

9112. RESOLUTION 04-49 – AUTHORIZING A SETTLEMENT AGREEMENT BETWEEN THE AUTHORITY AND SMITHSON AVIATION, INC. T/A BIG SKY AVIATION The Executive Director presented the following Resolution.

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is the operator of the Millville Airport under a long term lease with the City of Millville; and

WHEREAS, Big Sky Aviation (“Big Sky”) is a New Jersey Corporation operating an aviation business at the Millville Airport; and

WHEREAS, Big Sky filed an action entitled, Smithson Aviation, Inc. trading as Big Sky Aviation, Inc. vs. Delaware River and Bay Authority, City of Millville and Air Castle trading as Millville Jet Center, in the superior Court of New Jersey, Cumberland County; and

WHEREAS, the parties have agreed to resolve their differences and have drafted a Settlement Agreement (the “Settlement Agreement”) outlining mutual covenants, promises, rights and obligations; and

WHEREAS, the Authority’s Budget and Finance Committee has reviewed the terms and conditions of a proposed Settlement Agreement and recommends approval thereof to the Board of Commissioners; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized and directed, with advice and consent of Authority counsel, to execute a Settlement Agreement and related documents with Smithson Aviation, Inc. trading as Big Sky Aviation, and have such Settlement Agreement filed with the Court.

Resolution 04-49 was moved by Commissioner Wallace, seconded by Commissioner Lowe and approved by a roll call vote of 11-0.