

MINUTES OF MEETING  
**THE DELAWARE RIVER AND BAY AUTHORITY**  
**Tuesday, April 21, 2015**  
James Julian Boardroom  
Delaware Memorial Bridge Plaza  
New Castle, Delaware 19720

The meeting convened at 11:15 a.m. with Chairperson Lowe presiding.

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

Chairperson Lowe called on the Authority Assistant Secretary to read the meeting notice and take roll.

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.

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Commissioners from Delaware

Commissioners from New Jersey

PRESENT

William E. Lowe, Chairperson  
Crystal L. Carey  
Richard W. Downes  
Samuel E. Lathem  
Terry C. Murphy

James N. Hogan, Vice-Chairperson  
Edward W. Dorn  
Ceil Smith (phone)  
Douglas Van Sant (phone)  
Shirley R. Wilson  
(Vacant)

ABSENT

James L. Ford, III

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Chairperson Lowe called for the acceptance of the Agenda.

Commissioner Lathem motioned to accept the Agenda, seconded by Commissioner Murphy, and the motion carried by a voice vote of 10-0.

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10943.      APPROVAL OF THE MARCH 17, 2015 MINUTES

Commissioner Lathem motioned to approve the March 17, 2015 meeting minutes, seconded by Commissioner Dorn, and unanimously approved by a voice vote of 10-0.

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10944.      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 Services for the month of March.

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

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10945. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expenses for the month of March with comparisons to the same period last year.

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

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10946. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented a chart for March 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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10947. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the month of March 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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10948. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) AS OF MARCH, 2015.

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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10949. AUTHORITY CUSTOMER TRENDS (ACT) REPORT

The Authority Customer Trends (ACT) Report included in the financials allows management to view on a month-to-date basis trends in areas such as traffic, customer service, aircraft landings, and workplace incidents. Copies are distributed daily to employees via email and posted on bulletin boards for those without computers.

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10950. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lowe noted that there are eight (8) Resolutions to be considered today. All action items have been reviewed and recommended for consideration during today’s Committee meetings. He then called for public comments.

There were no public comments.

10951. CHAIRPERSON'S CALL FOR RESOLUTIONS BEFORE THE BOARD

**RESOLUTION 15-10 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2015 THROUGH DECEMBER 31, 2015**

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

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

DELAWARE RIVER & BAY AUTHORITY  
PROJECTED VENDORS TO BE PAID OVER \$25,000  
OPERATION EXPENDITURES  
FOR THE PERIOD 1/1/15 THROUGH 12/31/15

<b>VENDOR</b>	<b>PURCHASE DESCRIPTION</b>	<b>CLASSIFICATION</b>	<b>ESTIMATED \$</b>
Kelly Products Co., Inc.	Equipment for the M/V Cape Henlopen, Third Deck Bar	Quotes	\$ 33,000
TAC Printing & Marketing Services, LLC	CMLF Schedule Printing and Distribution	Quotes	\$ 29,000
US Foods, Inc.	Culinary Equipment and Supplies at Lewes Ferry Terminal	Quotes	\$ 28,000

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

A motion to approve Resolution 15-10 was made by Commissioner Downes, seconded by Commissioner Dorn, and approved by a roll call vote of 10-0.

**Resolution 15-10 Executive Summary Sheet**

**Resolution:** Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2015 through December 31, 2015.

**Committee:** Budget & Finance

**Committee and Board Date:** April 21, 2015

**Purpose of Resolution:**

Authorizes the expenditures of \$25,000 or greater with the identified vendor(s) for the calendar year.

**Background for Resolution:**

The proposed Resolution meets the requirements of Resolution 01-84, 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 \$25,000 or more unless it has first been approved by a vote of Commissioners.

**Background for the specific purchase:**

Equipment for the M/V Cape Henlopen, Third Deck Bar

The M/V Cape Henlopen will be undergoing renovations to add a new bar area to the third deck, similar the other CMLF vessels. Bids were solicited from the two (2) vendors able to supply all of the needed bar service equipment: Kelly Products Co. and Automatic Icemaker Co. The equipment purchase will include an ice machine, refrigerator, freezer, sinks, cabinets, beverage coolers, frozen drinks machine, shelving, etc. necessary for the project. Kelly Products Co. was the low bidder with a price of \$33,000.

