

**Delaware River Port Authority
Minutes
and
Index
December 8, 2010 Special Board Meeting
Wednesday, December 8, 2010**

Roll Call

Public Comment

New Business

DRPA-10-148 **Consideration of Pending DRPA Contracts (Between \$25,000 and \$100,000)**

DRPA-10-149 **In Kind Contribution - World Trade Center of Greater Philadelphia**

DRPA-10-150 **Coopers Ferry Development Association Real Estate Agreements**

Adjournment

MINUTES of the Special Board Meeting of the DELAWARE RIVER PORT AUTHORITY held
Wednesday, December 8, 2010 in the Board Room at One Port Center, Camden, NJ.

Present

PENNSYLVANIA

John Estey, Chair
Robert Teplitz (Wagner)
Robert W. Bogle (via phone)
John Lisko (McCord)
John Dougherty
Robin Wiessmann
Anthony Mannino (Frank DiCicco)
Maria Quinones Sanchez

Officers & Chiefs

J. Matheussen, CEO
R. Box, PATCO, General Manager
R. Brown, General Counsel &
Corporate Secretary
R. Gross, Deputy CEO
J. Hanson, CFO
T. Brown, CAO
T. Pulte, COO
M. Venuto, Acting Chief Engineer

DRPA Staff

V. Bradford, Director, BFB
F. DiCicco, Administrative Coordinator
A. DuVall, Executive Assistant to CEO
J. Egan, Project Manager, Special Projects
G. Faber, Assistant General Counsel
D. Hunter, Manager Corporate Communications
K. Imperatore, Director of Fare Collection
K. Jacobson, Assistant General Counsel
E. Kasuba, Director of Corporate Communications
H. Korsen, Manager, Contract Administration
K. LaMarca, Director IS
M. Lopez, Manager, Government Relations
J. Lotierzo, Sr. Accountant, Finance
C. Maroney, Manager, Special Projects
D. McClintock, Police Chief, Public Safety
S. Milner, Administrative Coordinator
T. Omiatek, PATCO Finance
R. Only, Director, Homeland Security & Emergency
Mgmt.

NEW JERSEY

Jeffrey L. Nash, Vice Chair
E. Frank DiAntonio
Richard Sweeney
Albert F. Frattali
Charles Fentress
Rick Taylor
Tamarisk Jones (absent)
Denise Y. Mason

Counsel

C. Gibson, Archer & Greiner, NJ Counsel
A. Kessler, Duane Morris, PA Counsel
D. Mix, Duane Morris, PA Counsel

Others:

M. Tully, Gov. Authorities Unit
C. Blackshear, webcasting
E. McBride
E. Hanlon
A. Alston
C. Hrinkevich
P. Nissen
K. Whelan
K. Clupper
J. Freedman
F. Bankard (IUOE 542)
C. Priscopo (IUOE 542)
J. Gordon

DRPA Staff (Con't.)

O. Parker, Manager, Financial & Budget Analysis
J. Quinn, Director of Revenue
W. Shanahan, Director Gov. Rel. & Grant Admin.
C. Spicer, PATCO Assistant General Manager
S. Suder, Manager, Purchasing
C. Thompson, Graphic Design
J. White, Director of Finance
D. Whiton, Administrative Coordinator

The Corporate Secretary announced that public notice of this meeting was posted in the lobby at One Port Center and provided to representatives of the area news media. Mr. Brown then called the roll and announced that a quorum was present.

Public Comments

Chairman Estey asked that Mr. Brown call the speakers to the podium. Mr. Brown called the first speaker, Jacob Freedman. Mr. Freedman stated that he felt it was a mistake not to increase tolls. There are less federal funds available so the Authority should enhance its ability to obtain revenues. He advocated a \$6 toll for single occupancy vehicles to move people to public transportation which would reduce congestion and pollution. Mr. Freedman also addressed the issue of no state funding for PATCO. He believes the problem is a lack of a transfer agreement between PATCO and New Jersey Transit. This should have been accomplished when the Walter Rand Transportation Center was developed. PATCO should have been the major player in moving people back and forth to Philadelphia. An agreement on transfers would reduce friction. In Pennsylvania, a number of local lines work well with SEPTA and this should work here also. Mr. Freedman expects to return in the future.

