

**MINUTES OF MEETING  
THE DELAWARE RIVER AND BAY AUTHORITY  
Delaware Memorial Bridge Complex  
Tuesday, September 20, 2022**

The meeting convened at 10:00 a.m. at the Delaware Memorial Bridge Complex, with Vice-Chairperson Lathem presiding.

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

Vice-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.

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

Commissioners from New Jersey

James N. Hogan, Chairperson - absent  
Shirley R. Wilson – via: Zoom  
Ceil Smith  
Sheila McCann  
M. Earl Ransome, Jr.  
Heather Baldini

Commissioners from Delaware

Samuel Lathem, Vice-Chairperson  
Crystal L. Carey\*  
Henry J. Decker  
Michael Ratchford  
Veronica O. Faust  
Theodore Becker

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Vice-Chairperson Lathem called for the acceptance of the Agenda.

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

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

The Executive Director presented a video and thanked DRBA employees for planning and installing the new Gold Star Families Memorial Monument. The monument is located at the DRBA Veterans Memorial Park. The Executive Director introduced Judy Campbell, President of Gold Star Families of Delaware. Ms. Campbell discussed meaning behind the Gold Star Memorial Monument. She thanked Executive Director Tom Cook, TJ Murray, James Salmon, John Hitchner and the entire staff of the DRBA. The DRBA has done great things and the Gold Star Families are forever grateful.

\*Commissioner Carey arrived at 10:08 a.m.

Vice-Chairperson Lathem called for a motion to move to Executive Session. Commissioner Becker made a motion, seconded by Commissioner Faust, and the motion carried by voice vote of 11-0.

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

The Executive Session started at 10:15 a.m. and ended at 11:56 a.m.

At the conclusion of the Executive Session, Vice-Chairperson Lathem called for a motion to close Executive Session and recess to conduct Committee Meetings. Commissioner Ransome then made a motion, seconded by Commissioner McCann, and the motion carried by a voice vote of 11-0.

The Committee meetings started at 11:56 a.m. and ended at 1:04 p.m. During that time, the following committee meetings were held:

- Budget & Finance
- Economic Development
- Projects

At the conclusion of the Committee meetings, Vice-Chairperson Lathem called the Board meeting back to order at 1:10 p.m.

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11986. APPROVAL OF THE JULY 19, 2022 MINUTES

Commissioner Ratchford made a motion to approve meeting minutes for July 19, 2022, seconded by Commissioner Faust, and approved by a voice vote of 11-0.

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11987. 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 July and August charts were ordered filed with the permanent records of the Authority.

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11988. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for July and August 2022 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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11989. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for July and August 2022 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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11990. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for July and August 2022 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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11991. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR JULY 31, 2022 AND AUGUST 31, 2022.

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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11992. PUBLIC COMMENT ON ACTION ITEMS

Vice-Chairperson Lathem noted that (8) Contract Awards, (7) Contract Close-Outs, and (16) Resolutions were being considered at today’s meeting.

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

There was no public comment on action items before the Board.

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11993. AWARD OF CONTRACT #CMLF-22-08 – DRY-DOCKING AND REPAIRS M/V DELAWARE

The Chief Operations Officer (COO) noted that a public opening bid was held on August 30, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Caddell Dry Dock & Repairs Co., of Staten Island, New York, in the amount of \$9,104,614.00.

A motion to award CONTRACT #CMLF-22-08 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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11994. AWARD OF CONTRACT #CMLF-L19-04 – LEWES FERRY TERMINAL DUCT BANK

The Chief Operations Officer (COO) noted that a public opening bid was held on August 30, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, JJID, Inc. of Bear, Delaware, in the amount of \$4,972,820.00.

A motion to award CONTRACT #CMLF-L19-04 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Wilson, and approved by a voice vote of 11-0.

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11995. REJECTION OF BID FOR CONTRACT #CMLF-C19-06R – POLICE DISPATCH CENTER REHABILITATION – BID REJECTED

The Chief Operations Officer (COO) noted that a public bid opening was held on August 25, 2022. The COO and Projects Committee recommended rejecting the bid.

A motion to Reject all bids for CONTRACT #CMLF-C19-06R was made by Commissioner Decker, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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11996. AWARD OF CONTRACT #ILG-22-01A – INSTALLATION OF TRITURATOR SYSTEM AT BUILDING I-153

The Chief Operations Officer (COO) noted that a public opening bid was held on September 1, 2022. 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 \$265,000.00.

A motion to award CONTRACT #ILG-22-01A to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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11997. AWARD OF CONTRACT #ILG-21-02 – PARKING LOT AND PERIMETER ROAD REHABILITATION

The Chief Operations Officer (COO) noted that a public opening bid was held on September 1, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Diamond Materials of Wilmington, Delaware, in the amount of \$660,635.00.

A motion to award CONTRACT #ILG-21-02 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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11998. AWARD OF CONTRACT #ILG-22-09 – 250,000 GALLON FIRE WATER TANK INTERIOR RECOATING AND REPAIR

The Chief Operations Officer (COO) noted that a public opening bid was held on August 25, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Allied Painting, Inc. of Cherry Hill, New Jersey, in the amount of \$177,725.00.

A motion to award CONTRACT #ILG-22-09 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner McCann, and approved by a voice vote of 11-0.

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11999. AWARD OF CONTRACT #ILG-22-11 – INSTALLATION OF OWNER-FURNISHED HVAC UNITS AT BUILDINGS I-135 & I-137

The Chief Operations Officer (COO) noted that a public opening bid was held on September 1, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Gaudelli Bros., Inc. of Millville, New Jersey, in the amount of \$253,800.00.

A motion to award CONTRACT #ILG-22-11 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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12000. AWARD OF CONTRACT #WWD-20-01 – MULTI-PURPOSE BUILDING

The Chief Operations Officer (COO) noted that a public opening bid was held on August 18, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Arthur J. Ogren, Inc. of Vineland, New Jersey, in the amount of \$6,606,000.00.

A motion to award CONTRACT #WWD-20-01 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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12001. CLOSE-OUT CONTRACT #DMB-15-02 – FIRST AND SECOND STRUCTURES DEHUMIDIFICATION OF MAIN CABLES AND ANCHORAGES

CONTRACT #DMB-15-02 – FIRST AND SECOND STRUCTURES DEHUMIDIFICATION OF MAIN CABLES AND ANCHORAGES was awarded to American Bridge Company of Coraopolis, Pennsylvania.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$39,245,140.83.

A motion to Close-Out Contract #DMB-15-02 was made by Commissioner Wilson, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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12002. CLOSE-OUT CONTRACT #WWD-15-02 – MULTI-TENANT BUILDINGS

CONTRACT #WWD-15-02 – MULTI-TENANT BUILDINGS was awarded to Fabbri Builders, Inc. of Vineland, 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 \$7,091,002.77.

A motion to Close-Out Contract #WWD-15-02 was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 11-0.

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12003. CLOSE-OUT CONTRACT #CMLF-19-04 – FENDER REPLACEMENT AT LEWES DELAWARE FERRY TERMINAL

CONTRACT #CMLF-19-04 - FENDER REPLACEMENT AT LEWES DELAWARE FERRY TERMINAL was awarded to Agate Construction Company, Inc. of Clemont, 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 \$1,064,600.00.

