

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
VIDEO/TELECONFERENCE CONDUCTED FROM
Delaware Memorial Bridge Complex
Tuesday, May 18, 2021**

The meeting convened via Zoom at 10:00 a.m. with Chairperson Hogan presiding.

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

Chairperson Hogan 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.

The Assistant Secretary announced in order to adhere to applicable guidelines, until further notice, the public will not be permitted physical attendance to DRBA Committee and Board meetings. Therefore, until further notice, meetings are held electronically via Zoom.

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

Commissioners from New Jersey

James N. Hogan, Chairperson**
Vacant
Sheila McCann*
Shirley R. Wilson*
Ceil Smith **
M. Earl Ransome, Jr.*

Commissioners from Delaware

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

*Attended via telephonic/Zoom video

** Physically present in James Julian Boardroom

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Chairperson Hogan called for the acceptance of the Agenda.

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

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

Members of the public attending via Zoom were placed into the waiting room during the Executive Session.

The Executive Session started at 10:07 a.m. and ended at 10:35 a.m.

At the conclusion of the Executive Session, Chairperson Hogan reopened the meeting to the public, and recessed the Board meeting for the purpose of conducting Committee Meetings.

The Committee meetings started at 10:41 a.m. and ended at 12:15 p.m. During that time, the following committee meetings were held:

Audit and Governance
Budget and Finance
Economic Development
Projects

At the conclusion of the Committee meetings, Chairperson Hogan called the meeting back to order at 12:19 p.m.

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11784. APPROVAL OF THE APRIL 20, 2021 MINUTES

Vice-Chairperson Lathem made a motion to approve meeting minutes for April 20, 2021, seconded by Commissioner Ford, and approved by a voice vote of 11-0.

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11785. 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 April 2021.

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

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11786. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for April 2021 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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11787. DELAWARE RIVER AND BAY AUTHORITY – OPERATING
EXPENSE BY DIVISION.

The CFO presented charts for April 2021 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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11788. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL
IMPROVEMENT PROGRAM.

The CFO presented charts for April 2021 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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11789. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION
(MARKET VALUE) FOR APRIL 30, 2021.

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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11790. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that (8) Contract Awards, (3) Contract Close-Outs, and (7) 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.

There were no public comments.

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11791. AWARD OF CONTRACT #ILG-21-B RUNWAY 1-19 LIGHTING
REHABILITATION

The Chief Operations Officer (COO) noted that a public opening bid was held on April 22, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Battaglia Associates of New Castle, Delaware, in the amount of \$382,105.16.

A motion to award CONTRACT #ILG-21-B to the aforementioned firm was made by Vice-Chairperson Lathem, seconded by Commissioner Ransome, and approved by a voice vote of 10-0-1. Commissioner Faust abstained from voting.

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11792. AWARD OF CONTRACT #WWD-21-A – REHABILITATE RUNWAY
1-28 PHASE II

The Chief Operations Officer (COO) noted that a public opening bid was held on April 22, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Road-Con, Inc. of Chester, Pennsylvania, in the amount of \$2,027,884.50.

A motion to award CONTRACT #WWD-21-A to the aforementioned firm was made by Commissioner Smith, seconded by Commissioner Wilson, and approved by a voice vote of 11-0.

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11793. AWARD OF CONTRACT #MIV-21-B – CARRIER VEHICLE WITH
FRONT-MOUNTED STRAIGHT EDGE PLOW

The Chief Operations Officer (COO) noted that a public opening bid was held on April 22, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Oshkosh Defense, LLC of Oshkosh, Wisconsin, in the amount of \$493,346.00.

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

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11794. AWARD OF CONTRACT #DMB-21-03 – 2021 MISCELLANEOUS
STEEL REPAIRS, FIRST AND SECOND STRUCTURES

The Chief Operations Officer (COO) noted that a public opening bid was held on April 27, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Cornell and Company, Inc. of Woodbury, New Jersey, in the amount of \$6,909,000.00,

A motion to award CONTRACT #DMB-21-03 to the aforementioned firm was made by Commissioner Smith, seconded by Commissioner Faust, and approved by a voice vote of 10-0-1. Chairperson Hogan abstained from voting.