CMLF Schedule Printing and Distribution

The Cape May-Lewes Ferry annually contracts a vendor to print and distribute a summer Ferry schedule. Bids were solicited from nine (9) vendors for the printing and delivery of 800,000 schedules. TAC Printing & Marketing Services, LLC was the low bidder with a price of \$22,000. TAC also provides brochure distribution services for the CMLF as part of an existing contract valued at \$7,000. The total cost for Ferry schedule printing and distribution through TAC will be approximately \$29,000.

Culinary Equipment and Supplies at Lewes Ferry Terminal

The Cape May-Lewes Ferry requires the purchase of culinary equipment and supplies for Food and Retail Operations in Lewes. Bids were solicited from five (5) vendors for the necessary equipment and supplies: US Foods, Inc., Penn Jersey, Kelly Products Co., Central Restaurant and Adams-Burch. The purchase will include a Cook & Hold oven, heated banquet cart and various other kitchen and catering smallwares. US Foods, Inc. was the low bidder with a price of \$28,000.

**Classification Definitions:**

**Quotes.** A purchase of equipment, manual labor, supplies, construction management, or construction work that is anticipated to cost between \$25,000 and \$49,999 during a calendar year and for which the Authority has solicited written quotes. *“Contracts for materiel and supplies and non-professional services, awarded to any [vendor for an amount of] more than \$25,000 but less than \$50,000 in the aggregate require the solicitation of three written quotes or all available sources, whichever is less...”* (DRBA Resolution 98-31 Part 4)

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**RESOLUTION 15-11 – AUTHORIZES AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND USI INSURANCE SERVICES, LLC TO PROVIDE EMPLOYEE BENEFITS BROKERAGE AND CONSULTING SERVICES TO THE AUTHORITY**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey that owns, operates and controls the Delaware Memorial Bridge, Cape May-Lewes Ferry, Delaware City-Salem Ferry and five (5) regional airports; and

WHEREAS, the Authority desires to enter into a Services Agreement (“Agreement”) to receive professional employee benefits brokerage and consulting services throughout a base term of three (3) years with the option to extend the Agreement for an additional period of one (1) year after the date of expiration of the base term, such renewal to be authorized by the originating committee with the consent of the Chairperson and Vice Chairperson of the Board of Commissioners; and

WHEREAS, the Authority publicly advertised a Request for Proposals (“RFP”) for the required services in compliance with Resolution 98-31, as amended, which governs the Authority’s procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated five (5) proposals pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed three (3) firms and conducted oral interviews with those firms; and

WHEREAS, USI Insurance Services, LLC (“USI”) was designated as the highest ranking firm following final evaluation; and

WHEREAS, the Authority conducted an analysis of the cost of the proposed services and negotiated with USI for the services to be provided at a compensation determined to be fair and reasonable; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of an Agreement with USI to provide such services to the Authority and to have such Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 15-11 was made by Commissioner Wilson and seconded by Commissioner Murphy. Resolution 15-11 was approved by a roll call vote of 9-1 with Commissioner Hogan voting No.

### **Resolution 15-11 Executive Summary Sheet**

**Resolution:** Authorizes an agreement between the Authority and USI Insurance Services, LLC to provide professional employee benefits brokerage and consulting services to the Delaware River and Bay Authority

**Committee:** Budget & Finance Committee

**Committee Date:** April 21, 2015

**Board Date:** April 21, 2015

**Purpose of Resolution:**

To authorize an agreement with USI Insurance Services, LLC (“USI”) to provide professional employee benefits brokerage and consulting services to the Delaware River and Bay Authority.

**Background for Resolution:**

The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the procurement of professional services, materiel and supplies, construction and construction management contracts, and the transfer of funds.

The Authority received and evaluated proposals submitted by the following five (5) firms, and short-listed\* three (3) of those firms:

Connor Strong & Buckelew\*  
Innovative Risk Solutions, Inc.

Kelly Benefit Strategies\*  
Mercer H&B, LLC  
USI Insurance Services, LLC\*

The Authority conducted oral interviews with the three short-listed firms and utilized final evaluation criteria to establish a ranked list of firms for award, with USI being identified as the highest-ranked firm following the final evaluation. The Authority opened and reviewed the cost proposal submitted by USI, analyzed the proposed costs to acquire the services and determined the proposed rates and negotiated terms and conditions to be fair and reasonable.