A motion to Close-Out Contract #CMLF-19-04 was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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12004. CLOSE-OUT CONTRACT #DMB-20-10 – ADMINISTRATION BUILDING LIEBERT UNIT REPLACEMENT

CONTRACT #DMB-20-10 – ADMINISTRATION BUILDING LIEBERT UNIT REPLACEMENT was awarded to Cook’s Service Co., Inc. of Avondale, Pennsylvania.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$181,473.90.

A motion to Close-Out Contract #DMB-20-10 was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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12005.            CLOSE-OUT CONTRACT #MIV-20-A - MIV SOUTH APRON  
EXPANSION

CONTRACT #MIV-20-A – MIV SOUTH APRON EXPANSION was awarded to South State of Bridgeton, 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 \$1,117,139.28.

A motion to Close-Out Contract #MIV-20-A was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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12006.            CLOSE-OUT CONTRACT #ILG-20-AR – RUNWAY 1-19  
REHABILITATION PHASE 1

CONTRACT #ILG-20-AR – RUNWAY 1-19 REHABILITATION PHASE 1 was awarded to Diamond Materials Inc. of Newark, Delaware.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$6,893,485.91.

A motion to Close-Out Contract #ILG-20-AR was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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12007.            CLOSE-OUT CONTRACT #ILG-21-11 – AIR TRAFFIC CONTROL  
TOWER PAINTING AND CARPET REPLACEMENT

CONTRACT #ILG-21-11 – AIR TRAFFIC CONTROL TOWER PAINTING AND CARPET REPLACEMENT was awarded to Bathon Builders of Elkton, Maryland.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$75,826.33.



A motion to Close-Out Contract #ILG-21-11 was made by Commissioner Becker, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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12008. VICE-CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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**RESOLUTION 22-36 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2022, THROUGH DECEMBER 31, 2022**

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  
VENDORS PROJECTED TO BE PAID OVER \$25,000  
FOR THE PERIOD 1/1/22 THROUGH 12/31/22

<b>VENDOR</b>	<b>PURCHASE DESCRIPTION</b>	<b>CLASSIFICATION</b>	<b>ESTIMATED \$</b>
Agate Construction Co., Inc.	Cape May Terminal Fender Repair	Committee Waiver	\$38,000
Barcodes, LLC	CMLF Passenger Ticket Scanners	Quotes	\$31,000
Enterprise Leasing Company of Philadelphia LLC d/b/a Enterprise Rent-A-Car	Lease of Fleet Vehicles	State Contract	\$261,000
Fairbanks Morse Defense	Parts and Technical Support for M/V Cape Henlopen Main Engine Overhaul	Proprietary	\$2,250,000
Flooring Corporate Interiors, Inc.	ILG Building 6 Flooring and Stairway Upgrades	Quotes	\$35,000
I.D. Griffith, Inc.	DMB Pump House Metasys and Electrical Improvements	Quotes	\$46,000
Jesco, Inc. (Middletown)	Replacement Construction Roller	State Contract	\$46,000
Marathon Electric Mfg. Co.	Three (3) Marathon Generator Alternators	Committee Waiver	\$88,000
Moore Seal, Inc.	Sealcoat & Re-stripping of Parking Lot A at ILG	Quotes	\$28,000
Radio Holland USA, Inc.	Public Address System Upgrade on M/V Delaware & Spare Shipset	Proprietary	\$35,000
RC Mowers	Bank Machine Mower	State Contract	\$60,000
Selex ES	Installation of Automatic License Plate Reader System at Cape May and Lewes Terminals	Committee Waiver	\$400,000
WJV General Contractors, LLC	Installation of Timber Shielding Under DMB, Second Structure	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.

Resolution 22-36 was moved by Commissioner Ransome, seconded by Commissioner Wilson, and was approved by a roll call vote of 11-0.

## Resolution 22-36 - Executive Summary Sheet

**Resolution:** Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2022, through December 31, 2022.

**Committee:** Budget & Finance

**Committee and Board Date:** September 20, 2022

**Purpose of Resolution:**

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2022 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.

**Purchase Detail:**

Agate Construction Co., Inc.: Cape May Terminal Fender Repair

During annual inspection of the ferry facilities, the Authority's marine consultant discovered Fender No. 16 at the Cape May Terminal had two (2) rubber elements that had pulled off from the finger pier and the connections between the double fender panel and H-piles had sheared off. As the fender was only supported by the two (2) top fender elements and the panel had dropped significantly from its original position, staff contacted Agate for an emergency quote to make the repairs before the panel broke off completely. While this individual expenditure was under the threshold, Agate has been added to this Resolution as result of multiple under threshold expenditures now exceeding the threshold. The Authority requests a Committee Waiver for this vendor in 2022.

Barcodes, LLC: CMLF Passenger Ticket Scanners

The Authority plans to purchase new android scanners replacing the current scanners that are at end of life and no longer supported. These scanners will provide a reliable tool with expanded coverage to aid in the boarding and check-in process that is conducted in the staging lanes and loader tube at the Cape May-Lewes Ferry terminals. Staff solicited quotes from three (3) vendors with Barcodes submitting the lowest quote in accordance with the Authority's specifications.

Enterprise Leasing Company of Philadelphia LLC /dba/ Enterprise Rent-A-Car: Lease of Fleet Vehicles

The Authority plans to enter into lease arrangements for fleet vehicles at all locations. Each vehicle lease will be entered into at prices pursuant to the vendor's Nationwide Vehicle Rental Services contract with the state (GSS19694-VEH\_RENTAL).

Fairbanks Morse Defense: Parts for M/V Cape Henlopen Main Engine Overhaul

Fairbanks Morse is the proprietary supplier of parts for overhauls, emergency repairs and maintenance of the main engines on all Authority vessels. The Authority plans to overhaul the main engines on the M/V Henlopen during the months of January to March 2024, a process that is generally conducted every five (5) years for each vessel in the CMLF fleet. Currently, Fairbanks Morse OEM parts are extremely scarce worldwide, with the lead times on many parts exceeding 400 days. Additionally, as Fairbanks Morse is primarily a defense contractor, the Authority is in competition with military customers who will jump ahead of the line if we were to postpone order confirmation. The estimated cost of the engine overhaul project can be broken down as follows: \$1,950,000 for parts and \$300,000 for onsite technical support.

Flooring Corporate Interiors, Inc.: ILG Hanger 6 DRBA Way Flooring and Stairway Upgrades

The Authority plans to remove the existing flooring and wall base and install new carpet, vinyl tile, and a vinyl stairway in Hangar 6 at the New Castle Airport. Staff solicited quotes from four (4) contractors and received three (3) with Flooring Corporate Interiors submitting the lowest quote in accordance with the Authority's specifications.

I.D. Griffith, Inc.: DMB Pump House Metasys and Electrical Improvements

The Authority plans to purchase and install electrical systems upgrades and Metasys building automation systems integration on the Authority's pump house located at the Delaware Memorial Bridge facility. Staff solicited quotes from four (4) contractors and received one (1) quote from I.D. Griffith in accordance with the Authority's specifications.

Jesco, Inc. (Middletown): Replacement Construction Roller

The Authority plans to replace one (1) construction roller utilized at the DMB complex as the previous equipment has exceeded its useful life and is currently programmed in the 2022 Capital Equipment Replacement Plan. The replacement roller will be purchased at prices pursuant to Jesco's state contract (*GSS20750-EQUIP\_HD*).

