

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Delaware Memorial Bridge Complex
Tuesday, July 16, 2024**

The meeting convened at 10:01 a.m. at the Delaware Memorial Bridge Complex, with Chairperson Lathem presiding.

Commissioner Ransome was given the Oath of Office as the Vice-Chairperson of the Board of the Commissioners by New Jersey State Senator John Burzichelli.

New Jersey State Senator John Burzichelli administered the Oath of Office to Debra S. Behnke as Commissioner of the Delaware River and Bay Authority.

New Jersey State Senator John Burzichelli administered the Oath of Office to James P. Mehaffey as Commissioner of the Delaware River and Bay Authority.

Chairperson Lathem administered the Oath of Office to James Collins as Commissioner of the Delaware River and Bay Authority.

Senator Burzichelli discussed the DRBA's reputation of great work. The new commissioners were carefully selected to work hard and contribute to the success of the DRBA.

Chairperson Lathem called on the Authority Assistant Secretary to read the meeting notice. The Assistant Secretary 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.

The opening prayer was given by Chairperson Lathem, followed by the Pledge of Allegiance.

Chairperson Lathem called on the Assistant Secretary to take the roll.

Commissioners from Delaware

Samuel Lathem, Chairperson
Crystal L. Carey
Michael Ratchford
Veronica O. Faust - Absent
Theodore Becker
James Collins

Commissioners from New Jersey

M. Earl Ransome, Jr., Vice-Chairperson
Shirley R. Wilson
Sheila McCann - Absent
Heather Baldini
Debra Behnke
James Mehaffey

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Chairperson Lathem called for the acceptance of the Agenda.

Commissioner Becker made a motion to accept the agenda, seconded by Commissioner Wilson, and the motion was carried by a voice vote of 10-0.

Chairperson Becker made a motion to accept the revised 2024 Committee Assignments, seconded by Commissioner Ransome, and the motion was carried by a voice vote of 10-0.

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RESOLUTION 24-28 – APPOINTMENT OF DEPUTY EXECUTIVE DIRECTOR OF THE DELAWARE RIVER AND BAY AUTHORITY

WHEREAS, the current Deputy Executive Director of the Delaware River and Bay Authority (the “Authority”) has tendered his resignation effective July 1, 2024; and

WHEREAS, Ceil Smith has been recommended for the position of Deputy Executive Director of the Authority; and

WHEREAS, the Commissioners of the Authority have determined Ms. Smith is fully qualified to serve as Deputy Executive Director of the Authority.

NOW, THEREFORE, BE IT RESOLVED that Ceil Smith is hereby appointed Deputy Executive Director of the Authority effective as of August 5, 2024, and in that regard is authorized, on behalf of the Authority, to exercise all of the powers and fulfill all of the duties of the Deputy Executive Director as of that date.

Resolution 24-28 was moved by Vice-Chairperson Ransome, seconded by Commissioner Wilson, and was approved by a roll call vote of 10-0.

Resolution 24-28 – Executive Summary Sheet

Resolutions:	Authorizing an Offer of Employment
Committee:	None
Committee Date:	None
Board Date:	July 16, 2024
Purpose of Resolution:	Formally authorizes the Board of Commissioners to appoint a new Deputy Executive Director of the Authority.

Background for Resolution:

In accordance with Authority By-Laws, Article II, Subsection 2.4, the Commissioners shall have the authority for the appointment of the Deputy Executive Director. Employment action for the Deputy Executive Director is authorized by Resolution of the Commissioners.

Chairperson Lathem welcomed the new Deputy Executive Director.

Chairperson Lathem opened the meeting for public comment on any matters of interest.

Cape May County officials (Legal Counsel Jeffrey Lindsay, Commission Director Len Desiderio, Commissioner Bobby Barr, and County Administrator Kevin Lare) addressed the Board. Representing the delegation, Mr. Lindsay briefed the Board on the history leading up to the Airport lease non-renewal correspondence sent to the Executive Director.

