

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
Delaware Memorial Bridge Complex
Tuesday, July 19, 2022**

The meeting convened at 10:00 a.m. at the Delaware Memorial Bridge Complex, 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.

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

Commissioners from New Jersey

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

Commissioners from Delaware

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

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Chairperson Hogan 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.

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

There were no public comments.

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

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

The Executive Session started at 10:04 a.m. and ended at 11:52 a.m.

At the conclusion of the Executive Session, Chairperson Hogan called for a motion to close Executive Session and recess to conduct Committee Meetings. Vice-Chairperson Lathem made a motion, seconded by Commissioner Becker and the motion carried by voice of 10-0.

* Vice-Chairperson Lathem left the meeting at 12:21 p.m.

The Committee meetings started at 12:02 p.m. and ended at 12:54 p.m. During that time, the following committee meetings were held:

- Audit & Governance
- Economic Development
- Budget & Finance
- Projects

At the conclusion of the Committee meetings, Chairperson Hogan called the meeting back to order at 12:55 p.m.

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11969. APPROVAL OF THE JUNE 22, 2022 MINUTES

Commissioner Ratchford made a motion to approve meeting minutes for June 22, 2022, seconded by Commissioner Ransome, and approved by a voice vote of 9-0.

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11970. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Delaware City-Salem Ferry Crossing and Food Service for June charts were ordered filed with the permanent records of the Authority.

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11971. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for June 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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11972. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for June 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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11973. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for June 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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11974. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR JUNE 30, 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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11975. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Hogan noted that (5) Contract Awards, (2) Contract Close-Outs, and (6) 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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11976. REJECTION OF BID FOR CONTRACT #CMLF-L22-03 – LEWES CHILLER MASONRY SCREEN-WALL MODIFICATIONS – BID REJECTED

The Chief Operations Officer (COO) noted that a public bid opening was held on June 23, 2022. The COO and Projects Committee recommended rejecting the bid.

A motion to Reject all bids for CONTRACT #CMLF-L22-03 was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 9-0.

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11977. AWARD OF CONTRACT #MIV-21-01 – REHABILITATE PARKING LOTS AT BUILDINGS 203, 17 & 316

The Chief Operations Officer (COO) noted that a public bid opening was held on June 30, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, South State, Inc. of Bridgeton, New Jersey, in the amount of \$439,790.70.

A motion to award CONTRACT #MIV-21-01 to the aforementioned firm was made by Commissioner Ransome, seconded by Commissioner Becker, and approved by a voice vote of 9-0.

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11978. AWARD OF CONTRACT #DMB-22-04 – 2022 MISC. STEEL REPAIRS FIRST AND SECOND STRUCTURES

The Chief Operations Officer (COO) noted that a public bid opening was held on June 30, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, J.D. Eckman, Inc. of Atglen, Pennsylvania, in the amount of \$5,857,842.00.

A motion to award CONTRACT #DMB-22-04 to the aforementioned firm was made by Commissioner Faust, seconded by Commissioner Becker, and approved by a voice vote of 9-0.

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11979. AWARD OF CONTRACT #DMB-22-13 – SUPPLY OF ROOFTOP HVAC UNITS AND EQUIPMENT

The Chief Operations Officer (COO) noted that a public bid opening was held on June 20, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, Johnson Controls Inc. of Sparks, Maryland, in the amount of \$51,275.00.

A motion to award CONTRACT #DMB-22-13 to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Faust, and approved by a voice vote of 9-0.

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11980. AWARD OF CONTRACT #DMB-22-51 – AUTHORITY WIDE ELECTRICAL INSPECTION, TESTING AND PREVENTIVE MAINTENANCE

The Chief Operations Officer (COO) noted that a public bid opening was held on July 6, 2022. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, EnerGtest LLC of Kennett Square, Pennsylvania, in the amount of \$237,265.00.

A motion to award CONTRACT #DMB-22-51 to the aforementioned firm was made by Commissioner Becker, seconded by Commissioner McCann, and approved by a voice vote of 9-0.