Marathon Electric Mfg. Co: Three (3) Marathon AC Generator Alternators

The Cape May-Lewes Ferry plans to complete its initiative to standardize the Generator Alternators across the Ferry fleet by purchasing three (3) Marathon AC Generator Alternators; two (2) to be installed aboard the M/V Cape Henlopen and one (1) spare to be kept at the Cape May Terminal warehouse. Similar units have already been purchased and installed aboard the M/V New Jersey and M/V Delaware, and the Marathon units have been approved by USCG and ABS. Five firms were solicited to provide a quote to supply the equipment, with three providing responses. Marathon provided the lowest quote. The Authority requests the Committee to waive the public bid requirement that would normally be required for this purchase.

Moore Seal, Inc.: Sealcoat and Re-striping of Parking Lot A at ILG

The Authority plans to sealcoat and re-strip parking spaces in Parking Lot A located at the New Castle Airport. Staff solicited quotes from four (4) contractors with Moore Seal submitting the lowest quote in accordance with the Authority's specifications.

Radio Holland USA, Inc: Public Address System Upgrade on M/V Delaware & Spare Shipset

The Authority plans to install a new Public Address (PA) system on the M/V Delaware as the current system has exceeded its designed operational life cycle during the upcoming 2022 drydocking. Radio Holland is the proprietary vendor for Zenitel Marine systems and previously installed Zenitel PA systems aboard the M/V Cape Henlopen and M/V New Jersey and no other local vendors can support the installation of the equipment components, the Authority requests to use Radio Holland for the installation of the M/V Delaware's PA system. The expenditure amount also represents the purchase of a spare shipset that will be stored in the Cape May Terminal warehouse in case of an emergency.

RC Mower: Bank Machine Mower

The Authority plans to purchase one (1) remote control bank machine mower for the New Castle Airport as the equipment is programmed in the 2022 Capital Equipment 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 Mower. 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.

Selex ES: Installation of Automatic License Plate Reader System at Cape May and Lewes Terminals

The Authority plans to implement an Automatic License Plate Reader (ALPR) system at the Cape May and Lewes Terminals. These ALPR systems would swiftly identify possible high-risk patrons before they get on the vessels thereby providing the DRBA police officers with a tool to enhance the safety and protection of ferry passengers and vessels. As the ALPR system provided by Selex is currently being utilized by DRBA police officers on both spans of the bridge, the Authority believes it will be beneficial to continue with Selex to provide the same technology and services at the ferry terminals. The Authority requests a Committee Waiver to contract with Selex to provide the installation and equipment for the ferry terminals. The expenditure amount represents the installation of camera equipment and system configuration. The project is expected to be completed by December 2022.

WJV General Contractors, LLC: Installation of Timber Shielding Under DMB, Second Structure

The Authority plans to install timber planks underneath a section of the second structure of the bridge to prevent potential deck concrete associated with the re-decking project from falling near the police shooting range. Staff solicited quotes from six (6) contractors and received three (3) with WJV General Contractors submitting the lowest quote in accordance with the Authority's specifications.

## **Classification Definitions:**

### **Committee Waiver.**

The Budget and Finance Committee, in consideration of the overall procurement process, may increase or waive the thresholds established in paragraphs 1 and 2 of Resolution 98-31 for the following reasons: operational needs and issues, a need for uniformity and continuity in materiel and services required by the Authority, and unique or special needs of the Authority including, but not limited to, the desirability of owner furnished materiel and supplies in vessel repair, maintenance, renovation and rehabilitation (DRBA Resolution 98-31 Part 3).

**Proprietary.** A purchase necessary to support or maintain existing Authority equipment for which a vendor has the right to prohibit an equivalent product from being supplied. Similar products or services may be available, however the Authority must purchase from the original equipment manufacturer or service provider to uphold a contract, warranty, etc. A proprietary specification typically restricts the acceptable product or service to one manufacturer or vendor; although the product or service may be available from more than one distributor. In another typical example of this classification, a purchase of closed-source commercial software would be categorized as proprietary because the software remains the property of its owner/creator and is utilized by end-users (such as the Authority) under predefined conditions.

**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 [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... 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.).

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**RESOLUTION 22-37 - AUTHORIZING A PURCHASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND PAPCO, INC., FOR THE DELIVERY AND SUPPLY OF DIESEL FUEL FOR USE 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, created by compact, that operates and maintains the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Operation and five regional airports; and

WHEREAS, the Authority annually purchases approximately 830,000 gallons of No. 2 Ultra Low Sulfur Diesel Fuel to power the Cape May-Lewes Ferry fleet; and

WHEREAS, in compliance with Resolution 98-31, as amended, which governs the Authority’s procurement policy, the Authority publicly advertised an Invitation to Bid (“ITB”) to all qualified diesel fuel suppliers interested in bidding to supply the Cape May-Lewes Ferry’s full requirements for Red Dye No. 2 Ultra Low Sulfur Diesel Fuel, and/or Wholesale B10 SME Biodiesel Fuel for up to five (5) years; and

WHEREAS, the Authority received four (4) responsive Bids in response to the ITB; and

WHEREAS, following careful evaluation of each Bid received, and in consideration of the Authority’s historic and future use of fuel purchasing options, the Authority has designated PAPCO, Inc. (“PAPCO”) as the most cost-effective Bidder; and

WHEREAS, the Authority desires to enter into a Purchase Agreement (“Agreement”) with PAPCO for an initial term of three (3) years, with the option to extend the Agreement for up to two (2) consecutive one-year terms, either such additional one-year term 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 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 PAPCO, and, with the advice and consent of counsel, to have Agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

Resolution 22-37 was moved by Commissioner Faust, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

**Resolution 22-37 - Executive Summary Sheet**

**Resolution:** Authorizing a Purchase Agreement between the Delaware River and Bay Authority and PAPCO, Inc., for the delivery and supply of diesel fuel for use at the Cape May–Lewes Ferry.

**Committee:** Budget & Finance Committee

**Committee/**

**Board Date:** September 20, 2022

**Purpose of Resolution:**

To authorize the Delaware River and Bay Authority and PAPCO, Inc. (“PAPCO”) to enter into a Purchase Agreement for No. 2 Ultra Low Sulfur Diesel Fuel, Red Dye and/or Wholesale B10 SME Biodiesel Fuel for up to five years.

**Background for Resolution:**

**See attached CMLF-22-50 Bid Comparison for Bid results.**

The Authority publicly issued an Invitation to Bid to supply two types of market-indexed diesel fuels for marine use at the Cape May Lewes Ferry as follows:

1. OPIS Gross No. 2 Ultra Low Sulfur Diesel Fuel, Red Dye, FOB Philadelphia, UBD Low Rack, and
2. OPIS Gross Wholesale B10 SME Biodiesel Fuel FOB Philadelphia, ULS2RD, Rack Average

Under either of the above Options, the Authority purchases fuel at a market indexed price (the OPIS Closing Benchmark) and pays the fuel supplier/deliverer an additional per-gallon “differential cost” per-gallon. Each Bidder’s differential cost is a constant per-gallon fee, which is all-inclusive of any equipment, licenses, insurance, overhead, profit, governmental fees, charges, levies and/or taxes imposed on or in connection with the Fuel.

In addition to the above market-indexed options and under the parameters of the Invitation to Bid, the Authority also required Bidders to supply a monthly differential should the Authority choose to convert to a fixed price per gallon for up to eighteen consecutive months. Such “fixed conversion” method has been exercised twice in the previous three (3) years (approximately 546,000 fixed-price gallons were purchased in 2020 and 210,000 gallons in 2021) under the Authority’s previous fuel contract.