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11795. AWARD OF CONTRACT #DMB-20-10 – ADMINISTRATION
BUILDING LIEBERT UNIT

The Chief Operations Officer (COO) noted that a public opening bid was held on April 27, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Cook's Service Co. of Avondale, Pennsylvania, in the amount of \$179,000.00

A motion to award CONTRACT #DMB-20-10 to the aforementioned firm was made by Commissioner Smith, seconded by Commissioner Ransome, and approved by a voice vote of 11-0.

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11796. AWARD OF CONTRACT #CMLF-L20-03 – LEWES SERVICE
ELEVATOR REHABILITATION

The Chief Operations Officer (COO) noted that a public opening bid was held on April 27, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Action Elevator of Ocean City, Maryland, in the amount of \$162,000.00.

A motion to award CONTRACT #CMLF-L20-03 to the aforementioned firm was made by Vice-Chairperson Lathem, seconded by Commissioner Faust, and approved by a voice vote of 11-0.

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11797. AWARD OF CONTRACT #CMLF-L21-04 – FREEMAN HIGHWAY
REHABILITATION

The Chief Operations Officer (COO) noted that a public opening bid was held on April 27, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Allan Myers of Fallston, Maryland, in the amount of \$1,077,777.00.

A motion to award CONTRACT #CMLF-L21-04 to the aforementioned firm was made by Commissioner Ford, seconded by Commissioner Faust, and approved by a voice vote of 11-0.

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11798. AWARD OF CONTRACT #CAT-20-03 – APRON THROAT
REHABILITATION

The Chief Operations Officer (COO) noted that a public opening bid was held on April 27, 2021. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, George & Lynch of Dover, Delaware, in the amount of \$123,456.00.

A motion to award CONTRACT #CAT-20-03 to the aforementioned firm was made by Commissioner Wilson, seconded by Commissioner Smith, and approved by a voice vote of 11-0.

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11799. CLOSE-OUT CONTRACT #ILG-19-E1 – PROJECT 1: BAGGAGE AND
PASSENGER SCREENING AREAS

Contract #ILG-19-E1 – PROJECT 1: BAGGAGE AND PASSENGERS SCREENING AREAS was awarded to Bancroft Construction Co. of Wilmington, 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 \$1,439,342.00.

A motion to Close-Out Contract #ILG-19-E1 was made by Commissioner Ransome, seconded by Commissioner Smith, and approved by a voice vote of 10-0-1. Commissioner Faust abstained from voting.

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11800. CLOSE-OUT CONTRACT #ILG-19-E1A – PROJECT 1A: TERMINAL
APRON LIGHTING AND PAID PARKING

Contract #ILG-19-E1A – PROJECT 1A: TERMINAL APRON LIGHTING AND PAID PARKING was awarded to Bancroft Construction Co. of Wilmington, 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 \$842,559.26.

A motion to award CONTRACT #ILG-19-E1A to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Ford, and approved by a voice vote of 10-0-1. Commissioner Faust abstained from voting.

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11801. CLOSE-OUT CONTRACT #ILG-19-E1B – TERMINAL EXTERIOR
SIGNAGE

Contract #ILG-19-E1B – TERMINAL EXTERIOR SIGNAGE was awarded to J. Fletcher Creamer & Sons of Hackensack, 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 \$264,008.31.

A motion to Close-Out Contract #ILG-19-E1B was made by Commissioner Smith, seconded by Commissioner Ransome, and approved by a voice vote of 10-0-1. Commissioner Faust abstained from voting.

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11802. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE
BOARD

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**RESOLUTION 21-15 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO
RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2021 THROUGH DECEMBER 31, 2021**

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 1/1/21 THROUGH 12/31/21

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Airpower International, Inc.	Breathing Air Compressor for CMLF Vessels	Proprietary	\$32,000
Delaware Elevator, Inc.	Authority Wide Interior Elevator Maintenance & Inspection	Quotes	\$44,000
Liberty Parks & Playgrounds, Inc.	Playground Equipment for Cape May and Lewes Ferry Terminals	State Contract	\$44,000

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 21-15 was made by Commissioner Smith, seconded by Commissioner Faust, and approved by a roll call vote of 11-0.

Resolution 21-15 - Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2021 through December 31, 2021.

Committee: Budget & Finance

Committee and Board Date: May 18, 2021

Purpose of Resolution:

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2021 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:

Airpower International, Inc: Breathing Air Compressor for CMLF Vessels

The Authority intends to purchase one (1) EagleAir model SRCB10R breathing air compressor for use in recharging the existing EagleAir SCBA cylinders (USCG-mandated for fire-fighting on the vessels). Airpower International, Inc. is the only authorized sales and service distributor of EagleAir breathing air products in New Jersey and Delaware.