Mr. Lindsay advised that Cape May County recently learned that a proposed lease with a sports facility at Cape May Airport was on the agenda but did not know the details of that lease. The County requested a copy of the proposed lease and requested that the Commissioners table Resolution 24-31 for consideration at the current meeting.

The Executive Director (ED) then introduced Robert Butler, a member of Aviation Sports Complex. Mr. Butler discussed working with Michelle Griscom and the DRBA to bring the proposed sports complex to Cape May Airport. Roughly 200,000-300,000 visitors and residents would utilize the complex, generating substantial revenue and a positive impact on the community. The ED asked Mr. Butler what the potential impacts would be on the project if this body delayed action on this lease agreement. Mr. Butler discussed the impact this would have on the complex, including potential failure to meet deadlines with prospective tenants and other interested parties.

Commissioner Baldini asked if Cape May County's interest was solely in reviewing the lease agreement. Mr. Lindsay confirmed that Cape May County believed the sports complex was a great concept and that they were not trying to frustrate the project.

Chairperson Lathem discussed the efforts the DRBA has undertaken to build Cape May Airport and referenced that Commissioner Wilson has been an advocate for its development. Commissioner Baldini confirmed Commissioners in Cape May County are very involved in the development of the airport.

New Jersey Counsel Norcross proposed that the Board move to an Executive Session to further discuss the matter and whatever action the Commissioners take will be conveyed to the Cape May County delegation.

Chairperson Lathem called for a motion to move to the Executive Session. Commissioner Becker made a motion, seconded by Commissioner Wilson, and the motion was carried by voice vote of 10-0.

Members of the public and certain staff were excused from the room during the Executive Session.

The Executive Session started at 10:38 a.m. At 12:11 p.m. Chairperson Lathem called for a motion to close the Executive Session, and recess to conduct Committee Meetings. Commissioner Wilson made a motion, seconded by Commissioner Behnke, and the motion was carried by a voice vote of 10-0.

The Committee meetings began at 12:19 p.m. and ended at 12:44 p.m. During that time, the following Committee meetings were held:

- Budget and Finance
Economic Development
Projects

At the conclusion of the Committee meetings, Chairperson Lathem called the Board meeting back to order at 12:45 p.m.

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12328. APPROVAL OF THE JUNE MINUTES

Commissioner Becker made a motion to approve meeting minutes for June 28, 2024, seconded by Commissioner Ratchford, and approved by a voice vote of 10-0.

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12329. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Delaware City-Salem Ferry Crossing and Food Service for June. Without objection, the charts were ordered filed with the permanent records of the Authority.

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12330. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for June 2024 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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12331. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for June 2024 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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12332. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for June 2024 showing the capital budget for crossing and economic development projects and dollars committed to date for the projects. The chart also included 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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12333. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR JUNE 30, 2024.

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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12334. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lathem noted that nine (9) Contract Awards, one (1) Contract Close-Out, and six (6) Resolutions were being considered at today’s meeting.

All action items requiring committee action have been reviewed and recommended for consideration during today’s Committee meetings. He then called for public comment on any action items.

Mr. Lindsay, Cape May County Counsel, inquired about the size of the proposed sports complex referenced in Resolution 24-31 and who would be responsible for removal of the facility if the County declined to renew the lease after 10 years. Michelle Griscom confirmed the square footage has not been confirmed at this time, but the current proposed size is 120,000SF. Mr. Norcross indicated that he believed

that the tenant would be responsible for the removal of the structure, returning the ground to its original state, but would need to verify.

Mr. Norcross noted that the County may decline the renewal options after the initial ten-year period. Mr. Lindsay asked about the resolution approval and lease finalization process. Mr. Norcross responded that the resolution is written with specific terms for approval, decided by the Commissioners, but not executed for some time. Mr. Norcross confirmed that the lease will be drafted with terms and conditions consistent with the Resolution, with advice from Counsel, Chair, Vice-Chair and Executive Director. Mr. Norcross noted that he would continue discussions with Mr. Lindsay following the Board meeting regarding Resolution 24-31.