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**RESOLUTION 15-12 - AUTHORIZES AND ADOPTS A PREVAILING WAGE POLICY FOR ALL AUTHORITY FUNDED CAPITAL PROJECTS IN EXCESS OF TWO MILLION DOLLARS**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Public Authority created by Compact for the purpose of owning and operating both Crossing and non-Crossing facilities (the “Facilities”); and

WHEREAS, the Authority currently incorporates prevailing wage requirements in all Authority projects receiving Federal or State funding; and

WHEREAS, the Authority previously adopted a prevailing wage policy for a series of one, two and three-year trial periods via Resolutions 04-17, 05-10, 07-18, 9-22, 11-02, and 12-18, for all Authority-funded capital projects in excess of Two Million (\$2,000,000) Dollars, the final trial period extending through May 2015; and

WHEREAS, the Authority’s practice in implementing said prevailing wage policy (“Prevailing Wage Policy”) is to utilize the higher of the New Jersey or federal prevailing wage rates for each job classification on jobs in New Jersey and the higher of the Delaware or federal prevailing wage rates for each job classification on jobs in Delaware; and

WHEREAS, in addition to experience gained during the aforesaid trial periods, the Authority has looked to the experience of other contracting units in New Jersey and Delaware along with other bi-state agencies with respect to policies implementing prevailing wage policies; and

WHEREAS, said experience supports the establishment of a reasonable threshold to the application of prevailing wage in capital projects, it being recognized that the application of prevailing wage in contracts of lesser value may limit the pool of interested, responsible bidders on such projects; and

WHEREAS, the Authority supports the implementation of prevailing wage to Authority funded capital projects but subject to a reasonable threshold necessary to maximize bidder participation and preserve open and full competition in projects of smaller scale;

WHEREAS, the Authority desires to adopt a prevailing wage policy for all Authority-funded capital projects in excess of Two Million (\$2,000,000) Dollars.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director, working with the advice and consent of Counsel, is hereby authorized and directed to hereafter incorporate the Prevailing Wage Policy into contract specification documents for all Authority-funded capital projects in excess of Two Million (\$2,000,000) Dollars.

A motion to approve Resolution 15-12 was made by Commissioner Lathem and seconded by Commissioner Murphy. Resolution 15-12 was approved by a roll call vote of 10-0.

**Resolution 15-12 Executive Summary**

**Resolution:** Authorizes and Adopts a Prevailing Wage Policy for All Authority-funded Capital Projects in Excess of Two Million Dollars

**Committee:** Projects Committee

**Committee Date:** April 21, 2015

**Board Date:** April 21, 2015

**Purpose of Resolution:**

To authorize a prevailing wage policy for all Authority-funded capital projects in excess of \$2 million.

**Background for Resolution:**

Since 2004, the Authority has adopted a prevailing wage policy on a trial basis via Resolutions 04-17, 05-10, 07-18, 09-22, 11-02, and 12-18 for all Authority-funded capital projects in excess of \$2 million. Based on experience gained during these trial periods, together with review of the experience of other contracting units in New Jersey and Delaware and other bi-state agencies, and review of associated research on prevailing wage, the Authority supports the implementation of a prevailing wage policy for Authority-funded capital projects exceeding \$2 million.

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**RESOLUTION 15-13 – DECLARATION OF RESTRICTION TO CREATE A CONSERVATION AREA**

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is the fee simple owner of certain tracts of land located in the City of North Cape May, County of Cape May, New Jersey, designated as Lots 1.04 and 1.06, Block 740, on the official Tax Map of the City of North Cape May and

WHEREAS, the United States Department of the Army, Corps of Engineers, Philadelphia District (hereinafter “USACOE”), has required the Authority to enter into a Declaration of Restrictions as a condition of Department of the Army Permit Number CENAP-OP-R-2007-704-45; and

WHEREAS, said Property contains existing waters and wetlands worthy of conservation protection, referred to as the “Conservation Area” and

WHEREAS, the Authority intends that the Conservation Area of the Property shall be preserved and maintained in its natural condition in perpetuity; and

WHEREAS, the Authority expressly agrees that the following activities shall not be permitted on the Conservation Area of the Property:

- A) No signs, billboards or outdoor advertising structures shall be placed or maintained on the Conservation Area; except for a reasonable number of signs for resource protection safety, boundary identification, and identification of the owner.
- B) No improvements, including, but not limited to, buildings, asphalt or concrete pavement, communication towers or antennas, utility lines or conduit, or any other temporary or permanent structure or facility shall be

constructed, placed, repaired, reconstructed, or maintained on, under or above the Conservation Area.