Mr. Brown then called IUOE representation Frank Bankard to the podium. Mr. Bankard reported that IUOE attorney Lou Agre has been hospitalized. Mr. Bankard wants the Board to address a situation that has been pending since Labor Day. There is a Project Labor Agreement (PLA) on the Walt Whitman Bridge. The contractor American Bridge was the low bidder and they hired Northeast Boat as a subcontractor. Northeast should have signed a letter of assent to the PLA, but American Bridge does not agree. They are thumbing their nose at the IUOE. They refuse to follow the dispute process in the PLA. Christmas is coming up and we want to get our people to work. We want this done soon – either an expedited arbitration or maybe DRPA should hold up payments to American Bridge. Commissioner Frattali asked about the steps required to get to Arbitration. Mr. Bankard responded that the IUOE has taken all the required steps. Mr. Brown said this was not his understanding and asked Mr. Bankard to send us the list of members of the Joint Union Committee (JUC) and we would assure that the process moves. Mr. Charles Priscopo asked to speak and identified himself as an Assistant Business Manager of the Operating Engineers Local 542. He said there were two issues. First, the subcontractor should have signed the letter of assent, but they never followed through so we have a non-union sub for American Bridge working on this job. There is an argument whether they are a sub covered by the PLA. IUOE asked to arbitrate this. There is a question of whether there is a JUC. The problem is on the Pennsylvania side. IUOE sent American Bridge a letter saying that IUOE will be the Committee. There are only two trades involved – Iron Workers and IUOE and the two trades would be the Committee. This is the DRPA's dinner party and American Bridge is being obnoxious. The IUOE wants the DRPA to intervene. Mr. Brown explained that under the PLA, the JUC needs to be made up of two members from Pennsylvania and two members from New Jersey who have the power to act on behalf of and bind all the unions who signed the PLA. Mr. Priscopo said only two unions are involved so why would others go along with that? Mr. Matheussen stated DRPA has an interest in and an opportunity to move this forward, so instead of waiting for a letter, DRPA can write to all necessary parties, discuss the situation, identify the terms of the PLA and state how this can be resolved. If all requirements are met, then this could go to arbitration. We will not delay. We will put it in writing and move forward. Mr. Bankard and Mr. Priscopo thanked the Commissioners.

Commissioner Dougherty: Maybe we should have a mini subcommittee. We have been criticized about having so many labor people on this Board. Why not take advantage of people who have experience to resolve these issues and give the Board guidance.

Mr. Matheussen. We will write the letter promptly.

Chairman Estey: Let's look at the Dougherty Committee idea.

Dougherty and Estey: Let's make it ad hoc.

Chairman Estey. Let's make Commissioner Frattali, Dougherty and DiAntonio the ad hoc Committee.

New Business

Item 1 – Consideration of Pending DRPA Contracts (Between \$25,000 and \$100,000)

Steve Suder indicated there was one contract today for consideration of approval and noted it is listed on the attachment to the Resolution.

On motion duly made and seconded, the following Resolution was unanimously adopted and made the action of the Authority:

**DRPA-10-148 Consideration of Pending DRPA Contracts (Between \$25,000
and \$100,000)**

Item 2 – In Kind Contribution - World Trade Center of Greater Philadelphia

This Resolution was tabled.

Item 3 - DRPA-10-150 - Coopers Ferry Development Association Real Estate Agreements

Mr. Venuto asked for authorization to enter into Right of Entry Agreements (ROE) with Coopers Ferry Development to allow access to DRPA property. The ROEs would allow Coopers Ferry access to our property for the purpose of constructing pedestrian and bike path improvements. This project is funded by TIGER grants. DRPA will not incur any costs or liability associated with these agreements. Permanent easement agreements will be presented to the Board to allow CFDA to maintain the improvements. Commissioner Teplitz asked whether we expect to receive any money for this project. Mr. Venuto said no, at the Ben Franklin, the bike path improvements will be on an existing street and other improvements will be along a public access sidewalk, and along the PATCO right of way they will be adding a sidewalk and other lighting and landscape improvements.

Commissioner Dougherty: How close is this to the Ben Franklin?

Mr. Venuto: It will not encroach any further on our property than the public access.

Commissioner Dougherty: Last week on the Pennsylvania question, our point of view is that we keep complete control and I want to be sure it is the same. One thing we need to do from the veto down to administrative issues is we need to be consistent on both sides.

Chairman Estey: Do they already have the funding or do they need this agreement to apply for it?

Mr. Venuto: They need the agreement to apply.

CEO Matheussen: They need the agreements by year end to apply for the funding.

Commissioner Dougherty: I do not disagree, but want the same rules on both sides.

CEO Matheussen: These projects are similar, but with a few differences. On the New Jersey side we have a right of way that has a sidewalk and a public street. We are just giving them a right of entry to enhance lighting and a bike trail. At the end, the property will look the same, just better. When the work is done, we will return to the Board to give CFDA rights to maintain the improvements. DRPA retains the right to use the property for operational reasons at any time.

On motion duly made and seconded, the following Resolution was adopted and made the action of the Authority:

**DRPA-10-150 Coopers Ferry Development Association Real Estate
Agreements**

Vice Chair Nash abstained from voting.

There being no further business, on motion of Chairman Estey the meeting was adjourned.

Respectfully submitted,

Richard L. Brown,
Corporate Secretary

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