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12335. AWARD OF CONTRACT #DMB-24-06 – 2024 MISCELLANEOUS STEEL REPAIRS, FIRST AND SECOND STRUCTURES

The Chief Operations Officer (COO) noted that a public bid opening was held on July 2, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, J.D. Eckman, Inc. of Atglen, Pennsylvania in the amount of \$15,776,725.31.

A motion to award CONTRACT #DMB-24-06 to the aforementioned firm was made by Commissioner Collins, seconded by Commissioner Becker, and approved by a voice vote of 10-0.

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12336. AWARD OF CONTRACT #DMB-24-50R – AUTHORITY WIDE FIRE SUPPRESSION AND EXTINGUISHER MAINTENANCE, TESTING AND INSPECTION

The Chief Operations Officer (COO) noted that a public bid opening was held on June 25, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, Wayman Fire Protection of Wilmington, Delaware in the amount of \$88,120.00.

A motion to award CONTRACT #DMB-24-50R to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Becker, and approved by a voice vote of 10-0.

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12337. AWARD OF CONTRACT #CMLF-C23-01 – CAPE MAY VESSEL MAINTENANCE SHOP RENOVATION

The Chief Operations Officer (COO) noted that a public bid opening was held on June 25, 2024. The COO and Projects Committee recommended awarding base bid plus add alternates #1, #2, and #3 to the lowest responsible bidder, Fabbri Builders, Inc. of Vineland, New Jersey, in the amount of \$774,213.00.

A motion to award CONTRACT #CMLF-C23-01 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Wilson, and approved by a voice vote of 10-0.

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12338. AWARD OF CONTRACT #ILG-24-BR – TERMINAL HOLD ROOM EXPENASION

The Chief Operations Officer (COO) noted that a public bid opening was held on June 26, 2024. The COO and Projects Committee recommended awarding to base bid add no. 1 to lowest responsible bidder, Bancroft Construction Company of Wilmington, Delaware, in the amount of \$7,563,521.35.

A motion to award CONTRACT #ILG-24-BR to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Ratchford, and approved by a voice vote of 10-0.

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12339. AWARD OF CONTRACT #ILG-24-A – RUN UP PAD

The Chief Operations Officer (COO) noted that a public bid opening was held on July 2, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, Greggo & Ferrara, Inc. of New Castle, Delaware in the amount of \$3,927,079.00.

A motion to award CONTRACT #ILG-24-A to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Ratchford, and approved by a voice vote of 10-0.

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12340. AWARD OF CONTRACT #MIV-24-01 – REFURISHMENT OF TWO 50,000-GALLON FIRE PROTECTION TANKS

The Chief Operations Officer (COO) noted that a public bid opening was held on July 2, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, Brave Industrial Paint LLC of Long Branch, New Jersey in the amount of \$320,068.00.

A motion to award CONTRACT #MIV-24-01 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Becker, and approved by a voice vote of 10-0.

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12343. AWARD OF CONTRACT #33N-24-01 – REFURBISHMENT OF ONE 50,000-GALLON FIRE PROTECTION TANK

The Chief Operations Officer (COO) noted that a public bid opening was held on July 2, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, Brave Industrial Paint LLC of Long Branch, New Jersey in the amount of \$196,014.00.

A motion to award CONTRACT #33N-24-01 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Ratchford, and approved by a voice vote of 10-0.

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12344. AWARD OF CONTRACT #33N-24-C – APRON EXPANSION – PHASE II

The Chief Operations Officer (COO) noted that a public bid opening was held on June 25, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, George & Lynch, Inc. of Dover, Delaware in the amount of \$1,705,102.00.

A motion to award CONTRACT #33N-24-C to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Becker, and approved by a voice vote of 10-0.

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12345. AWARD OF CONTRACT #WWD-24-A – APRON B REHABILITATION

The Chief Operations Officer (COO) noted that a public bid opening was held on May 15, 2024. The COO and Projects Committee recommended awarding the lowest responsible bidder, South State, Inc. of Bridgeton, New Jersey in the amount of \$1,813,375.00.