Delaware Elevator, Inc: Authority-Wide Interior Elevator Maintenance & Inspection

The Authority utilizes an elevator contractor perform annual safety inspections, pressure testing and additional services for the internal building elevators. DRBA staff developed specifications for the services and solicited quotes to perform the services from eight (8) elevator contractors and received quotes from three (3). Delaware Elevator submitted the lowest bid. This year (2021) represents the first of a potential three-year contract for these services.

Liberty Parks & Playgrounds, Inc: Playground Equipment for Cape May and Lewes Ferry Terminals

The Authority has planned to purchase and install new children's playground structures at both Ferry Terminal locations. Liberty Parks & Playgrounds quoted the materials for the products using pricing from their competitively-bid state contracts (*GSS16641-Playground* and *GSS16583-Mulch*).

Classification Definitions:

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 21-16 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND EXELON BUSINESS SERVICES COMPANY, LLC

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

WHEREAS, Exelon Business Services Company, LLC. ("Exelon") desires to lease approximately 23,300 square feet of hangar, shop and office space in a facility commonly referred to as 9 DRBA Way at the New Castle Airport; and

WHEREAS, Exelon has agreed to pay the Authority annual rental in the amount of Three Hundred and Eighty-Four Thousand Dollars (\$384,000.00); and

WHEREAS, the Authority has agreed to provide five months free rent during the initial term of the agreement. The credit will be provided during the last month of each year of the term; and

WHEREAS, the initial term of the Lease ("Lease Agreement") is for five (5) years; and

WHEREAS, rent during the initial term shall increase annually by the Consumer Price Index (CPI) with a cap of 3%; and

WHEREAS, Exelon shall have the right to renew this agreement for one (1) additional five (5) year renewal; and

WHEREAS, renewal rent shall be set at the then Fair Market Value; and

WHEREAS, after two (2) years the tenant shall have the right to terminate the agreement with notice and the payment of an early termination fee equal to Fifty (50%) percent of the remaining rent of the 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 Exelon Business Services Company, LLC., 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 21-16 was made by Vice-Chairperson Lathem, seconded by Commissioner Ford, and approved by a roll call vote of 9-0-2. Commissioner Decker and Commissioner Faust abstained from voting.

Resolution 21-16 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Exelon Business Services Company, LLC, regarding New Castle Airport

Committee: Economic Development

Committee Date: May 18, 2021

Board Date: May 18, 2021

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

Background for Resolution: The Delaware River and Bay Authority owns a hangar located at 9 DRBA Way at the New Castle Airport. Exelon wishes to lease the hangar space in support of their corporate operations throughout the region. They have been a tenant in this space since 2016. They house several of their corporate aircraft in this facility along with a helicopter. Exelon is also a fairly large customer at Dassault Falcon.

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RESOLUTION 21-17 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND ATLANTIC AVIATION

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

WHEREAS, ILG AvCenter, Inc., d/b/a Atlantic Aviation Corporation (“Atlantic”) desires to lease the hangar located at 176 Old Churchman’s Rd., commonly referred to as the Hercules Hangar, totaling approximately 33,000 square feet of hangar, office and shop; and

WHEREAS, Atlantic has agreed to pay the Authority annual rent in the amount of One Hundred and Eighty-Nine Thousand One Hundred and Seventy-Three Dollars 52/100 (\$198,173.52); and

WHEREAS, the initial term of the Lease Agreement is for five (5) years; and

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

WHEREAS, in the event the hangar shall require substantial repairs and the Authority's proposed repairs are not in Atlantic's discretion, sufficient to alleviate or eliminate the conditions requiring the repair which prevents Atlantic's access to or use of the hangar, Atlantic shall have the right to terminate the Lease with Sixty (60) days advance notice.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Atlantic Aviation 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 21-17 was made by Commissioner Smith, seconded by Commissioner Ransome, and approved by a roll call vote of 10-0-1. Commissioner Faust abstained from voting.

Resolution 21-17 - Executive Summary

Resolution Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Atlantic Aviation regarding New Castle Airport.