Because of the unknown properties of a futures market, the advertised basis of contract award would be to the firm offering the lowest constant “differential cost” to supply No. 2 ULSD at the indexed price. Historically, No. 2 ULSD is the only type of fuel that has been used in our ferries. Thus, when applying the advertised basis of contract award to the bids received, the “Low Bid” differential cost submitted by Mansfield Oil Co., when multiplied by 830,000 gallons, appears to save the DRBA approximately \$6,500 per year under contract vs. the “2nd Low Bidder” (PAPCO, Inc.)



However, if the DRBA chose to convert to a fixed price just ONE TIME over the next five years, any savings offered by the Low Bidder will turn negative. PAPCO bid a range of \$0.24 to \$0.26 *per gallon lower* than Mansfield Oil for the fixed conversion. Thus, the act of awarding a contract to the “Low Bid” differential cost for No. 2 ULSD would effectively limit the DRBA to purchasing fuel ONLY at indexed prices for the next five years.

Considering the DRBA’s fuel purchase history, the increasing price fluidity of the fuel market, and the opinion of our Director of Ferry Operations, it is extremely likely that the DRBA will find an opportunity to convert to a locked price at some point in the next five years.

It is for this reason that award of the Purchase Agreement is recommended to go to the “2nd Low Bidder” (PAPCO, Inc.). PAPCO’s Bid will likely offer considerable cost savings over Mansfield Oil if the Authority were to convert to a fixed price at any time over the next five years.

\* \* \* \* \*

**RESOLUTION 22-38 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND PUBLIC RESOURCES ADVISORY GROUP, INC. TO PROVIDE MUNICIPAL ADVISORY 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, created by compact, that operates and maintains the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Operation and five regional airports; and

WHEREAS, the Securities and Exchange Commission (SEC) enacted the Municipal Advisor Rule as part of the financial regulatory reform initiated under the Dodd-Frank Wall Street Reform and Consumer Protection Act, which, among other things, requires Municipal Advisors to establish an explicit fiduciary duty to the issuer of municipal securities and act as a safeguard against advice and transactions that are not in the issuer’s best interest; and

WHEREAS, the Authority desires to engage an Independent Registered Municipal Advisor (“IRMA”) to provide financial services and advice related to the issuance of municipal securities in connection with the Authority’s debt and capital financing programs (hereinafter, the “Services”).

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

WHEREAS, the Authority received three (3) proposals in response to the RFP; and

WHEREAS, a Selection Committee performed a preliminary evaluation of all proposals received and conducted interviews with each proposing firm; and

WHEREAS, following interviews and a final evaluation of each Proposer, Public Resources Advisory Group, Inc. (“PRAG”) was designated as the highest-ranked firm; and

WHEREAS, the Authority conducted an analysis of PRAG’s proposed exceptions and fees, and finds them to be fair and reasonable; and

WHEREAS, the Authority desires to enter into a Service Agreement (“Agreement”) with PRAG for an initial term of four (4) years, with the option to extend the Agreement for up to two (2) consecutive one-year terms, either such additional one-year term 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 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 PRAG to provide the Services to the Authority, and, with the advice and consent of counsel, to have Agreement executed by the Chairperson, Vice-Chairperson and Executive Director.

Resolution 22-38 was moved by Commissioner Becker, seconded by Commissioner Smith, and was approved by a roll call vote of 11-0.

### **Resolution 22-38 - Executive Summary Sheet**

**Resolution:** Authorizes an agreement between the Delaware River and Bay Authority and Public Resources Advisory Group, Inc. (“PRAG”) to serve as the Authority’s Independent Registered Municipal Advisor (“IRMA”).

**Committee:** Budget & Finance Committee

**Committee/  
Board Date:** September 20, 2022

**Purpose of Resolution:** To authorize the Authority to enter into an agreement with PRAG to provide Municipal Advisory Services.

**Background for Resolution:** The Authority desires to hire an Independent Registered Municipal Advisor (“IRMA”) to provide financial services and advice related to the issuance of bonds in connection with the Authority’s debt and capital financing programs. The Municipal Advisor has an explicit fiduciary duty to the Authority as the issuer of municipal securities and acts as a safeguard against advice and transactions that may not be in the Authority’s best interest.

The procedures leading to this Resolution followed the requirements of Resolution 98-31, as amended, which governs the Authority’s purchasing thresholds and procurement policies.

The Authority received and evaluated proposals submitted by the following three (3) firms:

- Acacia Financial Group, Inc.
- PFM Financial Advisors, LLC
- Public Resources Advisory Group, Inc.

The Selection Committee conducted a preliminary evaluation of each proposal received, conducted interviews each firm, and utilized final evaluation criteria to establish a final ranked list, with PRAG being identified as the highest-ranked firm. The Authority analyzed the proposed costs for the Services and finds them to be fair and reasonable.

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**RESOLUTION 22-39 – AUTHORIZES THE MODIFICATION OF INVESTMENT GUIDELINES FOR ASSETS HELD WITHIN THE DELAWARE RIVER AND BAY AUTHORITY GENERAL FUND, CONSTRUCTION FUND, RESERVE MAINTENANCE FUND AND DEBT SERVICE RESERVE FUNDS**

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, created by compact, that operates and maintains the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Operation and five regional airports; and

WHEREAS, the Authority engages a professional investment management firm (“Investment Manager”) to exercise discretionary authority over the assets and administration of the Authority’s General Fund, Construction Fund, certain Debt Service Reserve Funds, Reserve Maintenance Fund, (hereinafter, the “Authority Funds”); and

WHEREAS, such Services are to be delivered in accordance with the investment objectives, policies and restrictions adopted by the Authority and are subject to the applicable provisions of the 1993 Trust Agreement and all following Supplemental Trust Agreements (“Trust Agreements”); and

WHEREAS, Brown Advisory, as Investment Manager, has recommended modifications to the current Investment Guidelines, within the existing permitted investments as defined in the Trust Agreements, by adding portfolio restrictions intended to enhance diversification and risk management of Fixed Income investments related to the Authority Funds; and

WHEREAS, the Chief Financial Officer and the Budget and Finance Committee, as the Investment Committee, have reviewed and concur with the recommended changes to the Investment; and

NOW, THEREFORE, BE IT RESOLVED, that the attached guidelines shall replace and function as the stated Investment Guidelines for the Delaware River and Bay Authority’s General Fund, Construction Fund, Reserve Maintenance Fund and Debt Service Reserve Funds.

Resolution 22-39 was moved by Commissioner Ransome, seconded by Commissioner Carey, and was approved by a roll call vote of 11-0.

**Resolution 22-39 - Executive Summary Sheet**

**Resolution:** Establishes investment policies, pursuant to and within existing Trust Agreements, by the adoption of a Statement of Investment Guidelines for Delaware River and Bay Authority, Authority Funds.

**Committee:** Budget & Finance Committee

**Committee/  
Board Date:** September 20, 2022

**Purpose of Resolution:** Codifies existing practices into policy which are intended to enhance and improve the diversification and risk management of fixed income investments held within various Authority funds.