- C) No storage, dumping, depositing, abandoning, discharging or releasing of any gaseous, liquid, solid or hazardous waste substance, materials or debris of whatever nature on, in, over or under the ground or into surface or ground water shall occur.
- D) No loam, peat, gravel, soil, rock, sand or dredged and/or fill materials shall be placed, moved, or discharged within the Conservation Area, nor shall there be made any changes in the topography of the land.
- E) There shall be no land clearing, redirection of surface water or groundwater, ditching, extraction, drilling, driving of piles, mining, excavation or removal of loam, peat, gravel, soil, rock, sand, mineral or similar material, nor any change in the topography of the land.
- F) There shall be no alteration, removal or destruction of plants, trees, shrubs, wildflowers or other vegetation living or dead, or animal species except for control of diseases, pests, non-native species, and noxious weeds. Vegetation within the Conservation Area shall be allowed to grow and regrow to maturity and to remain in such state in perpetuity.
- G) Intentional introduction of non-native, non-indigenous plant and animal species is prohibited.
- H) There shall be no collecting of plant material, animal, minerals, or artifacts, except for scientific and nature study and in accordance with applicable State and Federal laws.
- I) There shall be no use of pesticides, herbicides, insecticides or other chemicals, except as may be necessary to control invasive species that threaten the natural character of the Conservation Area.
- J) No other acts, uses or discharges shall be allowed which adversely affect fish or wildlife habitat or the preservation of land, wetlands, or water areas within the Conservation Area.

NOW, THEREFORE, BE IT RESOLVED, that the Declaration of Restrictions shall be executed by the Chairperson, Vice Chairperson, and the Executive Director and filed with the Office of the Recorder of Deeds in Cape May County, New Jersey.

A motion to approve Resolution 15-13 was made by Commissioner Wilson and seconded by Commissioner Murphy. Resolution 15-13 was approved by a roll call vote of 10-0.

#### **Resolution 15-13 Executive Summary Sheet**

**Resolution:**           **DECLARATION OF RESTRICTION TO CREATE A CONSERVATION AREA**

**Committee:**           Projects

**Committee Date:**    April 21, 2015

**Board Date:**         April 2015

**Purpose and Background for Resolution:**

The Authority applied for an After the Fact permit from the Army Corps of Engineers (ACOE) to authorize and legalize existing structures, work, discharge and fill associated with the construction of Slips 5 and 6 and Bank Stabilization. The After the Fact permit consists of remediation and on-site mitigation. In order to grant the permit, the ACOE requires that the mitigation work be protected in a deed-restricted Conservation Area.

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**RESOLUTION 15-14 – PERSONNEL SELECTIONS REQUIRING BOARD OF COMMISSIONERS REVIEW AND APPROVAL**

This resolution was tabled.

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**RESOLUTION 15-15 – LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MED-TRANS CORP.**

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

WHEREAS, Med-Trans Corp. (“Med-Trans”) Desires to lease approximately 3,600 square feet of hangar space and 5 associated offices in a facility commonly referred to as Hangar 90 at the Millville Airport; and

WHEREAS, Med-Trans has agreed to pay the Authority annual rental in the amount of approximately Nineteen Thousand Eight Hundred Dollars (\$19,800.00); and

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

WHEREAS, Med-Trans shall have the right to renew the Lease Agreement for five (5) one (1) year renewal options; and

WHEREAS, rent during the renewal terms shall be adjusted each year by the 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 Med-Trans Corp. and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 15-15 was made by Commissioner Wilson and seconded by Commissioner Dorn. Resolution 15-15 was approved by a roll call vote of 10-0.