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11981. CLOSE-OUT CONTRACT #CMLF-22-01 – DRY-DOCKING AND REPAIRS M/V CAPE HENLOPEN

CONTRACT #CMLF-22-01 – DRY-DOCKING AND REPAIRS M/V CAPE HENLOPEN was awarded to Caddell Dry Dock & Repair Co., Inc. of Staten Island, New York.

It is recommended that the Authority accept this project and make the final payment to the contractor. The final cost of this project is \$2,476,286.00.

A motion to Close-Out Contract #CMLF-22-01 was made by Commissioner Becker, seconded by Commissioner Faust, and approved by a voice vote of 9-0.

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11982. CLOSE-OUT CONTRACT #DMB-21-06 – POLICE PARKING LOT EXPANSION

CONTRACT #DMB-21-06 – POLICE PARKING LOT EXPANSION was awarded to WJV Contractors of Pendricktown, 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 \$707,390.73.

A motion to Close-Out Contract #DMB-21-06 was made by Commissioner Ransome, seconded by Commissioner Wilson, and approved by a voice vote of 9-0.

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11983. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 22-30 - 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

VENDOR	PURCHASE DESCRIPTION	CLASSIFICATION	ESTIMATED \$
Blueglobes, LLC	ILG Runway End Identifier Lights Upgrades	Quotes	\$40,000
C&N Services, LLC	Restroom Renovations at 33N	Quotes	\$49,000
Office Basics	Furniture for Cape May Food and Retail Office Renovations	State Contract	\$36,000
Singer Equipment Company	Microwave Ovens for M/V Cape Henlopen and M/V New Jersey	Quotes	\$39,000
The Quotient Group	Airport Marketing at ILG	Professional Services	\$30,000

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

Resolution 22-30 was moved by Commissioner Faust, seconded by Commissioner Ransome, and was approved by a roll call vote of 9-0.

Resolution 22-30 - 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: July 19, 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:

Blueglobes, LLC: ILG Runway End Identifier Lights Upgrades

The Authority plans to replace the existing runway end identifier lights at the New Castle Airport with LED lights. Staff solicited quotes from three (3) vendors with Blueglobes submitting the lowest quote in accordance with the Authority’s specifications. While this is an under-threshold purchase, the vendor and the estimated amount have been added to this Resolution as a proactive measure as the Authority plans to purchase additional repair materials from the vendor prior to the end of the year.

C&N Services, LLC: Restroom Renovations at 33N

The Authority plans to renovate the two (2) restrooms located in the Delaware Airpark Terminal lobby. Staff solicited quotes from five (5) vendors and received one (1) from C&N Services in accordance with the Authority’s specifications.

Office Basics: Furniture for Cape May Food and Retail Office Renovations

As part of the publicly bid construction project *CMLF-C22-01: Cape May Terminal Food and Retail Renovations*, the Authority plans to purchase and install office furniture such as cubicles, desks, work benches, desk chairs, filing cabinets, shelving, tackboards, couches, and benches. The furniture will be purchased at prices pursuant to Office Basic’s state contract (*19-FOOD-00927*).

Singer Equipment Company: Microwave Ovens for M/V Cape Henlopen and M/V New Jersey

The Authority plans to purchase two (2) microwave ovens for the M/V Cape Henlopen and M/V New Jersey. The additional microwave ovens will assist in meeting the demand of the existing units located on the vessels. Staff solicited quotes from three (3) vendors with Singer submitting the lowest quote in accordance with the Authority’s specifications.

The Quotient Group: Airport Marketing at ILG

The Authority has selected an aviation marketing firm to develop an updated marketing plan for the New Castle Airport including social media and web efforts to build awareness for the airport with various identified audiences.