**Background for Resolution:** Subject to and in accordance with the investment objectives, policies and restrictions adopted by the Authority and subject to the applicable provisions of the Trust Agreement and all additional Supplemental Trust Agreements, the Authority uses a professional investment management firm to exercise discretionary authority over the assets and administration of various funds. The Statement of Investment Policy for Authority Funds enhances the diversification requirements, maturity restrictions and benchmarks associated with the fixed income portfolios.

\* \* \* \* \*

**RESOLUTION 22-40 – AUTHORIZES THE MODIFICATION OF INVESTMENT GUIDELINES FOR DELAWARE RIVER AND BAY AUTHORITY EMPLOYEES' RETIREMENT PLAN**

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, created by compact, that operates and maintains the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Operation and five regional airports; and

WHEREAS, the Authority has established and maintains the Delaware River and Bay Authority Employees' Retirement Plan (the "Retirement Plan") for the benefit of the Authority's eligible employees; and

WHEREAS, the Authority appoints an Investment Manager for the purposes of recommending Investment Guidelines to the Investment Committee for the Retirement Plan; and

WHEREAS, Brown Advisory, as Investment Manager, has recommended modifications to the current Investment Guidelines with the intention of maintaining portfolio diversification and risk management while balancing the goal of achieving the targeted investment return rate associated with the Retirement Plan; and

WHEREAS, the Chief Financial Officer and the Budget and Finance Committee, as the Investment Committee, have reviewed and concur with the recommended changes to the Investment Guidelines.

WHEREAS, the Authority hereby repeals previously adopted Resolution 12-36 and all prior resolutions concerning investment guidelines related to the Delaware River and Bay Authority Employees' Retirement Plan.

NOW, THEREFORE, BE IT RESOLVED, that the attached guidelines shall replace and function as the stated Investment Guidelines for the Delaware River and Bay Authority Employees' Retirement Plan ("Retirement Plan") Trust.

Resolution 22-40 was moved by Commissioner Decker, seconded by Commissioner Ratchford, and was approved by a roll call vote of 11-0.

### **Resolution 22-40 - Executive Summary Sheet**

**Resolution:** Authorizes the Modification of Investment Guidelines for the Delaware River and Bay Authority Employees' Retirement Plan

**Committee:** Budget & Finance Committee

**Committee/  
Board Date:** September 20, 2022

**Purpose of Resolution:**  
To modify the current investment guidelines as to enhance the possibility of achieving the revised target interest rate investment assumption of 6.5% while maintaining the diversification and risk management of assets within the Retirement Plan.

**Background for Resolution:**

The Investment Committee, with the assistance of the services of the Investment Manager, is responsible for reviewing and making recommendations regarding the Investment Guidelines of the Retirement Plan. The Committee's goal is to target potential returns in the fund by broadening the asset allocation to include growth opportunities with consideration to diversification and risk management of the investments.

\* \* \* \* \*

**RESOLUTION 22-41 – AUTHORIZES THE MODIFICATION OF INVESTMENT GUIDELINES FOR DELAWARE RIVER AND BAY AUTHORITY OTHER POST EMPLOYMENT BENEFITS (“OPEB”) TRUST**

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, created by compact, that operates and maintains the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Operation and five regional airports; and

WHEREAS, the Authority has established and maintains certain employee benefit plans that provide post-employment benefits to OPEB participants who are eligible for coverage thereunder; and

WHEREAS, the Authority appoints an Investment Manager for the purposes of recommending Investment Guidelines to the OPEB Trust; and

WHEREAS, Brown Advisory, as Investment Manager, has recommended modifications to the current Investment Guidelines with the intention of maintaining portfolio diversification and risk management while balancing the goal of achieving the targeted investment return rate associated with the OPEB Trust; and

WHEREAS, the Chief Financial Officer and the Budget and Finance Committee, as the Investment Committee, have reviewed and concur with the recommended changes to the Investment Guidelines; and

WHEREAS, the Authority hereby repeals previously adopted Resolution 12-35 and all prior resolutions concerning investment guidelines related to the OPEB Trust.

NOW, THEREFORE, BE IT RESOLVED, that the attached guidelines shall replace and function as the stated Investment Guidelines for the OPEB Trust.

Resolution 22-41 was moved by Commissioner Becker, seconded by Commissioner Faust, and was approved by a roll call vote of 11-0.

**Resolution 22-41 - Executive Summary Sheet**

**Resolution:** Authorizes the Modification of Investment Guidelines for the Delaware River and Bay Authority Other Post Employment Benefit Trust

**Committee:** Budget & Finance Committee

**Committee/  
Board Date:** September 20, 2022

**Purpose of Resolution:**  
To modify the current investment guidelines as to enhance the possibility of achieving the revised target interest rate investment assumption of 6.5% while maintaining the diversification and risk management of assets within the OPEB Trust.

**Background for Resolution:**  
The Investment Committee, with the assistance of the services of the Investment Manager, is responsible for reviewing and making recommendations regarding the Investment Guidelines of the OPEB Trust. The Committee's goal is to target potential returns in the fund by broadening the asset allocation to include growth opportunities with consideration to diversification and risk management of the investments.

\* \* \* \* \*

**RESOLUTION 22-42 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND VELOCITY MAINTENANCE SOLUTIONS, LLC. AT THE WILMINGTON AIRPORT**

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

WHEREAS, Velocity Maintenance Solutions, LLC (“Velocity”) currently leases 25% of the hangar, shop and office space in a facility commonly referred to as Hangar 6 at the Wilmington Airport; and

WHEREAS, Velocity has received a 145 certificate from the FAA which is necessary in order to operate their business as intended: and

WHEREAS, Velocity and the Authority have agreed that the Tenant will accelerate their expansion to a 50% share of the hangar space to October 1, 2022: and

WHEREAS, Velocity will increase their leasehold to the full hangar on May 1, 2023: and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement 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 22-42 was moved by Commissioner Ransome, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

### **Resolution 22-42 - Executive Summary**

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

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

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

**Background for Resolution:** The Delaware River and Bay Authority owns a hangar located at 6 DRBA Way commonly referred to as Hangar 6 at the Wilmington Airport. Velocity wishes to accelerate their ramp up to a 50% share of the hangar space to October 1, 2022. Velocity Maintenance Solutions is a startup aircraft maintenance business, and a 145 certificate is required in order for them to open. They received their certificate earlier this summer and they are now prepared to expand their business at the airport.



\* \* \* \* \*

**RESOLUTION 22-43 - LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND DUMONT AVIATION, LLC AT THE WILMINGTON AIRPORT**

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

WHEREAS, Dumont Aviation, LLC (“Dumont”) currently leases warehouse space at the airport located at 6002 Brett Rd. commonly referred to as the cargo warehouses, totaling approximately 10,600 sq.ft. of space comprised of 2 separate units at the Wilmington Airport; and

WHEREAS, due to changes in their business, Dumont no longer needs to occupy both cargo units and wishes to only lease unit B totaling 5,291 sq.ft. of space; and

WHEREAS, Dumont has agreed to pay the Authority a termination fee of Six Thousand Nine Hundred and Fifty-Two Dollars and 97/100 (\$6,952.97); and

WHEREAS, Dumont has agreed to pay the Authority annual rent in the amount of Thirty-Two Thousand Seven Hundred Thirty-Five 28/100 Dollars (\$32,735.28) for the remaining cargo unit A; and

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

Resolution 22-43 was moved by Commissioner Ratchford, seconded by Commissioner Smith, and was approved by a roll call vote of 11-0.

