and/or other actions as may be reasonably necessary in connection therewith; and be it

**“WHEREAS**, the Commonwealth of Pennsylvania and State of New Jersey have agreed to enter into a certain Memorandum of Understanding (the “Memorandum of Understanding”), wherein they shall agree to share equally the costs associated with the clean-up, rebuilding, removal and/or replacement of any of the bridges under the control of the Commission affected by one or more acts of sabotage or terrorism, and that the Commission may discontinue plans to reserve funds for the purpose of self-insuring in the event of one or more acts of sabotage or terrorism in connection with one or more of the bridges under the control of the Commission (the “Self Insurance Fund”); and be it

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution,

**“FURTHER RESOLVED**, that the implementation of the Capital Program, including moving forward with the planning for the Bond Issues, be and hereby is ratified, approved and confirmed; and be it

**“FURTHER RESOLVED**, that, the Commission’s intention to fund through the year 2011 up to \$40 million in certain Compact Authorized Investments, and the allocation of such funds for the same, be and hereby are ratified, approved and confirmed; and be it

**“FURTHER RESOLVED**, that, in order to satisfy the goal of the Commissioners, the Commission’s efforts to maintain the Credit Rating be and hereby are ratified, approved and confirmed; and be it

**“FURTHER RESOLVED**, that, in connection with the Commission’s debt service, the Commission’s efforts in order to maintain the Debt Service Coverage Ratio, the Minimum Balance, be and hereby are ratified, approved and confirmed; and be it

**“FURTHER RESOLVED**, that the implementation of the Auto Toll, the Account Maintenance Fee, the Auto Commuter Discount, the Truck Tolls, the Truck Off Peak Discount and the Toll Table, be and hereby is ratified, approved and confirmed; and be it

**“FURTHER RESOLVED**, that the officers and authorized agents of the Commission are hereby authorized to take such steps and/or other actions as may be reasonably necessary in



## **DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

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connection with the implementation of the Auto Toll, the Account Maintenance Fee, the Auto Commuter Discount, the Truck Tolls, the Truck Off Peak Discount and the Toll Table; and be it

**"FURTHER RESOLVED**, that the Commission has determined that the Truck Tolls shall be adjusted as necessary in order to satisfy the requirement with respect to one or more of the Bond Issues; and be it

**"FURTHER RESOLVED**, that upon approval by the Executive Director, any cost or expense in connection with the adoption and implementation of the Auto Toll, the Account Maintenance Fee, the Auto Commuter Discount, the Truck Tolls, the Truck Off Peak Discount and the Toll Table shall be paid, as appropriate, from the General Reserve Fund or Operating Fund; and be it

**"FURTHER RESOLVED**, that, upon the Commonwealth of Pennsylvania and the State of New Jersey executing and entering into the Memorandum of Understanding, and upon the receipt of any required third party approval (if any), the Commission shall eliminate the plans to create the Self Insurance Fund; and be it

**"THEREFORE BE IT RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes that the officers and authorized agents of the Commission are hereby authorized to take such steps and/or other actions as may be reasonably necessary in connection with the implementation of the Capital Program, the maintenance of the Credit Rating, the Debt Service Coverage Ratio, the Minimum Balance as well as, subject to the above conditions, the elimination of the plans to create the Self Insurance Fund."

Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

### **APPROVAL FOR PAYMENT OF INVOICES NW FINANCIAL GROUP**

**R: 1684-12-08 - ACCT-01-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**"RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoice dated October 31, 2008 in the total amount of \$1,252.50 to NW Financial Group; and be it

**"FURTHER RESOLVED**, identifies the Operating Fund as the source of funds required for any and all disbursements."

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Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

#### **APPROVAL FOR PAYMENT OF INVOICES**

##### **STRADLEY RONON**

**R: 1685-12-08 - ACCT-02-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoice dated November 18, 2008 in the total amount of \$1,483.67 for Professional Services Rendered for period October 2008 through October 31, 2008 to Stradley Ronon, Labor Counsel; and

**“FURTHER RESOLVED**, identifies the Operating Fund as the source of funds required for any and all disbursements.”

Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

#### **APPROVAL FOR PAYMENT OF INVOICES**

##### **WOLFF AND SAMSON**

**R: 1686-12-08 - ACCT-03-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoice dated November 18, 2008 in the total amount of \$6,303.81 for Professional Services to Wolff and Samson, New Jersey Labor Counsel Stradley Ronon, Labor Counsel; and

**“FURTHER RESOLVED**, identifies the Operating Fund as the source of funds required for any and all disbursements.”



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Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

#### **APPROVAL FOR PAYMENT OF INVOICES**

##### **BELLEVUE COMMUNICATIONS GROUP, COMMUNICATION CONSULTANT**

**R: 1687-12-08 - ACCT-04-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoice dated November 21, 2008 in the total amount of \$29,173.36 for Professional Services Rendered in regarding to preparation of the Annual Report; and

**“FURTHER RESOLVED**, identifies the Operating Fund as the source of funds required for any and all disbursements.”

Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

#### **APPROVAL FOR PAYMENT OF INVOICE**

##### **FOX ROTHSCHILD, PENNSYLVANIA LEGAL COUNSEL**

**R: 1688-12-08 - ACCT-05-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**“RESOLVED:** by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoices #1076462, #1076447, #1076455, #1076456, #1076457, #1076451, #1076448, #1076464, #1076463, #1076446, #1076458, #1076466, #1076449, #1076465, #1076445, #1076454, #1076450, #1076452, and #1081545 dated November 24, 2008 and August 21, 2008 in the total amount due of \$17,314.67 for Capital and Non Capital Improvements to Fox Rothschild PA Legal Counsel and

**“FURTHER RESOLVED**, identifies the Funds as shown on the invoice distribution sheet as the source required for any and all disbursements.”



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Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

#### **APPROVAL FOR PAYMENT OF INVOICES FLORIO, PERRUCCI, STEINHARDT AND FADER**

**R: 1689-12-08 - ACCT-06-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoices #22113, and #22114 dated December 3, 2008 in the total amount due of \$13,581.58 for Non Capital Improvements to Florio, Perrucci, Steinhardt and Fader, NJ Legal Counsel; and

**“FURTHER RESOLVED**, identifies the Funds as shown on the invoice distribution sheet as the source required for any and all disbursements.”

Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

#### **APPROVAL FOR PAYMENT OF INVOICES-BOND COUNSEL-ADDITIONAL LEGAL FEES 2008 BOND CONVERSION**

**R: 1690-12-08 - ACCT-07-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Zikas moved and Commissioner Hodas seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes payment of invoice to Bond Counsel for additional expenses regarding the 2008 Bond Conversion and for additional Bond and Public Finance Advice as follows; Parker McCay in the amount of \$6,742.25; and Dilworth Paxson in the amount of \$14,538.51. for a total amount of additional legal fees of \$21,280.76; and

**“FURTHER RESOLVED**, identifies the Operating Fund as the source of funds required for any and all disbursements.”

## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

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Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

### AUDIT COMMITTEE CONSULTANT AGREEMENT

**R: 1691-12-08 – ADM -06-12-08**

Chairman DeGerolamo addressed the meeting and asked the Commission Members if, after their review, there were any questions.

At the conclusion of the review Commissioner Heller moved and Commissioner Prevoznik seconded the adoption of the following Resolution:

**“RESOLVED**, by the Delaware River Joint Toll Bridge Commission at its Regular Meeting assembled this 22nd day of December 2008, that the Commission via this Resolution, authorizes John C. Prevoznik, Chairman of the Audit Committee, and David R. DeGerolamo, Chairman of the Commission, to execute the Audit Committee Consultant Agreement with Citrin Cooperman & Company, LLP. Prior to execution, the Audit Committee Consultant Agreement will be reviewed by Commission Counsel to verify that the agreement is fair, reasonable and in the best interest of the Commission.”

Chairman DeGerolamo invited questions on the Resolution, but no questions were presented. The Resolution was unanimously adopted.

### PRESENTATION BY CITY OF EASTON REGARDING THE RIVERWALK PROJECT

Chairman DeGerolamo addressed the meeting and introduced Mayor Sal Panto, for the City of Easton, who is present at today's meeting to give a brief presentation on the Riverwalk Project

At this point in the meeting Executive Director Frank McCartney addressed the meeting and said:

*“Commissioner James Broughal has recused himself from any discussion affecting the Easton Riverwalk compact authorized investment project.”*

A copy of signed Acknowledgement of Conflict of Interest and Recusal memorandum, will be set forth on page A-1 of the Supplement to the Meeting of these minutes.

Salvatore Panto, from the City of Easton, addressed the meeting and said:

*“First and foremost I would like to thank the members of the Commission and the staff for the opportunity to speak before you today on behalf of the \$2.7 million Compact Authorized Investment Grant for Riverwalk project in Easton, Pa. I would also like to thank you for your understanding last month when I was called to Harrisburg and could not be here.*

## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

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*Let me start by thanking the Commission for the extension granted Easton's two grants. Although Riverwalk gets all of the press, the all important pedestrian safety upgrades along Larry Holmes Drive is also an important part of the upgrades to be made in this area of our city. We resolved the ADA issues and the upgrades to pedestrian crossings and all improvements will commence in the spring.*

*Now for Riverwalk. Thanks to the staff for sending me the transcript of last month's meeting but rest assured I am not here to address point by point commentary that was made. However, I will respond to some of the comments made and I will leave my formal response with Wendy if any member of the Commission would like to see it.*

*The lawsuit is not resolved. An Order was entered by Judge Tucker denying the DRN's request for an injunction, as well as dismissing the lawsuit. A further Order was later entered denying a motion filed by the DRN to reconsider the previous Order which dismissed the lawsuit. No appeal was ever filed to that Order. Furthermore, in meeting with DRJTBC officials, we have at all times been straightforward that the DRN could file another lawsuit, although we have also taken the position that another lawsuit would only serve to waste further official time and taxpayer money and is not in the best interests of the community at large.*

*No alternative locations were considered. The original site behind the Hotel Easton was reviewed in detail in 2002 and 2003. The site was rejected based on limited site size, and the need to purchase all or a portion of the Kaplan Building on Northampton Street or a significant portion of the Larry Holmes Restaurant parking deck. Three (3) other sites (the existing city parking garage on S. 3<sup>rd</sup> Street, N. 3<sup>rd</sup> Street, and 4<sup>th</sup> and Washington Streets) were also reviewed and rejected for a multiplicity of reasons including the necessity of condemnation, lack of size and being cost prohibitive.*

*Riverwalk will be a repetitive loss property. One of the major focuses of the land development approval process was designing the project in a manner such that any risks to property and human life would be minimized. The City of Easton's zoning ordinance contains extensive provisions regarding the design of facilities to be located within the floodplain, all of which must be complied with as well as all regulations established by FEMA. The Commission should also understand that nearly half of Easton's downtown area is located within the floodplain.*

*No public transportation can exist in flood events. LANTA is generally unable to provide bus service to many areas of Easton's downtown during flood events due to the City's general location and layout.*



## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

### Meeting of December 22, 2008

*Riverwalk will pose an unreasonable risk to human life. As part of the land development approval process, an evacuation plan had to be formulated in cooperation with the Easton Police Department and Fire Department, and Northampton County, as evacuation routes through the remaining Governor Wolf Building property (not the building itself) were being arranged. Additionally, the Delaware River is not a flash flood river and ample notice is given, sometimes as many as 72 hours.*

*The Pine Street Garage can be retrofitted. While you can certainly speak to the history and aesthetics of this garage, my understanding is that it would not only be extremely cost prohibitive to do this, the garage itself is over 35 years old.*

*Proper Approvals have not been obtained. I would refer the Commission to the attached memorandum which evidences that this project has been on the public agenda for quite some time. Furthermore, from the standpoint of compliance with the National Environmental Policy Act ("NEPA"), LANTA and the Parking Authority had received two (2) letters stating that a categorical exclusion from NEPA compliance had been granted and that they could begin to incur costs. These letters were only withdrawn after the DRN bullied FTA by filing a lawsuit. LANTA has since gone through the process of developing an Environmental Assessment for the project and a public meeting has been held on the initial draft of that Environmental Assessment. From a legal standpoint, the opponents do not understand that NEPA only requires you to appropriately consider the environmental impacts of a project. NEPA does not guaranty a result that the project will or will not move forward. All environmental impacts of this project have been considered both through the lengthy land development approval process, as well as through the preparation of an Environmental Assessment by LANTA.*

*Rail Service to Easton could be a reality. Mr. Lieb mentioned in his letter last month the passenger rail study that is being undertaken by the LVEDC and the counties of Northampton and Lehigh. As the DRJTBC knows, some of us have been talking about this for several years and Mayor Wyant of Phillipsburg, NJ and myself, along with Lafayette College President Dan Weiss have been holding several forums throughout the year to further the idea of rail service to Phillipsburg and Easton. Members of the DRJTBC have attended these forums as well. I want to personally thank the Commission for their open-mindedness concerning this opportunity.*

*Now for my subjective response. Riverwalk started in early 2005 and now it is the end of 2008. It was one of three developments that were going to give our downtown the ingredient it needs the most – residents. More than 300 condos would have given us a major recovery to the thousands of residents that were moved out during the urban renewal years of the 60's and 70's.*

## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

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*Riverwalk was also the one project that had all of the promise of coming to fruition. More than \$8.5 million in public funds was committed to the project, including the CAI grant for the DRJTBC.*

*I am attaching to me report a complete timeline of this project to show you the involvement of the public in the process. That timeline was prepared by the parking authority's solicitor, Mr. Graham Simmons. I will now discuss my involvement since December 2007 when I first met at the DRJTBC Region 2 offices with all parties involved. The discussion that day was the increased costs due to the delays in the start of construction as well as the diminishing condo market. It was the first I learned of several troubling items associated with the project – the grant was in the city's name and more than \$600,000 in soft costs were already expended.*

*The first week I took office I called a meeting of the partners to move the project forward. I wanted to address the one item that appeared to be the real reason for the opposition and the main reason for the 546 names that signed the petition. What I heard most was height and density of the project. Don't get me wrong, I believe center should be just that – height and density. I don't believe we should keep building on our farmlands when cities have plenty of developable lands but I addressed the height issue by moving the parking deck to the rear, rather than below the commercial building. The entire project was also downsized and the total space in the garage is less than 300 cars.*

*I would like to reiterate what your Executive Director stated to the group last month. As a former DRJTBC Commissioner who lobbied for this type of program, I sincerely appreciate your grant and the ongoing working relation our city has with the DRJTBC, but you do not have any responsibility in the approval process. I stand here today assuring you that all regulatory approvals will be received prior to construction.*

*I would also like to assure the people who support this project, especially our downtown merchants that I continue to support Riverwalk 100%. I will work with all agencies involved and the developer to make this project a reality.*

*Now for my real reason for coming here today. Again, I can't say it strongly enough, I support Riverwalk and the vast amount of people in our city support it as well. But we live in the real world and the real world will allow this small group of individuals to again bring forth additional lawsuits to stall this much-needed project. I stood here in September and stated that we won the case but it starts all over again when the approval process begins. It amazes me that many of the most beautiful buildings in this country are built in floodplains, both public and private, but yet this one has received the delays. I was personally involved in the restoration of the original Crayola® Mill along the Bushkill Creek in Easton. I was also involved in Larry Holmes' project just down the street from this site.*



## DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

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*His buildings, built in the late 80's according to FEMA regulations, did not receive one inch of water in any of the floods.*

*By the way, these buildings aren't being built on virgin lands, Larry's parcels were the site of industries including Metropolitan Edison and the Riverwalk site was home the many residences, including my mother-in-law's childhood home.*

*So, building on these sites is inevitable but as I said, I am a realist and frankly, I am here today to ask the DRJTBC the same thing I am going to be asking Governor Rendell. Both the DRJTBC and the Governor have committed grants of \$2.7 million to this project. I would like to formally request that the DRJTBC consider re-appropriating this grant to a parking deck on North Third Street, just two blocks west of the Riverwalk site. I will be asking Easton City Council for approval on this important project after the first of the year. It is a deck we can get built within the time extension given by the DRJTBC. Frankly, the Governor's \$2.7 million will be in jeopardy as well if a definitive timetable can't be given on the use of the money. Easton's downtown needs additional parking for our thriving restaurants. For many years it was our State Theatre, but now our restaurants are also attracting hundreds of people every night to our downtown.*

*Even in this economy we have at least two more restaurants that we may be announcing shortly. In addition, long-term planning requires that we build additional decks because the current garage is over 35 years old and with \$500,000 in improvements we will only be guaranteed another 5 years.*

*I realize this is not what you were expecting to hear this morning but as I said, we live in the real world and this small group's mission is to stall the project as long as they can because they can't stop it. This great country of allows them their day in court but I can't justify a small group of individuals, most of whom don't even live in our city, to lose more than \$5 million in grants.*

*Mr. Chairman, I ask that you give consideration to this request. Easton is one of the largest municipalities located on the river in the DRJTBC's jurisdiction and has three bridges, two of which are toll. Thank you."*

Vice Chairman Alfano addressed the meeting and said:

*"I would just like to note at this point that when we granted the extension, it was for the compact authorize investment generally, and it was not specific to this specific project. It was for a number of projects."*

Chairman DeGerolamo addressed the meeting and said:

*"Mayor, also I would say at this time is I would work with your counsel to get whatever necessary approvals you need for the board with another application to the Delaware River Toll Bridge Commission. Obviously, You know Julio Guridy*



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*as the contact person for the compact authorized investment, and the rest of the administration and I would encourage you to get something before them sooner rather than later."*

### INVITE ANY COMMENTS FROM PUBLIC

Chairman DeGerolamo addressed the meeting and invited any comments from the Public.

Bob Piwonski, Morrisville Resident spoke regarding noise levels of work being done at night, permits, bridge cameras, and damage to his property,

Ron Meyers, Morrisville Resident spoke regarding follow up on damages to his house.

Richard Hieshetter, Easton Resident spoke about the Riverwalk Project.

### SCHEDULING OF THE JANUARY 2009 MEETING

Chairman DeGerolamo addressed the Meeting and stated that the Commission's next meeting will be held January 26, 2009.

The Meeting will be called to Order at 10:30 a.m. in the Boardroom at the New Hope Headquarters and Administration Building, New Hope Pennsylvania 18938-9579, on Monday, January 26, 2009.


Executive Director McCartney assured the Commission Members that an "Official Notice of Meeting" would be forwarded to each and every Member of the Commission.

### ADJOURNMENT

Chairman DeGerolamo invited a motion for Adjournment.

Commissioner Alfano then moved that the Meeting be adjourned and Commissioner Hart seconded the motion. The voice vote was unanimously affirmative and the Meeting was adjourned at 12:47p.m., Monday, December 22, 2008.

Prepared and submitted by:



WENDY VADOLA READING

Assistant Secretary Treasurer to the Commission

Approved by:



FRANK G. McCARTNEY  
Executive Director

**ACKNOWLEDGMENT OF CONFLICT OF INTEREST AND RECUSAL  
BY A COMMISSIONER OF THE  
DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION**

I, James L. Broughal, a commissioner of the Delaware River Joint Toll Bridge Commission ("Commission"), hereby acknowledge that I have a conflict of interest or will accrue a private pecuniary benefit in the following matter: Easton, PA.-Riverwalk Project-CAI (the "Project").

Therefore, I have:

1. Consulted with the Commission's legal counsel when I became aware of the conflict of interest or private pecuniary benefit relating to the Project.
2. Abstained from participating in any discussions relating to the Project and any deliberations related thereto.
3. Prior to any vote being taken or any deliberations being held by the Commission on the Project, quickly announced my recusal in the public record and filed this written memorandum with the person keeping the minutes of the meeting.
4. Abstained from voting on the Project unless my abstention made it impossible to obtain the legally required votes because of quorum requirements. In the event that my abstention from voting on the Project made it impossible to obtain the legally required votes because of quorum requirements, then the Commission's legal counsel must certify in the minutes that there was both the need for me to make a decision on the Project and that time constraints required the decision on the Project to be made at said meeting.

Date: December 22, 2008

  
Commissioner of the Delaware River Joint  
Toll Bridge Commission