Committee: Economic Development

Committee Date: May 18, 2021

Board Date: May 18, 2021

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

Background for Resolution: The Delaware River and Bay Authority owns a hangar facility located at 176 Old Churchman's Rd. The hangar totals approximately 33,000 square feet of hangar, office and shop space. Atlantic Aviation wishes to lease this hangar facility from the Delaware River and Bay Authority to house corporate aircraft in support of their Fixed Based Operation (FBO) business. Atlantic has occupied the hangar since 2011.

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RESOLUTION 21-19 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND LOVE THE COOK & COMPANY LLC

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

WHEREAS, Love the Cook & Company LLC (“Love the Cook”) desires to lease approximately 3,000 square feet of warehouse/shop space located in Units 1 and 2 241 Ranger Rd at the Cape May Airport; and

WHEREAS, Love the Cook has agreed to pay the Authority annual rental in the amount of Thirty Thousand Dollars 00/100(\$30,000); and

WHEREAS, the initial term of the lease (“Lease Agreement”) is for three (3) years; and

WHEREAS, Love the Cook shall have the option to renew the Lease Agreement for two (2) additional one (1) year terms; and

WHEREAS, rent during the term shall increase 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 Love the Cook 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 21-19 was made by Commissioner Wilson, seconded by Commissioner Ford, and approved by a roll call vote of 11-0.

Resolution 21-19 - Executive Summary

Resolution:	Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Love the Cook & Company, LLC, regarding Cape May Airport
Committee:	Economic Development
Committee Date:	May 18, 2021
Board Date:	May 18, 2021
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 in in the final stages of the construction of a new light industrial building located at 241 Ranger Rd at the Cape May Industrial Park. The building has 10 units each comprising approximately 1,500 sq.ft of space. Love the Cook & Company, LLC currently occupies Units 9a & 10 in Building 96 and will be relocating to Units 1 & 2 in the new building. Love the Cook runs a coffee roasting operation at the airport.

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RESOLUTION 21-20 AUTHORIZES A LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CAPE ISLAND FOODS LLC 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, Cape Island Foods LLC (“Cape”) desires to lease approximately 3,000 square feet of warehouse/shop space located in Units 3 and 4 241 Ranger Rd at the Cape May Airport; and

WHEREAS, Cape has agreed to pay the Authority annual rental in the amount of Thirty Thousand Dollars 00/100(\$30,000); and

WHEREAS, the initial term of the lease (“Lease Agreement”) is for three (3) years; and

WHEREAS, Love the Cook shall have the option to renew the Lease Agreement for two (2) additional one (1) year terms; and

WHEREAS, rent during the term shall increase 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 Cape Island Foods, LLC 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 21-20 was made by Commissioner Smith, seconded by Commissioner Wilson, and approved by a roll call vote of 11-0.

Resolution 21-20 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Cape Island Foods LLC, regarding the Cape May Airport

Committee: Economic Development

Committee Date: May 18, 2021

Board Date: May 18, 2021

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 is in the final stages of the construction of a new light industrial building located at 241 Ranger Rd at the Cape May Industrial Park. The building has 10 units, each comprising approximately 1,500 sq.ft of space. Cape Island Foods, LLC currently occupies space in the terminal building and will be relocating to Units 3 & 4 in the new building. Cape Island Food will be operating a nut butter, olive oil and pasta processing business at the airport.

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RESOLUTION 21-21 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND CAPE MAY BREWING LLC

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

WHEREAS, Cape May Brewing LLC (“CMB”) desires to continue to lease approximately 9,000 square feet of warehouse/office space located in Units 5-10 at 241 Ranger Rd at the Cape May Airport; and

WHEREAS, CMB has agreed to pay the Authority annual rental in the amount of Ninety Thousand Dollars 00/100(\$90,000); and

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

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

WHEREAS, CMB shall have the option to renew the Lease Agreement for three (3) additional two (2) year terms; and

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

WHEREAS, after the initial year of each renewal term, rent shall adjust by the CPI; and

WHEREAS, CMB requested additional finishes and upgrade to the space totaling \$12,760. CMB has agreed to pay this amount as additional rent over the first year of the lease 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 Cape May Brewing LLC and, with the advice and consent of counsel, to have such Lease Amendment executed by the Chairperson, Vice Chairperson and the Executive Director.

A motion to approve Resolution 21-21 was made by Commissioner Ford, seconded by Commissioner Wilson, and approved by a roll call vote of 11-0.