**Resolution 22-43 - Executive Summary**

- Resolution:** Authorizing the Execution of a Lease Amendment between the Delaware River and Bay Authority and Dumont Aviation, LLC, regarding Wilmington Airport
- Committee:** Economic Development
- Committee Date:** September 20, 2022
- Board Date:** September 20, 2022
- 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 warehouse space on the old cargo ramp at the Wilmington Airport commonly referred to as the cargo warehouse space units A and B. Dumont currently leases both cargo units and wishes to reduce their lease of the warehouse space to just unit B. Dumont’s business has changed, and they are no longer in need of the additional space. In addition to the termination payment the airport is in need of the additional space for some equipment storage needs.

\* \* \* \* \*

**RESOLUTION 22-44 - AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND WORLDWIDE TURBINES, LLC AT THE MILLVILLE AIRPORT**

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

WHEREAS, Worldwide Turbines, LLC (“Worldwide”) desires to lease approximately 64,000 square feet of warehouse/shop space located at 100 Bogden Blvd. in the building commonly referred to as the Dallas Airmotive Main Plant; and

WHEREAS, Worldwide has agreed to pay the Authority annual rent in the amount of Seventy-Eight Thousand Five Hundred and Thirty Dollars (\$78,530.00); and

WHEREAS, the initial term of the lease shall be for one (1) year; and

WHEREAS, Worldwide shall have the right the renewal this Lease Agreement for two (2) additional five (5) year renewal terms; and

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

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

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

Resolution 22-44 was moved by Commissioner Ransome, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

**Resolution 22-44 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Worldwide Turbines, LLC, regarding the Millville Airport

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

**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 operates a building located at the Millville Airport commonly referred to as the Dallas Airmotive complex. Worldwide Turbines, Inc. has been a tenant in the space as a direct tenant of the airport since Dallas Airmotive left the airport as was a subtenant of Dallas while they were a tenant. They employ approximately 20 people and do modifications and repairs to turbines primarily used in power production.

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**RESOLUTION 22-45 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MICHAEL PETEANİ 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, Michael Peteani (“Peteani”) currently leases hangars 112 and 114 at the Cape May Airport under a short term lease agreement; and

WHEREAS, the short term agreement is expiring October 31, 2022; and

WHEREAS, both the Authority and Peteani would like to extend the term until September 1, 2023; and

WHEREAS, Peteani agrees to pay rent in the amount of Ten Thousand Eight Hundred dollars (\$10,800) annually; and

WHEREAS, the Authority shall have the right to terminate this Agreement for any reason with sixty (60) days notice; and

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

Resolution 22-45 was moved by Commissioner Ratchford, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

**Resolution 22-45 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Amendment between the Delaware River and Bay Authority and Michael Peteani, regarding Cape May Airport

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

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

**Background for Resolution:** The Delaware River and Bay Authority owns two small private hangars located at 112 and 114 Forrestal Rd at the Cape May Airport. The hangars are planned to be demolished as part of the new airport terminal development project. The construction start has been delayed until at least springtime. The tenant currently occupying the hangars would like to stay in the space until such time as the buildings need to be removed.

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**RESOLUTION 22-46 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AVELO AIRLINES, INC. AT THE WILMINGTON AIRPORT**

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

WHEREAS, Avelo Airlines, Inc. (“Avelo”) desires to lease hangar and office space totaling approximately 3,900 sq.ft. in a facility commonly referred to as 153 North DuPont Hwy. at the Wilmington Airport; and

WHEREAS, Avelo has agreed to pay the Authority Twenty-Three Thousand and Four Hundred Dollars (\$23,400) annually; and

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

WHEREAS, Avelo shall have the right to renew this agreement for nine (9) additional one (1) year periods; and

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

WHEREAS, Avelo will have the right to terminate this agreement with ninety (90) days advance notice by paying an early termination fee that shall be equal to half of the rent due for the remaining term of the Lease Agreement; and

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

Resolution 22-46 was moved by Commissioner Becker, seconded by Commissioner Smith, and was approved by a roll call vote of 11-0.

### **Resolution 22-46 - Executive Summary**

**Resolution:** Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Avelo Airlines, Inc., regarding Wilmington Airport

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

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

**Background for Resolution:** The Delaware River and Bay Authority owns a hangar located at 153 North DuPont Hwy at the Wilmington Airport. Avelo wishes to lease the hangar in order to support their commercial service operation at the adjacent terminal building. They will be storing ground support equipment and developing some office space in the hangar for their administrative offices.

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**RESOLUTION 22-47 – AMENDMENT OF RULES AND REGULATIONS FOR ASSIGNMENT AND USE OF GATES AND TERMINAL FACILITIES GOVERNING AIR CARRIER OPERATIONS AT THE WILMINGTON AIRPORT ILG**

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

WHEREAS, the Authority desires to accommodate commercial scheduled service (“Air Carrier”) operations at the Airport from time to time, and make demand for access to its facilities available to all on a fair and equitable basis, and;

WHEREAS, the Airport presently has limited aircraft parking positions, a single boarding gate, and Terminal Facilities that can generally accommodate passengers for only one departing Airline operation at a time, and;

WHEREAS, due to this current constraint, the Airport cannot generally accommodate simultaneous or overlapping Airline operations; and,

WHEREAS, the Authority wishes to adopt *Rules and Regulations for Assignment and Use of Gates and Terminal Facilities* (the “Regulations”); and

WHEREAS, these Regulations are intended to maximize and facilitate the efficient use of the Gate and Terminal Facilities while ensuring the equitable treatment; and

WHEREAS, the sharing of the Gate and Terminal Facilities shall be governed by these Regulations, as they may be amended from time to time by the Authority; and

WHEREAS, airlines must comply with the procedures, rules, and other provisions of these Regulations; and

WHEREAS, pursuant to Article VII(d) of the Compact, after the Board of Commissioners approval, these Regulations must be filed with the Secretary of State of the States of Delaware and New Jersey and will take effect at that time.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 22-32 is hereby rescinded.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director or his designee is hereby authorized to adopt and implement the attached *Rules and Regulations for Assignment and Use of Gates and Terminal Facilities*

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary of the Board of Commissioners is hereby authorized and directed to file a copy of these Regulations with the Secretaries of State of the States of Delaware and New Jersey.

Resolution 22-47 was moved by Commissioner Ratchford, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

**Resolution 22-47 - Executive Summary Sheet**

**Resolution:** Adoption of Rules and Regulations for Assignment and Use of Gates and Terminal Facilities at Wilmington Airport ILG

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

**Purpose of Resolution:** To amend and implement rules associated with the use of facilities at the Airport.

**Background for Resolution:**

The Airport has limited Parking Positions, a single gate, and Terminal Facilities that can generally accommodate passengers for only one departing Airline operation at a time. The Airport is making plans and pursuing funding to expand facilities which will allow for more than one departing Airline operation at a time. Because of this current constraint, the Airport cannot accommodate simultaneous or overlapping Airline operations. These Regulations are intended to maximize and facilitate the efficient use of the Gate and Terminal Facilities while ensuring the equitable treatment. The sharing of the Gate and Terminal Facilities shall be governed by these Regulations, as they may be amended from time to time by the Authority.

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**RESOLUTION 22- 48 - AUTHORIZING AN AMENDMENT TO THE SCHEDULE OF FEES AND CHARGES AT THE WILMINGTON AIRPORT ILG.**

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

WHEREAS, the Authority has previously adopted a Schedule of Fees and Charges for the Airport;  
and

WHEREAS, the Authority has fiduciary responsibility to review this schedule of fees and charges  
and make modification necessary to meet the financial requirements of the Airport; and

WHEREAS, in the pursuit of competitive commercial aviation opportunities, the Authority desires  
to establish a modified Fee regime that is widely recognized and in use at other airports accommodating  
scheduled air carrier service operations, and

WHEREAS, the Authority has determined that a revised Schedule of Fees and Charges is  
necessary and proper to generate revenue sufficient to support Airport activities; and

WHEREAS, under Article VII(d) of the Compact, after the Board of Commissioners approval, the  
Schedule of Fees and Charges will be filed with the Secretary of State of the States of Delaware and New  
Jersey and will take effect at that time; and

NOW, THEREFORE, BE IT RESOLVED, that Resolution 22-33 is hereby rescinded.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary of the Board of  
Commissioners is hereby authorized and directed to file a copy of said Schedule of Fees and Charges with  
the Secretary of State of the States of Delaware and New Jersey.

Resolution 22-48 was moved by Commissioner Becker, seconded by Commissioner Faust, and was  
approved by a roll call vote of 11-0.

### **Resolution 22-48 - Executive Summary**

**Resolution:** Authorizing an Amendment to the Schedule of Fees and Charges for the  
Wilmington Airport ILG.

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

**Purpose of**

**Resolution:** To amend the Schedule of Fees and Charges at the Wilmington Airport ILG  
and place them on file with the Secretary of each State.

**Background for**

**Resolution:** There is a Schedule of Fees and Charges adopted for each airport operated  
by the Authority that sets predetermined rates for various operations at each  
facility. The Authority is implementing several changes and adding new



definitions to this fee structure in the pursuit of commercial passenger service in line with those in use at competing airports around the country accommodating similar air carrier activities.

\* \* \* \* \*

**RESOLUTION 22-49 – AMENDMENT TO THE AIRLINE SERVICE INCENTIVE PROGRAM AT THE WILMINGTON AIRPORT ILG**

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

WHEREAS The Delaware River and Bay Authority (“*Authority*”) hereby establishes this Air Service Incentive Program (“*Program*”) to stimulate the aviation market at the Wilmington Airport (“*Airport*”); and

WHEREAS, this Program is intended to produce a net increase in departures from the Airport by providing Airlines an incentive to implement Qualifying Air Service at the Airport; and

WHEREAS, implementation of this Program is consistent with the efforts undertaken by the Authority to enhance competition at the Airport. The Authority will offer Program incentives on a reasonable and not unjustly discriminatory basis to Airlines, taking into consideration all relevant factors; and

WHEREAS, this cost of providing the incentives under this Program are not included in any rates, fees, or charges assessed on any Airline, regardless of whether an Airline chooses to participate in this Program; and

WHEREAS, this Program establishes definitions and defines the eligibility parameters for airlines who elect to initiate passenger service on certain routes to and from the Airport, and

WHEREAS, the following are the incentives that are available to Airlines qualified under this under this Program:

- Terminal Use Fees
- Landing Fee Incentives, and
- Marketing Incentives, and

WHEREAS, pursuant to Article VII(d) of the Compact, after the Board of Commissioners approval, the Air Service Incentive Program must be filed with the Secretary of State of the States of Delaware and New Jersey and will take effect at that time.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 22-34 is hereby rescinded.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to adopt and implement the attached Air Service Incentive Program.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary of the Board of Commissioners is hereby authorized and directed to file a copy of said Program with the Secretary of State of the States of Delaware and New Jersey.

Resolution 22-49 was moved by Commissioner Ratchford, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

**Resolution 22-49 - Executive Summary Sheet**

**Resolution:** Amendment to the Air Service Incentive Program at the Wilmington Airport ILG

**Committee:** Economic Development

**Committee Date:** September 20, 2022

**Board Date:** September 20, 2022

**Purpose of Resolution:** Adoption of an airport financial incentive Program designed to enhance air carrier service to and from the Wilmington Airport ILG

**Background for Resolution:**

The Authority desires to establish an Air Service Incentive Program designed to stimulate the aviation market at the Wilmington Airport. Therefore, this Program is intended to produce a net increase in departures from the Airport by providing an incentive to implement Qualifying Air Service at the Airport. Implementation of this Program is consistent with guidelines and supports the efforts undertaken by the Authority to enhance competition at the Airport. The Authority will offer Program incentives on a reasonable and not unjustly discriminatory basis to Airlines, taking into consideration all relevant factors.

\* \* \* \* \*

**RESOLUTION 22-50 – AUTHORIZING AN EXTENSION OF THE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND ELLIOTT BAY DESIGN GROUP, LLC FOR NAVAL ARCHITECT SERVICES**

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, created by compact, that operates and maintains the Cape May-Lewes Ferry (“CMLF”); and

WHEREAS, the Authority hired a Naval Architecture/Marine Engineering Consultant to provide design and analysis work on behalf of the Cape May-Lewes Ferry, and to assign such Consultant to Phase 1 (CMLF Marine Master Plan) of the DRBA’s multi-phased plan to ultimately replace the CMLF’s vessels; and

WHEREAS, via Resolution 20-44, the Authority entered into a Service Agreement (“Agreement”) with EBDG for an initial term of one (1) year to deliver the Phase 1 – Marine Master Planning services, with the option to extend the Agreement for up to three (3) additional periods of one (1) year each; and

WHEREAS, the Authority now wishes to extend the Agreement, the purpose of which will be to proceed to all subsequent design phases, which will include development of final design parameters, and the completion of detailed vessel design work, which will ultimately be used by the Authority to solicit competitive bids from prospective shipyards for the construction of a new Cape May – Lewes Ferry vessel, and

WHEREAS, the Authority has received a fixed-price proposal from EBDG for these subsequent phases of work as described above in the amount of one million, nine hundred eight thousand seven hundred ninety-five dollars (\$1,908,295), and

WHEREAS, the Authority may also elect to engage Elliott Bay Design Group for other naval architect services not included in the fixed price proposal, and for which written proposals will be obtained and approved by the Authority, and

WHEREAS, the Authority has reviewed this proposal, has determining the proposed fees to be fair and reasonable; and within the funding prescribed by the Authority’s approved Capital Improvement Program and 5-Year Plan, and staff recommends extending the Agreement and proceeding with such work, and

WHEREAS, the Projects Committee reviewed this recommendation and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to execute an agreement with Elliott Bay Design Group, and, with the advice and consent of counsel, to have such agreement executed by Chairperson, Vice-Chairperson and Executive Director.

Resolution 22-50 was moved by Commissioner Ransome, seconded by Commissioner Becker, and was approved by a roll call vote of 9-1-1.  
Commissioner Baldini Voted No and Commissioner Decker Abstained from Voting.

### **Resolution 22-50 - Executive Summary Sheet**

**Resolution:** Authorizes an extension of the Agreement with Elliott Bay Design Group, LLC to provide Naval Architect design and consulting services the Authority.

**Committee:** Projects Committee

**Committee/**

**Board Date:** September 20, 2022

**Purpose of Resolution:**

To authorize an extension of an agreement with Elliott Bay Design Group, LLC to provide Naval Architect design and consulting services to the Delaware River and Bay Authority.

**Background for Resolution:**

The Authority hired Elliott Bay Design Group to provide design and analysis work on behalf of the Cape May-Lewes Ferry, and to assign such Consultant to Phase 1 (CMLF Marine Master Plan) of the DRBA’s multi-phased plan to ultimately replace the CMLF’s vessels.

Via Resolution 20-44, the Authority entered into a Service Agreement with EBDG for an initial term of one (1) year to deliver the Phase 1 – Marine Master Planning services, with the option to extend the Agreement for up to three (3) additional periods of one (1) year each.

The Authority now wishes to extend the Agreement, the purpose of which will be to proceed to all subsequent design phases, which will include development of final design parameters, and the completion of detailed vessel design work, which will ultimately be used by the Authority to solicit competitive bids from prospective shipyards for the construction of a new Cape May – Lewes Ferry vessel.

The Authority has received a fixed-price proposal from EBDG for these subsequent phases of work as described above in the amount of one million, nine hundred eight thousand seven hundred ninety-five dollars (\$1,908,295).

The Authority may also elect to engage Elliott Bay Design Group for other naval architect services not included in the fixed price proposal, and for which written proposals will be obtained and approved by the Authority.

The Authority has reviewed this proposal, has determining the proposed fees to be fair and reasonable; and within the funding prescribed by the Authority’s approved Capital Improvement Program and 5-Year Plan, and staff recommends extending the Agreement and proceeding with such work.

\* \* \* \* \*

**RESOLUTION 22-51 – AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SETTLEMENT AGREEMENT WITH RUMMEL, KLEPPER AND KAHL, LLP.**

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 created by Compact that owns, operates and controls the Delaware Memorial Bridge; and

WHEREAS, The DRBA and Rummel, Klepper & Kahn (“RK&K”) are parties to a Consulting Services Agreement, Agreement No. CS-09-03, dated October 2010 (the “Agreement”) pursuant to which RK&K performed certain design and professional engineering services for the DRBA related to the I-295 Southbound Reconstruction project; and

WHEREAS, the parties have been engaged in a dispute over the satisfactory performance of those services; and

WHEREAS, on May 15, 2020, the DRBA sent RK&K a Notice of Intent to Arbitrate, notifying RK&K of the DRBA’s intent to arbitrate the Parties’ disputes under the terms of the Agreement (the “Arbitration”); and

WHEREAS, on June 11, 2020, RK&K filed suit in the Delaware Court of Chancery (the “Court”), captioned *Rummel, Klepper & Kahn, LLP v. Delaware River and Bay Authority*, C.A. No. 2020-458-PAF (the “Action”), seeking to enjoin the Arbitration; and

WHEREAS, The DRBA filed a motion to compel arbitration and to dismiss RK&K’s Action, which was granted by the Court in a Memorandum Opinion and Order dated January 3, 2022; and

WHEREAS, following receipt of the Memorandum Opinion and Order, on January 26, 2022, the DRBA sent a second Notice of Intent to Arbitrate to RK&K; and

WHEREAS, on February 2, 2022, RK&K filed an appeal of the Court’s January 3, 2022, Memorandum Opinion and Order with the Delaware Supreme Court; and

WHEREAS, following consultation with their counsel, the Parties agreed to mediate their dispute and attempt to reach a settlement during the pendency of the appeal; and

WHEREAS, following good faith negotiations and a mediation session on August 30, 2022, and in order to avoid the burden, expense, inconvenience, risk and distraction of litigation, the Parties agreed to resolve the Action on the terms and subject to the conditions set forth in a Settlement Agreement; and

WHEREAS, the parties desire to enter into a Settlement Agreement to resolve these issues and to settle fully any and all disputes and claims between them; and

WHEREAS, the Settlement Agreement has been reviewed and approved by the Authority’s counsel.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize and execute the Settlement Agreement between the Authority and RK&K, to be in final form acceptable to Authority counsel.

Resolution 22-51 was moved by Commissioner Ransome, seconded by Commissioner Becker, and was approved by a roll call vote of 11-0.

### **Resolution 22-51 - Executive Summary Sheet**

**Resolution:** Authorizes the Executive Director to execute a Settlement Agreement with Rummel, Klepper & Kahl LLP (RK&K).

**Committee:** Projects Committee

**Committee/  
Board Date:** September 20, 2022

**Purpose of Resolution:**  
To authorize the Executive Director to execute a Settlement Agreement between the DRBA and RK&K.

**Background for Resolution:**

The DRBA and Rummel, Klepper & Kahn are parties to a Consulting Services Agreement, Agreement No. CS-09-03, dated October 2010, pursuant to which RK&K performed certain design and professional engineering services for the DRBA related to the I-295 Southbound Reconstruction project.

The parties have been engaged in a dispute over the satisfactory performance of those services.

On May 15, 2020, the DRBA sent RK&K a Notice of Intent to Arbitrate, notifying RK&K of the DRBA's intent to arbitrate the Parties' dispute under the terms of the Agreement.

On June 11, 2020, RK&K filed suit in the Delaware Court of Chancery, captioned *Rummel, Klepper & Kahn, LLP v. Delaware River and Bay Authority*, C.A. No. 2020-458-PAF, seeking to enjoin the Arbitration.

The DRBA filed a motion to compel arbitration and to dismiss RK&K's Action, which was granted by the Court in a Memorandum Opinion and Order dated January 3, 2022.

Following receipt of the Memorandum Opinion and Order, on January 26, 2022, the DRBA sent a second Notice of Intent to Arbitrate to RK&K.

On February 2, 2022, RK&K filed an appeal of the Court's January 3, 2022, Memorandum Opinion and Order with the Delaware Supreme Court.

Following consultation with their counsel, the Parties agreed to mediate in an attempt to reach settlement during the pendency of the appeal.

Following good faith negotiations and a mediation session on August 30, 2022, and in order to avoid the burden, expense, inconvenience, risk and distraction of litigation, the Parties agreed to resolve the Action on the terms and subject to the conditions set forth in a Settlement Agreement.

The parties desire to enter into a Settlement Agreement to resolve these issues and to settle fully any and all disputes and claims between them; and

The Settlement Agreement has been reviewed and approved by the Authority's counsel

\* \* \* \* \*

12009. COMMISSIONERS PUBLIC FORUM

Vice-Chairperson Lathem called for comments from the Commissioners.

There were no additional comments.

\* \* \* \* \*

12010. EXECUTIVE DIRECTOR'S COMMENTS

The Executive Director discussed the Fallen Soldiers Event which took place August 4, 2022. The event is a four-day bike ride for veterans and wounded service members. It is an exhilarating experience and a great way to help warriors.

The Executive Director displayed a report showing activity on the Delaware Memorial Bridge. The report is vital to track daily traffic during construction on the bridge.

The next slide recognized Salem's newest City Councilwoman Commissioner Ceil Smith.

The final slide showed Vice-Chairman Lathem attending the nomination hearings in Washington, DC.

**Board Meetings**

Tuesday, October 18, 2022

- Board of Commissioners Meeting, 10 am – James Julian Board Room

Tuesday, November 15, 2022

- Board of Commissioners Meeting, 10 am - James Julian Board Room

There being no further business, Vice-Chairperson Lathem adjourned the meeting at 1:36 p.m.

Respectfully submitted,

**THE DELAWARE RIVER AND BAY AUTHORITY**

Stephen D. Williams  
Assistant Secretary