**Resolution 15-15 Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Med-Trans Corp., regarding Millville Airport

**Committee:** Economic Development

**Committee Date:** April 21, 2015

**Board Date:** April 21, 2015

**Purpose of Resolution:**

To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for space at the Millville Airport.

**Background for Resolution:**

The Delaware River and Bay Authority owns a hangar located at 90 Easterwood Road, Millville Airport. Med-Trans wishes to lease the hangar space and first floor office area for storage and maintenance of two medical transport helicopters. The helicopters currently serve medical facilities in Vineland and the Cape region and are stored outside without shelter. The facility has been vacant since 2011.

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**RESOLUTION 15-16 – LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND ILG AVCENTER INC. D/B/A ATLANTIC AVIATION CORP.**

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

WHEREAS, Atlantic Aviation Corp. (“Atlantic”) leases approximately six and one half acres of land at the New Castle Airport in order to operate a Fixed Based; and

WHEREAS, Atlantic has invested approximately one Million One Hundred Thousand Dollars in improvements to the; and

WHEREAS, Atlantic desires to extend the term of the Lease (“Lease Agreement”) for five and one-half (5 1/2) years; and

WHEREAS, rent for the additional lease term shall be the current Fair Market Value; and

WHEREAS, rent during the additional renewal term shall be adjusted each year by the CPI; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Amendment with ILG AvCenter Inc. d/b/a Atlantic Aviation Corp. and, with the advice and consent of counsel, to have such Amendment executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution15-16 was made by Commissioner Murphy and seconded by Commissioner Wilson. Resolution 15-16 was approved by a roll call vote of 10-0.

**Resolution 15-16 Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Amendment between the Delaware River and Bay Authority and ILG AvCenter Inc. d/b/a Atlantic Aviation Corp., regarding New Castle Airport

**Committee:** Economic Development

**Committee Date:** April 21, 2015

**Board Date:** April 21, 2015

**Purpose of Resolution:**

To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease amendment for space at the New Castle Airport.

**Background for Resolution:**

The Delaware River and Bay Authority leases approximately 6½ acres of land to Atlantic Aviation on Old Churchmans Rd at the New Castle Airport. Atlantic Aviation operates one of the Fixed Based Operation (FBO) at the Airport. They have recently completed a major capital upgrade to the facility on the site totaling over \$1.1 million in improvements. They have requested an additional 5½ year lease extension in order to amortize their costs.

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**RESOLUTION 15-17 - LEASE AMENDMENT AND NEW LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND BROKERAGE AND MANAGEMENT CORPORATION**

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

WHEREAS, Brokerage and Management Corporation (“Brokerage”) leases approximately forty percent (40%) share of Hangar B at the New Castle Airport for a corporate flight operation; and

WHEREAS, Brokerage is purchasing a new, larger aircraft; and

WHEREAS, Brokerage will no longer be able to fit in Hangar B with the larger aircraft. They desire to lease new space in 17 DRBA Way at the New Castle Airport; and

WHEREAS, Brokerage will continue to lease space in Hangar B for the original aircraft until the plane is sold or relocated. At that time Brokerage shall have the right to terminate the lease for Hangar B; and

WHEREAS, Brokerage desires to lease approximately fifty percent (50%) of 17 DRBA Way for the new aircraft; and

WHEREAS, Brokerage agrees to pay the Authority annual rent for the new space in the amount of One Hundred and Ninety-Nine Thousand and Eighty-Nine Dollars 72/100 (\$199,089.72); and

WHEREAS the initial term of the lease for 17 DRBA Way (“Lease Agreement”) is for five (5) years; and

WHEREAS, Brokerage shall have the right to renew the Lease Agreement for two (2) five (5) year options; and

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

WHEREAS, rent during the initial and renewal terms shall be adjusted each year 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 Amendment and new Lease Agreement with Brokerage and Management Corporation and, with the advice and consent of counsel, to have such Amendment executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 15-17 was made by Commissioner Wilson and seconded by Commissioner Dorn. Resolution 15-17 was approved by a roll call vote of 10-0.

**Resolution 15-17 Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Amendment and new Lease Agreement between the Delaware River and Bay Authority and Brokerage and Management Corporation, regarding New Castle Airport

**Committee:** Economic Development

**Committee Date:** April 21, 2015

**Board Date:** April 21, 2015

**Purpose of Resolution:**  
To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease amendment for space at the New Castle Airport.

**Background for Resolution:**  
The Delaware River and Bay Authority owns Hangar B at the New Castle Airport. The DRBA leases 40% of that facility to Brokerage and Management for the hangaring of a corporate aircraft. Brokerage is acquiring a new, larger aircraft and will no longer be able to stay in Hangar B due to size constraints. Brokerage will be leasing 50% of the hangar at 17 DRBA. Brokerage will need to also retain the space currently leased in Hangar B until such time as the old aircraft is sold or relocated. Brokerages current lease term is due to expire in 2017. They are also adding 2 additional 5 year lease renewals to their agreement.

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**RESOLUTION 15-18 - LEASE TERMINATION AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND DALLAS AIRMOTIVE, INC**

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

WHEREAS, Dallas Airmotive, Inc. (“Dallas ”) leases a parcel of land at the Millville Airport on which they constructed a hangar pursuant to a Lease between the Authority and Dallas the term is set to expire October 31, 2016(the “Lease”); and

WHEREAS, Dallas no longer has work for that facility and is looking to restructure their operations and terminate the Lease; and

WHEREAS, Dallas has agreed to pay an early termination fee of Thirteen Thousand Four Hundred and Ninety-Six Dollars 53/100 (\$13,496.53); and

WHEREAS, the Authority and Dallas agree that the Lease shall expire on April 30, 2015; and

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

A motion to approve Resolution 15-18 was made by Commissioner Murphy and seconded by Commissioner Wilson. Resolution 15-18 was approved by a roll call vote of 10-0.

With no more action to be taken by the Board, Commissioners Smith and Van Sant were excused by Chairman Lowe

### **Resolution 15-18 Executive Summary**

**Resolution:** Authorizing the Termination of a Lease Agreement between the Delaware River and Bay Authority and Dallas Airmotive, Inc.

**Committee:** Economic Development

**Committee Date:** April 21, 2015

**Board Date:** April 21, 2015

**Purpose of Resolution:** To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Termination Agreement for Dallas Airmotive, Inc. at the Millville Airport.

### **Background for Resolution:**

Dallas Airmotive, Inc. leased a large parcel of land on which they constructed a large manufacturing plant with warehouses and an aircraft hangar. Around 2005, Dallas ceased their manufacturing operation at Millville and reduced their operation to just the hangar repair shop. The hangar lease is set to expire on October 31, 2016. Dallas requested to terminate the remaining term of the lease. The termination payment represents the present value of the remaining lease payments.

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### 10952. EXECUTIVE DIRECTOR'S COMMENTS

Executive Director Green reminded the Commissioners of upcoming events which includes the Coast Guard Community Festival and the Millville Airshow to be held on May 8–10<sup>th</sup> in Cape May and Millville respectively; The September board meeting retreat will be held on the 15<sup>th</sup> & 16<sup>th</sup> at Lewes; the Authority's Memorial Day ceremonies will be held on May 30<sup>th</sup>; steps are being taken to place veterans names on War Memorial, to be accessible electronically by way of a virtual tour. The Executive Director also briefed the Board on the activities in and around the Authority including: the ILG award from AAAE; Truck fires which occurred on the Delaware

Memorial Bridge; the third Project Management class graduation; the fact that a Frontier Airline plane was stuck in the mud adjacent to a runway of the New Castle County airport but was eventually pulled out; the tour by children from the West Center City Early Learning of the New Castle airport; Job fairs having been held at both the Cape May & Lewes terminals and continuing in May; the EV charger sign having been installed and also advertised on EV web site. Lastly, William Bell of the Authority's Police Department was honored by New Castle County with the naming of the Fusion Center in his honor.

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10953.            COMMISSIONERS PUBLIC FORUM

Chairperson Lowe called for comments from the public and the Commissioners. Captain Ronald Sinn made a presentation of the new infant and children life jackets being proposed for rescue operations. Commissioner Lowe thanked him for his presentation and asked him to wait to talk to staff members after the meeting.

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There being no further business, a motion to adjourn was made by Commissioner Downes, seconded by Commissioner Murphy, and unanimously carried by a voice vote of 8-0.

The meeting was adjourned at 11:55 a.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Frank W. Minor  
Assistant Secretary