Classification Definitions:

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

Quotes. A purchase of equipment, supplies or non-professional services or a contract for construction or construction management that is anticipated to cost between \$25,000 and \$49,999 during a calendar year and for which the Authority has solicited written quotes. *“Contracts for materiel and supplies and non-*

professional services, awarded to any [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 22-31 - AUTHORIZING AN AMENDMENT TO THE PURCHASE AND SALE AGREEMENT FOR THE SALEM BUSINESS CENTER AND THREE VACANT LOTS LOCATED IN CARNEYS POINT, NEW JERSEY

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is the owner of real property situate in Carneys Point, Salem County, New Jersey located at Collins Drive (the “Property”), said lots being comprised of 45.47 +/- acres of land:

- Block 192.01, Lot 3 (9.39 acres vacant land)
- Block 192, Lot 3 (13.4 acres vacant land)
- Block 192.01, Lot 1 (11.9 acres of vacant land)
- Block 192.01, Lot 4 (10.78 acres with and approximately 72,250 square foot building (the “Building”); and

WHEREAS, the Authority has determined that it is in its best interest to sell the property and entered into a Purchase and Sale Agreement in January 2022 with D2 Organization to purchase the property; and

WHEREAS, D2 Organization agreement was amended April 11, 2022 and May 12, 2022; and

WHEREAS, D2 Organization has requested to extend the closing date until no later than December 31, 2022; and

WHEREAS, the purchaser has waived Due Diligence and will increase the deposit on hand by Five Hundred Thousand Dollars (\$500,000.00). The total deposit on hand will be Eight Hundred Thousand Dollars (\$800,000.00); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to negotiate the terms and conditions of an Amendment to the Agreement of Sale (the “Agreement of Sale”) with D2 Organization with the advice and consent of Counsel, executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 22-31 was moved by Commissioner Ransome, seconded by Commissioner Becker, and was approved by a roll call vote of 9-0.

Resolution 22-31 - Executive Summary

Resolution: Authorizing an Amendment to the Purchase and Sale Agreement between the Delaware River and Bay Authority and D2 Organization in Carneys Point, New Jersey

Committee: Economic Development

Committee Date: July 19, 2022

Board Date: July 19, 2022

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver an Amendment to the Purchase and Sale Agreement for property in Carney Point, New Jersey.

Background for Resolution:
The Delaware River and Bay Authority owns a building at 1 Collins Drive in Carney Point, NJ and 3 vacant parcels of land at what is commonly referred to as the Salem Business Centre. The Authority has received an offer from D2 Organization to purchase a building and the remaining vacant lots and both parties executed a Purchase and Sale Agreement. An existing tenant in the building requested to extend the term of their lease agreement until 12/31/22. D2 Organization would like to coordinate the closing to coincide with this extension. The have agreed to increase their deposit to a total of \$800,000 dollars and to waive Due Diligence.

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RESOLUTION 22-32 – ADOPTION 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 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 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 22-32 was moved by Commissioner Ransome seconded by Commissioner Ratchford, and was approved by a roll call vote of 9-0.

Resolution 22-32 - 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: July 19, 2022

Board Date: July 19, 2022

Purpose of Resolution:

To adopt and establish 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- 33 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 the previously published Schedule of Fees and Charges for the Airport is hereby rescinded and replaced with the attached Schedule of Fees and Charges which will become effective August 15, 2022.

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 22-33 was moved by Commissioner Ratchford, seconded by Commissioner Becker, and was approved by a roll call vote of 9-0.

Resolution 22-33 - Executive Summary

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

Committee: Economic Development

Committee Date: July 19, 2022

Board Date: July 19, 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.

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RESOLUTION 22-34 – ESTABLISHMENT OF AN 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 New Castle 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 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 22-34 was moved by Commissioner Ransome, seconded by Commissioner Wilson, and was approved by a roll call vote of 9-0.

Resolution 22-34 - Executive Summary Sheet

Resolution: Adoption of an Air Service Incentive Program at the Wilmington Airport ILG

Committee: Economic Development

Committee Date: July 19, 2022

Board Date: July 19, 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 New Castle 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.

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RESOLUTION 22-35 – AUTHORIZES A COMPREHENSIVE BUSINESS ARRANGEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND AVELO AIRLINES, INC. 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 Avelo(“Avelo”) and the Authority desire to enter into a comprehensive long-term business arrangement governing use of non-exclusive space in the terminal building and aircraft parking apron, and the Airline wishes to provide services in support of commercial air service at the Airport for which it may elect to receive financial incentives to do so, and;

WHEREAS, in pursuit of this arrangement, the Authority and Avelo will enter into the following agreements:

- **An Air Service Incentive Agreement and**
- **An Airline Terminal and Airfield Use Permit**

WHEREAS, the Airport has a public Terminal building (the “Terminal,”) containing certain common areas/items to be used by the Airline and/or its passengers, including counters where the Airline may issue tickets and boarding passes to its passengers and also to process passenger baggage, counter support space, security screening checkpoints, doors providing access to parked aircraft, podiums, passenger waiting areas, and areas immediately outside, and;

WHEREAS, certain other areas within the Terminal exist that will also be used by the Airline’s passengers, its employees and others such as common passageways, general waiting areas, bathrooms and areas adjacent to the curbs outside of the Terminal, and;

WHEREAS, other areas exist upon the Airport that are available to aircraft operators to use in common with others, such as runways, taxiways, aircraft hold/run-up areas and apron areas, and;

WHEREAS, the Airline desires to use certain space and facilities in order to facilitate its provision of commercial air service at the Airport;

WHEREAS, the Authority and the Airline have agreed on an initial term of (5) five years, and

WHEREAS, the Airline shall have the option to extend the term of the use permit for an additional (5) five years;, and

WHEREAS, the FAA requires certain contractual provisions be included in all agreements between the Authority and airlines serving the Airport; and

WHEREAS, the Authority has established certain methodologies for establishing rates and charges applicable to air operations at the Airport; and

WHEREAS, the Parties wish to set forth the terms and conditions upon which the Airline and its affiliates will be authorized to use the Airport’s property; and

WHEREAS, the Parties wish to set for the financial incentives permitted under an Air Service Incentive Program; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of (i) an Airline Terminal and Airfield Use Permit and (ii) an Air Service Incentive Agreement with Avelo Airlines and, with the advice and consent of counsel, to have such documents executed by the Chairperson, Vice Chairperson, and the Executive Director.

Resolution 22-35 was moved by Commissioner Ransome, seconded by Commissioner Ratchford, and was approved by a roll call vote of 9-0.

Resolution 22-35 - Executive Summary Sheet

Resolution: Authorizes a Comprehensive Business Arrangement between the Delaware River and Bay Authority and Avelo Airlines at the Wilmington Airport ILG

Committee: Economic Development

Committee Date: July 19, 2022

Board Date: July 19, 2022

Purpose of Resolution:

Formalize the components of the business arrangement between the Authority and Avelo Airlines governing the multi-year provision of scheduled airline service via a use permit and the options for associated financial incentives for adding new or enhanced service. Background for Resolution: Avelo Airlines has approached the Authority about a desire to begin scheduled commercial service operations at the Wilmington Airport ILG. The airport is a certified FAR Part 139 airport by the FAA, which allows for the operation of commercial air carriers. The airline has requested to begin operations at the airport late in 2022. Staff have been working with the airline to place the airport in a position (TSA screening, parking requirements, ground handling services, etc.) to begin these operations at that time. The arrangement consists of several distinct parts which govern the overall arrangement between the parties.

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11984. COMMISSIONERS PUBLIC FORUM

Chairperson Hogan called for comments from the Commissioners.

There were no additional comments.

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11985. EXECUTIVE DIRECTOR’S COMMENTS

Thursday, August 4, 2022 - Tribute to Fallen Soldiers Honoring John W. Lowell.
Veterans Memorial Park, 9:30 a.m.

Board Meetings

- No meeting in August
- Tuesday, September 20, 2022 – Board of Commissioners Meeting, 10:00 a.m.

There being no further business, Chairperson Hogan adjourned the meeting at 1:11 p.m.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

Stephen D. Williams
Assistant Secretary