

**MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
Virden Center  
University of Delaware  
Lewes, Delaware  
Tuesday, September 17, 2019**

The meeting convened at 12:14 p.m. with Chairperson Lathem presiding.

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

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.

Chairperson Lathem called for the acceptance of the Agenda

Chairperson Ratchford made a motion to accept the Agenda, seconded by Commissioner Smith and the motion carried by a voice vote of 11-0.

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

Commissioners from Delaware

Samuel Lathem, Chairperson  
Crystal L. Carey  
Henry J. Decker  
James L. Ford III  
Michael Ratchford  
Veronica O. Faust

Commissioners from New Jersey

James N. Hogan, Vice-Chairperson  
James Bennett  
Sheila McCann  
Shirley R. Wilson - absent  
Ceil Smith  
M. Earl Ransome, Jr.

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11547.            APPROVAL OF THE MEETING MINUTES

Commissioner Decker made a motion to approve meeting minutes for July 16, 2019 and August 13, 2019, seconded by Commissioner Ransome and approved by a voice vote of 11-0.

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11548. 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 July and August 2019.

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

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11549. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expenses for July and August 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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11550. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSES BY DIVISION.

The CFO presented charts for July and August 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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11551. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented a chart for the months of July and August 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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11552. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION  
(MARKET VALUE) FOR JULY 31, 2019 AND AUGUST 31, 2019.

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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11553. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lathem noted (2) Contract Awards, (1) Contract Close-Out, and (7) 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 comment.

There were no public comments.

11554. \* \* \* \* \*

AWARD OF CONTRACT #CMLF-19-08 –DREDGE DISPOSAL SITE EXCAVATION – CAPE MAY  
TERMINAL

The Chief Operations Officer (COO) noted that a public opening bid was held on August 29, 2019. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, JPC Group Inc. of Blackwood, New Jersey in the amount of \$3,675,200.00.

A motion to award CONTRACT #CMLF-19-08 to the aforementioned firm was made by Commissioner Decker, seconded by Commissioner Ransome, approved by a voice vote of 11-0.

11555. \* \* \* \* \*

AWARD OF CONTRACT #CMLF-19-05 –DRY DOCKING AND REPAIRS M/V CAPE HENLOPEN

The Chief Operations Officer (COO) noted that a public opening bid was held on August 28, 2019. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Caddell Dry Dock & Repair Co., Inc. of Staten Island, New York in the amount of \$7,982,391.00.

A motion to award CONTRACT #CMLF-19-05 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Bennett, approved by a voice vote of 11-0.

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11556.            CLOSE-OUT CONTRACT #DMB-16-02 – DMB MISC STEEL REPAIRS

Contract #DMB-16-02, DMB MISC STEEL REPAIRS was awarded to JD Eckman, Inc., of Atglen, Pennsylvania.

It is recommended that the Authority accept the project and make the final payment to the contractor. The final cost of this project is \$5,398,835.01.

A motion to Close-Out Contract #DMB-16-02 was made by Commissioner Decker, seconded by Commissioner Ransome and approved by a voice vote of 11-0.

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11557.            CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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**RESOLUTION 19-32 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2019 THROUGH DECEMBER 31, 2019**

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 1/1/19 THROUGH 12/31/19

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Carl King Energy	Gasoline and Ultra Low Sulfur Diesel	State Contract	\$110,000
Cato, Inc.	Diesel Fuel for DMB Vehicles and Equipment	State Contract	\$30,000
Cospolich, Inc.	Replacement Refrigeration Units for CMLF Vessels	GSA Contract	\$100,000
Hali-Brite, Inc.	Runway Closure Markers for ILG	Quotes	\$35,000
REVPAR International	Hospitality and Asset Management Consultant for CMLF	Professional Services	\$35,000
Riggins, Inc.	Gasoline and Ultra Low Sulfur Diesel	State Contract	\$100,000
Saf-Gard Safety Shoe Co.	Safety Shoes	State Contract	\$35,000
Warren Lightning Rod Co.	DMB Lightning Protection	Quotes	\$49,000

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 19-32 was made by Commissioner Decker, seconded by Commissioner Ford, and approved by a roll call vote of 11-0.