Resolution 21-21 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Cape May Brewing LLC, regarding Cape May Airport

Committee: Economic Development

Committee Date: May 18, 2021

Board Date: May 18, 2021

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

Background for Resolution: The Delaware River and Bay Authority is in the final stages of the construction of a new light industrial building located at 241 Ranger Rd at the Cape May Industrial Park. The building has 10 units, each comprising approximately 1,500 sq.ft of space. Cape May Brewing, LLC currently Leases space in several buildings at the airport and will be expanding to Units 5-10 in the new building. Cape May Brewing will be housing the administrative offices and warehouse space in the building.

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RESOLUTION 21-22 – LEASE AMENDMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND FERRY PARK, LLC AT THE CAPE MAY FERRY TERMINAL

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Cape-May Lewes Ferry (“CMLF”) which includes the terminal building located in Cape May, New Jersey (the “Cape May Terminal Building”); and

WHEREAS, Ferry Park, LLC owned by Jack Wright, desires to lease approximately 11,748 rentable square feet of space in the Cape May Terminal Building and 15,547 rentable square feet of contiguous patio space (the “Leased Premises”) and have periodic exclusive access to the contiguous green; and

WHEREAS, the Leased Premises is being leased in its “as-is” condition and Ferry Park, LLC commits to undertake at least One Million Nine Hundred Thirty-Nine Thousand Dollars (\$1,939,000) of capital improvements in the first three lease years; and

WHEREAS, the initial term of the lease is ten (10) years with both parties having the option to mutually agree to extend the lease for two additional periods of five (5) years each; and

WHEREAS, on April 20, 2021, the Board passed Resolution 22-10 authorizing the Executive Director to finalize the terms and conditions of the Lease Agreement with Ferry Park, LLC; and

WHEREAS, during those negotiations the parties have agreed to reduce the first year annual base rent from One Hundred Twenty-Five Thousand Dollars (\$125,00.00) to Ninety-Six Thousand, Seven Hundred and Fifty Dollars (\$96,750.00) annual base rent during the first year of the lease; and

WHEREAS, all other terms and conditions set forth in Resolution 21-10 remain unchanged.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement as amended with Ferry Park, 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 21-22 was made by Commissioner Ransome, seconded by Commissioner Smith, and approved by a roll call vote of 11-0.

Resolution 21-22 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Ferry Park, LLC.

Committee: Budget & Finance

Committee/Board Date: May 18, 2021

Purpose of Resolution:

To authorize a lease amendment with Ferry Park, LLC to operate food and retail establishments in the Cape May Terminal Building of the Cape-May Lewes Ferry.

Background for Resolution:

Ferry Park, LLC will be serving and selling alcohol under a Concessionaire Agreement with the DRBA until their permit for the sale and service of alcohol has been granted by the State of New Jersey. As a result, the base rent for months 1-3 shall be reduced to \$1,000.00 per month. This will reduce the first year annual base rent from \$125,000.00 to \$96,750.00. All other terms previously authorized by the Board in Resolution 21-10 remain unchanged.

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11803. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan called for comments from the public and Commissioners.

Chairperson Hogan noted that DE and NJ have different mandates related to Covid-19 as a result of the most recent CDC guidelines and asked the Executive Director to present the plan for reopening the Authority at the next meeting.

There was no additional public comment.

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11804. EXECUTIVE DIRECTORS COMMENTS

The Executive Director thanked Charlotte Crowell, Chief Human Resources and Gerry DiNicola-Owens, Chief Information Officer and their staff for alerting Authority employees of available Covid vaccinations.

The Executive Director reported that things are slowly getting back to normal and shared a picture of the British Motor Car Show recently held at the Lewes Ferry Terminal. There was a great partnership between the CMLF team and Grain on the Rocks staff.

The Executive Director reported on the successful NASCAR weekend at the Civil Air Terminal. The Executive Director thanked Ben Clendaniel, Assistant Director of Airports and his staff for their hard work. The Civil Air Terminal had 42 aircraft arrivals and two NASCAR drivers flew into Delaware Airpark.

Upcoming Meetings:

Tuesday, June 15, 2021 – 10:00 a.m. – Commissioners Board Meeting

Tuesday, July 20, 2021 – 10:00 a.m. – Commissioners Board Meeting

There being no further business, Chairperson Hogan adjourned the meeting at 12:48 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams