

9112. RESOLUTION 04-46 RESOLUTION AUTHORIZING AN OFF-AIRPORT OPERATOR AGREEMENT The Executive Director presented the following Resolution.

WHEREAS, The Delaware River and Bay Authority, (the “Authority”), under the terms of an Acquisition/Lease Agreement is the operator of the Millville Airport, (the “Airport”) located in Millville, New Jersey; and

WHEREAS, Steven Buboff, trading as Millville Aviation, (the “Permittee”) wishes to conduct certain commercial business, personal or recreational aviation activities at the Airport on real property owned by Steven Buboff, trading as Millville Aviation, adjacent to the Airport (hereinafter referred to as “Off-Airport Property”); and

WHEREAS, the Permittee’s Off-Airport Property aviation-related development and activities require access to the Airport; and

WHEREAS, the Permittee desires to obtain for itself the right to move aircraft between the taxiway systems of the Airport and the Off-airport Property; and

WHEREAS, the Authority is willing to grant to Permittee such rights to move aircraft between the taxiway systems of the Airport and the Off-Airport Property upon and subject to the terms and conditions of an Off-Airport Operator Agreement (the “Agreement”), said Agreement to contain, but not limited, to the following provisions:

1. Approval by the Federal Aviation Agency, (the “FAA”) of the Agreement.
2. The Permittee must pay a fair market value access fee to the Authority.
3. The Permittee is responsible to provide all required and necessary security to satisfy the Authority and the FAA that the Airport security is not compromised by the permitted access.
4. The Permittee must obey all the Rules and Regulations adopted by the Authority that apply to the Airport.
5. The Permittee will be obligated to comply with any Airport Schedule of Fees.
6. The Permittee will not be permitted to develop or conduct any fueling activities on the Off-Airport Property.
7. The right to access the Airport from the Off-Airport Property will be void and unenforceable if the Permittee fails to comply with any of the terms of the Agreement.

NOW THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Off-Airport Operator Agreement with Steven Bulboff, trading as Millville Aviation, and with the advice and consent of Counsel, to have such Agreement executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 04-46 was moved by Commissioner McWilliams, seconded by Commissioner Dorn and approved by a roll call vote of 11-0.