### **Resolution 19-32 Executive Summary Sheet**

**Resolution:** Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2019 through December 31, 2019.

**Committee:** Budget & Finance

**Committee and Board Date:** September 17, 2019

**Purpose of Resolution:**

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2019 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 purchases:**

Carl King Energy: Gasoline and Ultra Low Sulfur Diesel

The Authority stores and dispenses Gasoline and Ultra Low Sulfur Diesel Fuel at its Delaware-based facilities for use in Authority-owned vehicles and equipment. The price per-gallon of gasoline and diesel fuel is competitively awarded by the State according to the county and the capacity of the tank in which the purchased fuel will be stored. Carl King Energy is currently a party to a competitively-bid state contract to provide gasoline and diesel fuel to “A” tanks in Kent and Sussex Counties and “B” tanks in all counties (GSS16002-GASOLINE and GSS16550-ULSD).

Cato, Inc.: Diesel Fuel for DMB Vehicles and Equipment

The Authority stores and dispenses Ultra Low Sulfur Diesel Fuel at the DMB Administrative Complex for use in Authority-owned vehicles and equipment. The price per-gallon for diesel fuel is competitively awarded by the State according to the county and the capacity of the tank in which the purchased fuel will be stored. Cato, Inc. is currently a party to the lowest-priced state contract to provide diesel fuel to 5,000+ gallon tanks (“A” tanks) located within New Castle County (GSS16550-ULSD).

Cospolich, Inc.: Replacement Refrigeration Units for CMLF Vessels

The Authority will be replacing several refrigeration units aboard its vessels that have exceeded their useful service lives. Cospolich manufactures galley equipment designed and built for use in marine environments. Cospolich is party to a competitively-bid GSA cooperative contract for Food Service Equipment (GS-07F-034D) and offers the Authority the same pricing discounts.

Hali-Brite, Inc.: Runway Closure Markers

ILG Operations requires the purchase of two Runway Closure Markers, which are used to effectively warn pilots of closed runways and taxiways. The DRBA requested quotes from three national distributors and Hali-Brite submitted the lowest-cost quote to provide the equipment as specified by the Authority.

REVPAR International: Hospitality and Asset Management Consultant for CMLF

To further our initiative to provide a unique experience for all customers of the Cape May-Lewes Ferry, the Authority has hired a hospitality and asset management consultant to develop and manage the process of selecting a food and beverage concessionaire who will be expected to enter into a lease agreement with the Authority and ultimately redevelop, reposition and manage the full operations of the restaurant and all associated hospitality

facilities and functions at the Lewes terminal. The Authority also expects to retain REVPAR to perform additional hospitality analyses at the Cape May terminal.

Riggins, Inc.: Gasoline and Ultra Low Sulfur Diesel

The Authority stores and dispenses Gasoline and Ultra Low Sulfur Diesel Fuel at its Delaware-based facilities for use in Authority-owned vehicles and equipment. The price per-gallon of gasoline and diesel fuel is competitively awarded by the State according to the county and the capacity of the tank in which the purchased fuel will be stored. Riggins is currently a party to a competitively-bid state contract to provide gasoline and diesel fuel within all counties and for all tank sizes (GSS16002-GASOLINE and GSS16550-ULSD).

Saf-Gard Safety Shoe Co.: Safety Shoes

The Authority provides safety footwear for eligible employees. Saf-Gard is party to a competitively-bid state contract to supply safety shoes and offers the Authority goods at matching rates (GSS15070-CLOTHING).

Warren Lightning Rod Co.: DMB Lightning Protection

The Authority has elected to modernize the existing lightning protection on the DMB structures in order to protect the new cable dehumidification system and tower elevators on the Delaware Memorial Bridge. The Authority solicited four (4) specialized contractors to visit the work site and ultimately received quotes from two (2). Warren Lightning Rod submitted the lowest quote to perform the work in accordance with Authority's specifications.

**Purchase Classification Definitions:**

**Professional Service.** A purchase of services valued less than \$50,000 that are provided by a professional acting in a capacity that requires specialized education, knowledge, judgment, and skill, and is predominantly mental or intellectual (as opposed to physical or manual) in nature, also including any clerical or administrative support that is required for the proper delivery of the professional service. Professional services may also be classified as those types of services that are original and creative in character and in a recognized field of artistic endeavor.

**Quotes.** A purchase of equipment, supplies or non-professional services or a contract for construction or construction management 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 [vendedor 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... Construction management contracts or construction contracts...which are less than \$50,000 do not require formal solicitation of competitive prices and, if more than \$25,000 but less than \$50,000 require the solicitation of three written quotes or all available sources, whichever is less...”* (DRBA Resolution 98-31 Part 4).

**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 11-36 Part 2.a.). In accordance with Resolution 11-36, this purchase classification also includes those *“...purchases from cooperatives and/or the piggy-backing of existing publicly-bid contracts for state and governmental entities which State of Delaware or New Jersey may or may not individually publicly advertise*

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**RESOLUTION 19-33 – AUTHORIZES AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND USI INSURANCE SERVICES, LLC TO PROVIDE EMPLOYEE BENEFITS CONSULTING SERVICES**

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

WHEREAS, the Authority publicly advertised a Request for Proposals (“RFP”) to provide professional employee benefits consulting services (the “Services”) in compliance with Resolution 98-31, as amended, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated four (4) proposals pursuant to the aforementioned public advertisement; and

WHEREAS, following preliminary evaluation of all proposals received, the Authority scored the advertised criteria to formulate a ranked-order list of all proposals and, in accordance with such rankings, short-listed two (2) and conducted oral interviews with each short-listed firm; and

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

WHEREAS, the Authority evaluated the cost of the services proposed by USI and determined the fee proposal to be fair and reasonable; and

WHEREAS, the Authority desires to enter into a Services Agreement (“Agreement”) with USI to provide the Services; and



WHEREAS, the Agreement shall have a base term of three (3) consecutive years from the effective date of the Agreement, with the option to extend the Agreement for up to two (2) additional periods of one (1) year each after the expiration of the base term, either such additional one-year term an “Option Term”; and

WHEREAS, either such Option Term is to be authorized by the originating committee with the consent of the Chairman and Vice-Chairman of the Board of Commissioners; and

WHEREAS, the Budget and Finance Committee has reviewed this recommendation and concurs; and

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

A motion to approve Resolution 19-33 was made by Commissioner Decker, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

### **Resolution 19-33 Executive Summary Sheet**

**Resolution:** Authorizes an agreement between the Authority and USI Insurance Services, LLC to provide employee benefits consulting services.

**Committee:** Budget and Finance

**Committee/  
Board Date:** September 17, 2019

**Purpose of Resolution:** To authorize an agreement between the Authority and USI Insurance Services, LLC to provide employee benefits consulting services to the 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.

In response to a publicly-advertised Request for Proposals, the Authority received and evaluated proposals submitted by the following four (4) firms, and short-listed and held oral interviews with two (2) of those firms\*:

- Stanley H. Allen Inc. dba Allen Associates
- Arthur J. Gallagher & Co.\*
- NFP
- USI Insurance Services, LLC\*

After an initial review and evaluation of all proposals, the Authority conducted oral interviews with the short-listed firms and utilized the final evaluation criteria to establish a final ranked list, with USI Insurance Services, LLC being identified as the highest-ranked firm following oral interviews. The Authority conducted an analysis of the proposed costs for the services and determined them to be fair and reasonable.

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**RESOLUTION 19-34 – AUTHORIZES AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND US FOODS, INC. TO SERVE AS THE PRIMARY DISTRIBUTOR OF FOOD AND FOOD PRODUCTS FOR PREPARATION AND RESALE AT THE CAPE MAY-LEWES FERRY.**

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 operates and maintains the Cape May-Lewes Ferry and adjoining terminals in Cape May, New Jersey and Lewes, Delaware; and

WHEREAS, the Authority seeks to retain a primary distributor of food and food products for preparation and resale at the Cape May-Lewes Ferry; and

WHEREAS, the Authority publicly advertised a Request for Proposals (“RFP”) to provide such food products in compliance with Resolution 98-31, as amended, which governs the Authority’s procedures for the use of competitive proposals for purchases whereby the Authority intends to compare the different price, quality and contractual factors of the proposals submitted, to conduct oral or written discussions with applicants concerning technical and price aspects of their proposals, and/or to award a contract in which price is not the determining factor; and

WHEREAS, the Authority received two (2) proposals pursuant to the aforementioned public advertisement, evaluated and scored the relative merit of each proposal under consideration, and determined each proposal to be acceptable; and

WHEREAS, following preliminary acceptance of the proposals received, the Authority negotiated with each individual respondent, allowed each respondent to revise their proposal, requested best and final offers, and performed blind product testing to accurately compare the proposed alternate products to the products specified by the Authority; and

WHEREAS, US Foods, Inc. (“US Foods”) was designated as the most desirable proposer following extensive evaluation; and

WHEREAS, the Authority wishes to enter into a Purchase Agreement (“Agreement”) with the selected food distributor; and

WHEREAS, the Agreement shall have a base term of three (3) consecutive years from the effective date of the Agreement, with the option to extend the Agreement for up to two (2) additional periods of

one (1) year each after the expiration of the base term, either such additional one-year term an “Option Term”; and

WHEREAS, either such Option Term is to be authorized by the originating committee with the consent of the Chairman and Vice-Chairman of the Board of Commissioners; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Purchase Agreement with US Foods to provide the Authority with food products for preparation and resale at the Cape May-Lewes Ferry and to have such Purchase Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 19-34 was made by Commissioner Bennett, seconded by Commissioner McCann, and approved by a roll call vote of 11-0.

### **Resolution 19-34 Executive Summary Sheet**

**Resolution:** Authorizes an agreement between the Authority and US Foods to serve as the primary distributor of food and food products for preparation and resale at the Cape May-Lewes Ferry

**Committee:** Budget and Finance

**Committee/  
Board Date:** September 17, 2019

**Purpose of Resolution:** To authorize an agreement with US Foods to serve as the primary distributor of food and food products for preparation and resale at the Cape May-Lewes Ferry.

**Background for Resolution:** The proposed Resolution meets the requirements of Resolution 98-31, as amended, which governs the procedure for the use of competitive proposals for whereby the Authority intends to compare the different price, quality and contractual factors of the proposals submitted, to conduct oral or written discussions with applicants concerning technical and price aspects of their proposals, and/or to award a contract in which price is not the determining factor.

The Authority received and evaluated proposals submitted by the following two (2) firms:

- US Foods, Inc.
- Sysco Eastern Maryland, LLC & Sysco Philadelphia, LLC

The Authority designated a Selection Committee to evaluate Proposals and recommend the Proposer who best met the described needs of the Authority. The Authority conducted an analysis of the proposed costs for the products and negotiated for the products to be provided at rates determined to be fair and reasonable.

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**RESOLUTION 19-35 - AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND NORTH WILDWOOD MECHANICAL 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, North Wildwood Mechanical (“NWW Mechanical”) desires to lease approximately 1,500 square feet of space located in 251 Ranger Road in order to operate and HVAC business and shop at the Cape May Airport; and

WHEREAS, NWW Mechanical has agreed to pay the Authority annual rent in the amount of Fourteen Thousand Seven Hundred dollars (\$14,700.00); and

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

WHEREAS, NWW Mechanical 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 North Wildwood Mechanical 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 19-35 was made by Commissioner Ford, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

**Resolution 19-35 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and North Wildwood Mechanical, regarding the Cape May Airport

**Committee:** Economic Development  
**Committee Date:** September 17, 2019  
**Board Date:** September 17, 2019  
**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 recently constructed a new light industrial building located at 251 Ranger Rd. in the Cape May Airport Industrial Park. NWW Mechanical would like to lease 1,500 sq. ft. of space in the new building. The owner currently works out of a shop at his residence and is looking to expand and grow his operation. He plans on operating a HVAC office and shop at this location. The lease rate is reflective of our current asking price to include fit out expenses.

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**RESOLUTION 19-36 - LEASE TERMINATION AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND SURFSIDE CUSTOM MARINE CANVAS AT THE CAPE MAY AIRPORT**

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

WHEREAS, Surfside Custom Marine Canvas (“Surfside”) currently leases 1,500 square feet of retail space located at 251 Ranger Rd, Unit #3 at the Cape May Airport for the operation of a canvas fabrication shop; and

WHEREAS, Surfside would like to terminate their agreement. The owner of Surfside is closing his business and moving to Maryland; and

WHEREAS, the Authority currently maintains a waiting list for space in this building and has a new tenant to occupy the space; and

WHEREAS, the Authority and Surfside agree that the lease shall expire on October 31, 2019; 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 Surfside Custom Marine Canvas 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 19-36 was made by Commissioner McCann, seconded by Commissioner Ransome, and approved by a roll call vote of 11-0.

**Resolution 19-36 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Termination Agreement between the Delaware River and Bay Authority and Surfside Custom Marine Canvas at the Cape May Airport

**Committee:** Economic Development

**Committee Date:** September 17, 2019

**Board Date:** September 17, 2019

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

**Background of Resolution:** The Delaware River and Bay Authority operates a building located at 251 Ranger Rd. at the Cape May Airport. Surfside leased Unit #3 in this building when it opened in on August 15, 2017. Surfside wishes to terminate their lease agreement because they have taken a position located in Maryland and will be closing their business in NJ. The Authority maintains a waiting list for space in this particular building and there is a tenant to take over the space.

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**RESOLUTION 19-37- LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND GARDEN RESERVE ENERGY, LLC. At the CAPE MAY AIRPORT**

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

WHEREAS, the Authority is entrusted with the economic expansion and improvement of the airport; and

WHEREAS, Garden Reserve Energy, LLC. (“Garden Energy”) desires to build a battery energy storage facility on approximately twenty (20) acres at the airport; and

WHEREAS, Garden Energy shall have a one (1) year option with four (4) one year extensions on the property in order to complete due diligence and permitting activities;

WHEREAS, Garden Energy has agreed to pay for these options as follows:

Initial year	\$10,000
1 <sup>st</sup> Extension	\$11,000
2 <sup>nd</sup> Extension	\$12,000
3 <sup>rd</sup> Extension	\$15,000
4 <sup>th</sup> Extension	\$20,000; and

WHEREAS, the initial lease term shall be for twenty (20) years; and

WHEREAS, Garden Energy shall have the right to renew this Lease Agreement (the “Agreement”) for two (2) periods of five (5) years each; and

WHEREAS, Garden Energy has agreed to pay the Authority One Hundred and Five Thousand 00/100 (\$105,000.00) annually;

WHEREAS, during the initial term, rent shall increase annually by 2%; and

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

WHEREAS, rent shall increase annually by 2% during each renewal term; and

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

A motion to approve Resolution 19-37 was made by Commissioner Bennett, seconded by Commissioner Ford, and approved by a roll call vote of 11-0.

### **Resolution 19-37 Executive Summary**

<b>Resolution:</b>	Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Garden Reserve Energy, LLC, regarding Cape May Airport
<b>Committee:</b>	Economic Development
<b>Committee Date:</b>	September 17, 2019
<b>Board Date:</b>	September 17, 2019
<b>Purpose of Resolution:</b>	To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a lease agreement for lease space at the Cape May Airport.

**Background for Resolution:**

The Delaware River and Bay Authority (Authority) operates the Cape May Airport. Garden Reserve Energy, LLC would like to lease a parcel of land in order to construct a battery energy storage facility in support of the State of NJ goal to have energy storage targets of 600 MW by 2021 and 2,000 MW by 2030. The lease rate is based upon our most recent valuation for airport land at the Cape May Airport.