A motion to award CONTRACT #WWD-24-A to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Becker, and approved by a voice vote of 10-0.

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12346. CLOSE-OUT CONTRACT #CMLF-C23-10 – CAPE MAY TERMINAL ENTRANCE IMPROVEMENTS

CONTRACT #CMLF-C23-10 - CAPE MAY TERMINAL ENTRANCE IMPROVEMENTS to Kavi Construction, LLC of Berlin, New Jersey.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$77,456.93.

A motion to Close-Out Contract #CMLF-C23-10 was made by Commissioner Wilson seconded by Commissioner Becker and approved by a voice vote of 10-0.

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12347. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 24-29 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 24-17 FOR THE PERIOD, JANUARY 1, 2024, THROUGH DECEMBER 31, 2024

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 24-17 requiring Commissioner review and approval of any professional service contract, non-professional service contract, materiel contract, or supply contract valued at \$50,000 or above and any construction management or construction contract valued at \$200,000 or above; and

WHEREAS, the Authority anticipates expenditures at or above the aforementioned thresholds to the following vendors:

DELAWARE RIVER & BAY AUTHORITY
VENDORS PROJECTED BE AWARDED
A MATERIEL, SUPPLY, PROFESSIONAL SERVICE, OR NON-PROFESSIONAL SERVICE CONTRACT
VALUED \$50,000 OR ABOVE
OR
A CONSTRUCTION MANAGEMENT/CONSTRUCTION CONTRACT
VALUED \$200,000 OR ABOVE
DURING THE PERIOD 1/1/24 THROUGH 12/31/24

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Alimak Group USA Inc.	Delaware Memorial Bridge Elevator Maintenance	Sole Source	\$144,000
Embankscape Equipment LLC d/b/a RC Mowers	Bank Machine Mower	State Contract	\$70,000

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

Resolution 24-29 was moved by Commissioner Becker, seconded by Commissioner Ratchford, and was approved by a roll call vote of 10-0.

Resolution 24-29 - Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 24-17 for the period January 1, 2024, through December 31, 2024.

Committee: Budget & Finance

Committee and Board Date: July 16, 2024

Purpose of Resolution:

To receive Commissioner approval of the identified vendors and expenditures for those specific professional service contracts, non-professional service contracts, materiel, and supply contracts valued at \$50,000 or above, and for those specific construction management or construction contracts valued at \$200,000 or above, that otherwise would require a public competitive process per Resolution 24-17.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 24-17, whereby the Authority shall not enter into any contract committing the Authority to spend or make any other expenditures relating to services, material and supplies in the amount of \$50,000 or more, or a construction management or construction contract in the amount of \$200,000 or more, unless it has first been approved by a vote of Commissioners.

Purchase Detail:

Alimak Group USA Inc.: Delaware Memorial Bridge Elevator Maintenance

The Authority utilizes a service provider for elevator maintenance and inspection on the Delaware Memorial Bridge. Alimak is the sole source manufacturer and supplier of the existing elevator. 2024 represents the first year of a three-year service contract with this vendor.

Embankscape Equipment LLC d/b/a RC Mowers: Bank Machine Mower

The Authority plans to replace one (1) bank machine mower at the Delaware Memorial Bridge as the previous equipment has exceeded its useful life and is currently programmed in the 2024 Capital Equipment Replacement Plan. The mower will be purchased at prices established by the HGAC’s cooperative purchasing contract for Grounds & Turf Equipment (GR01-20) as awarded to RC Mowers. All HGAC contracts have been awarded by virtue of a public competitive procurement process and the State of Delaware is a participating end user of the HGAC cooperative.

Classification Definitions:

State Contract. A purchase of equipment, supplies, or non-professional services which, under normal circumstances, would require competitive bidding, however the vendor has agreed to provide the goods or services to the Authority at fees less than or equal to that vendor’s respective contract as awarded by the State of Delaware or New Jersey. *“Any contract for the purchase of materiel and supplies and non-professional services....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. This provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices pursuant to contracts awarded by the States of Delaware or New Jersey for state agencies.”* (DRBA Resolution 24-17 Part 2.a.).

Sole Source. A purchase made without a competitive process, based on the justification that only one known source exists or that only one single supplier can fulfill the requirements of the Authority. Sole source procurement is appropriate when the goods or services being acquired: are uniquely qualified to meet the objectives of the Authority; must be compatible with existing equipment; are available within a limited geographic boundary (e.g., distributor with exclusive rights or sales area); are required for use in conjunction with a grant or contract, etc. *“A contract may be awarded without competition if the General Manager or Director of Operations of an Authority facility, or Police Administrator, prior to procurement, determines in writing that there is only one source for the required contract and no other reasonable alternative sources exist that will satisfy the requirements of the Authority”.* (DRBA Resolution 24-17 Part 2.f.).

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RESOLUTION 24-30 - AUTHORIZES AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MORRIS, NICHOLS, ARSHT & TUNNELL, LLP TO SERVE AS GENERAL LEGAL COUNSEL REPRESENTING THE AUTHORITY'S INTERESTS IN THE STATE OF DELAWARE

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a hi-state Authority of the State of Delaware and the State of New Jersey, created by Compact, that operates and maintains the

Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Crossing and five regional airports;
and

WHEREAS, the Authority desires to engage a qualified professional legal services provider to serve as outside general legal counsel representing the Authority's interests in the State of Delaware (hereinafter, the "Services"); and

WHEREAS, the Authority publicly advertised and issued a Request for Proposals ("RFP") for Delaware general legal counsel services in compliance with Resolution 98-31, as amended, which governs the Authority's procedures for the procurement of professional services; and

WHEREAS, the Authority received and evaluated one proposal submitted pursuant to the aforementioned requirements; and

WHEREAS, Morris, Nichols, Arsht & Tunnell, LLP ("MNAT") was designated as the highest-ranking firm following evaluation; and

WHEREAS, the Authority wishes to enter into a Service Agreement ("Agreement") with MNAT; and

WHEREAS, such Agreement has a base term of three (3) years, with the Authority having the option to extend the Agreement for up to two additional consecutive terms of one year each following the expiration of said base term, either such additional year to be authorized by the originating committee, with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Budget & Finance Committee reviewed the recommendation and concurs; and

WHEREAS, the Authority conducted an analysis of the market to analyze the costs of the Services proposed by MNAT and negotiated with said firm to provide the Services at compensation determined to be fair and reasonable; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Agreement with MNAT to provide the Services to the Authority and to have such Agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

Resolution 24-30 was moved by Commissioner Collins, seconded by Commissioner Becker, and was approved by a roll call vote of 10-0.

Resolution 24-30 - Executive Summary Sheet

Committee: Budget and Finance

Committee/Board Date: July 16, 2024

Purpose of Resolution: To authorize an agreement with Morris, Nichols, Arsht & Tunnell, LLP ("MNAT") to provide outside legal counsel to support the Authority's objectives related to its interests in the state of Delaware.

Background for Resolution: The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the Authority's procedures for the procurement of professional services.

The Authority publicly advertised this professional services agreement for approximately one month and received one proposal from Morris, Nichols, Arsht & Tunnell, LLP.

The Authority has analyzed the proposed costs of the services and found them to be fair and reasonable.

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RESOLUTION 24-31 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AVIATION SPORTS COMPLEX, LLC AT THE CAPE MAY AIRPORT

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

WHEREAS, Aviation Sports Complex, LLC (the "Aviation Sports") desires to lease approximately seven (7) acres of land at the Cape May Airport in order to construct an indoor sports facility and associated site improvements. A final lease parcel will be determined based upon as-built plans, which shall be presented to the Authority for its approval; and

WHEREAS, Aviation Sports has agreed to pay the Authority annual rent in the amount of \$0.25/sq.ft. for the parcel; and

WHEREAS, Aviation Sports has agreed to pay Transaction Rent in the amount of 2% of the gross sales proceeds from any sale of the sports facility; and

WHEREAS, the initial term of the Lease Agreement ("Agreement") is for Ten (10) years; and

WHEREAS, Aviation Sports shall have six (6) renewal options of five (5) years each, with the inclusion of these renewal options in the Agreement subject to the prior approval of the County of Cape May; and

WHEREAS, rent shall increase annually by 2.5% during the initial term and each year of the renewal terms; and

WHEREAS, rent may, at the option of the Authority, adjust at the beginning of each renewal term by the then Fair Market Value (FMV) to be determined by the Authority in its sole discretion; and

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

NOW, THEREFORE BE IT RESOLVED, that Resolution 23-60 is hereby rescinded.

Resolution 24-31 was moved by Commissioner Wilson, seconded by Commissioner Ratchford, and was approved by a roll call vote of 9-1-0. Commissioner Baldini voted No.

Resolution 24-31- Executive Summary

Resolution: Authorizing the Execution of the Lease Agreement between the Delaware River and Bay Authority and Aviation Sports Complex, LLC at the Cape May Airport.

Committee: Economic Development

Committee Date: July 16, 2024

Board Date: July 16, 2024

Purpose of Resolution:
To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for land at the Cape May Airport.

Background for Resolution:

The Delaware River and Bay Authority operates the Cape May Airport. Aviation Sport Complex, LLC is planning on constructing an indoor sports complex that will offer soccer fields, pickleball courts and volleyball year-round. We have received letters of support for the project from various entities to include the Greater Wildwood Chamber of Commerce, the Lower Cape May Regional School District Athletic director and former Mayor of Lower Township, Ocean City High School Baseball coach, former US Congressman Patrick Murphy, among many others. The annual rent is based upon the current land rental rate at the airport, with appropriate rent adjustments over the term of the Lease, and transaction rent to be charged if the facility is ever sold.

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RESOLUTION 24-32 - AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND FLIGHTLEVEL CAPE MAY, LLC AT THE CAPE MAY AIRPORT

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Cape May Airport (the “Airport”), Cape May, New Jersey; and

WHEREAS, Flightlevel Cape May, LLC (“Flightlevel”) desires to lease approximately 580 square feet of space in the new terminal building in order to operate a first class FBO service at the Cape May Airport; and

WHEREAS, Flightlevel has agreed to pay the Authority Twenty Percent (20%) of their Terminal Fees charged or a minimum annual rent payment in the amount of Ten Thousand Two Hundred dollars (\$10,200.00); and

WHEREAS, the term of the Lease (“Lease Agreement”) shall run concurrent with their current FBO Lease Agreement and will expire on April 9, 2028; and

WHEREAS, in addition to rent, Flightlevel will pay a monthly Common Area Maintenance (CAM) charge totaling 11.25%; and

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

Resolution 24-32 was moved by Commissioner Wilson, seconded by Commissioner Becker, and was approved by a roll call vote of 10-0.

Resolution 24-32 - Executive Summary

- Resolution:** Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Flight level Cape May, LLC regarding the Cape May Airport.
- Committee:** Economic Development
- Committee Date:** July 16, 2024
- Board Date:** July 16, 2024
- Purpose of Resolution:** To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for space at the Cape May Airport.

Background for Resolution:

The Delaware River and Bay Authority has recently constructed a new terminal building at the Cape May Airport. Flight level has been a tenant at the airport and operating as the Fixed Based Operator (FBO) at the airport since 2013. This lease will run concurrent with their existing agreement to be the airport FBO and provide them with a line service office and a manager’s office in the new terminal.

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RESOLUTION 24-33 -AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND EARLE MCCARTNEY LLC D/B/A SEA LEVEL ART AND ANTIQUES AT THE CAPE MAY AIRPORT

WHEREAS, the Delaware River and Bay Authority (the “Authority”), is the operator of the Cape May Airport (the “Airport”), Cape May, New Jersey; and

WHEREAS, Earle McCartney LLC D/B/A Sea Level Art and Antiques (“McCartney”) desires to lease approximately 1,500 square feet of space in the building located in Unit #3 Building 96 on Hornet Rd. in order to operate a furniture restoration shop and warehouse space at the Cape May Airport; and

WHEREAS, McCartney has agreed to pay the Authority annual rent in the amount of Fourteen Thousand Eight Hundred and Ninety-Four dollars 76/100(\$14,894.76); and

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

WHEREAS, McCartney shall have the option of renewing this Lease Agreement for four (4) additional one (1) year terms; and

WHEREAS, rent shall adjust annually by the Consumer Price Index (CPI); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Earle McCartney LLC D/B/A Sea Level Art and Antiques and, with the advice and consent of counsel, to have such agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

Resolution 24-33 was moved by Commissioner Wilson, seconded by Commissioner Becker, and was approved by a roll call vote of 10-0.

Resolution 24-33 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Earle McCarney LLC D/B/A Sea Level Art and Antiques regarding the Cape May Airport.

Committee: Economic Development

Committee Date: July 16, 2024

Board Date: July 16, 2024

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

Background for Resolution: The Delaware River and Bay Authority operates a retail building located on Hornet Rd in the Cape May Airport Industrial Park. Earle McCartney has been leasing this space since 2019. His lease is expiring, and he would like to renew it for additional term. He will continue to use the space as a warehouse and storefront for his furniture/antique business. The lease rate is reflective of the FMV for similar units in Building 96.

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RESOLUTION 24-34 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND VELOCITY MAINTENANCE SOLUTIONS, LLC

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

WHEREAS, Velocity Maintenance Solutions, LLC (“Velocity”) currently leases 100% of the hangar, shop and office space in a facility commonly referred to as Hangar 6 and 30% of the hangar, office and shop in a facility commonly referred to as 5 DRBA Way at the Wilmington Airport; and

WHEREAS, Velocity has grown and needs additional parking space for employees; and

WHEREAS, Velocity and the Authority have agreed that Velocity will lease approximately 4,000 sq.ft for overflow parking; and

WHEREAS, the Velocity has agreed to pay \$1.00/sq.ft. annually for the additional land; and

WHEREAS, the term shall run concurrent with the existing agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Amendment with Velocity Maintenance Solutions, LLC,

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

Resolution 24-34 was moved by Commissioner Becker, seconded by Commissioner Wilson, and was approved by a roll call vote of 10-0.

Resolution 24-34 - Executive Summary

Resolution: Authorizing the Execution of a Lease Amendment between the Delaware River and Bay Authority and Velocity Maintenance Solutions, LLC, regarding Wilmington Airport.

Committee: Economic Development

Committee Date: July 16, 2024

Board Date: July 16, 2024

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Amendment for space at the Wilmington Airport.

Background for Resolution: The Delaware River and Bay Authority owns hangars located at 6 and 5 DRBA Way commonly referred to as Hangars 5 and 6 at Wilmington Airport. Velocity has a need for additional employee parking in order to accommodate their growth. The rate for the additional parking is based upon the current Fair Market Value.

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12348. EXECUTIVE DIRECTOR’S COMMENTS

The Executive Director discussed:

DMB Traffic - 1,627,456 best all-time vehicle transactions.

CMLF- Most vehicle traffic since June 2008 and passenger traffic since 2019.

Upcoming DRBA Events:

Tuesday, August 7, 2024 – Landline Press Conference, 10:30 am Wilmington ILG Airport

Tuesday & Wednesday, September 17 and 18, 2024 – Board of Commissioners Meeting, 9:00 a.m.;

Cape May Convention Hall, Cape May, New Jersey.

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12349. COMMISSIONERS PUBLIC FORUM

Commissioner Lathem called for comments from the Commissioners.

Chairperson Lathem congratulated the Cape May – Lewes Ferry and the employees who work at the Ferry for winning the coveted 2024 TripAdvisor Travelers’ Choice Award.

A motion to adjourn the Board meeting at 1:01 p.m. was made by Commissioner Wilson, seconded by Commissioner Becker, and approved by a voice vote of 10-0.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

James Salmon
Assistant Secretary