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**RESOLUTION 19-38 - RECOGNIZES THE SERVICE AND CONTRIBUTIONS OF WILLIAM E. LOWE, III TO THE DELAWARE RIVER AND BAY AUTHORITY AND DESIGNATES THE LEWES FERRY TERMINAL PUBLIC PIER AS THE WILLIAM E. LOWE, III PIER IN HIS HONOR:**

WHEREAS, William E. Lowe, III was appointed by Governor Ruth Ann Minner to serve as a Commissioner on the Delaware River and Bay Authority, participating in his first Commission Meeting on May 20, 2003; and

WHEREAS, Mr. Lowe served with distinction, enthusiasm and dedication as a Delaware River and Bay Authority Commissioner for more than sixteen years; and

WHEREAS, on January 18, 2011, William E. Lowe, III was elected Chairman of the Delaware River and Bay Authority Board of Commissioners and served many of his years on the Commission as either Chairman or Vice Chairman of the twelve person governing board; and

WHEREAS, Mr. Lowe also served as a chairperson of the Economic Development and Projects Committees during his time as a Commissioner, advocating for the creation and adoption of a new Marine Master Plan and the ferry vessel repowering project at the Cape May- Lewes Ferry; and

WHEREAS, as a veteran Delaware River Pilot, Mr. Lowe was a passionate supporter of the Cape May – Lewes Ferry and provided much needed insight, expertise, and perspective on this important bi-state crossing operation; and

WHEREAS, Mr. Lowe was a strong, dedicated advocate for rebranding the Cape May – Lewes Ferry Terminals as community gathering places that offer outstanding waterfront venues for concerts, festivals and other events; and

WHEREAS, as a result of his leadership and support, the first inaugural Maritime Day Celebration that pays tribute to the region’s maritime history was held at the Lewes Ferry Terminal on May 19, 2012; and



WHEREAS, Mr. Lowe encouraged public use of the finger pier at the Lewes Ferry Terminal, which prompted the Freedom Boat Club of Delaware to use it as one of its locations in the State of Delaware for pleasure boating; and

WHEREAS, Mr. Lowe recognized the importance of the Authority's transportation network and endorsed the investment of financial resources to improve and enhance all of the Authority's facilities, including its major transportation links, the Cape May - Lewes Ferry and Delaware Memorial Bridge facilities, and

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority does hereby recognize the outstanding contributions of William E. Lowe, III to the Authority's history and successful operation of the Delaware Memorial Bridge, Cape May - Lewes Ferry, the Salem County Business Center, Wilmington-New Castle Airport, Millville Airport, Cape May Airport, Delaware Airpark, Civil Air Terminal at Dover, and the Forts Ferry Crossing, all of which are managed by the Delaware River and Bay Authority.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Delaware River and Bay Authority Commission does hereby designate the Lewes Ferry Terminal Public Pier as the "William E. Lowe, III Public Pier" with the adoption of this resolution today, September 17, 2019.

A motion to approve Resolution 19-38 was made by Commissioner Ransome, seconded by Commissioner Carey, and approved by a roll call vote of 11-0.

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11558.            EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director reported on events in and around the Authority as follows:

DMB Tidbits – August Traffic Count – All-time best month ever in Authority History;  
2019 v. 2018 – Up approximately 252,000 vehicles.

Ferry Facts – August 2019 – Rough month – MVDE down for half the month;  
2019 v. 2018 - Vehicles up 2%, Fare Revenue up 1% and Food/Retail up 10%.

The Executive Director reported on the Veterans donation drive held at the Authority. The drive provides support to Veterans located in Delaware and Southern New Jersey. He noted that this opportunity was identified by Authority employees and thanked them for their generosity.

The Executive Director displayed a picture of Albert "Al" Dohring a long time employee of the Authority died on Sunday, August 18, 2019 in an airplane crash. The Authority will be planting a tree in his memory.

Upcoming Events:

Bridge Run for Special Olympics will be held on October 6, 2019;

Tuesday, October 15, 2019 – Commission Meeting – 9:00 a.m. – James Julian Board Room.

\* \* \* \* \*

11559.            COMMISSIONERS PUBLIC FORUM

Chairperson Lathem called for comments from the public and the Commissioners.

There were no comments.

There being no further business, Chairperson Lathem adjourned the meeting at 12:20 p.m.

Respectfully submitted,

**THE DELAWARE RIVER AND BAY AUTHORITY**

Stephen D. Williams  
Assistant Secretary