

**ERIE REGIONAL AIRPORT AUTHORITY
MEETING
Wednesday, November 16, 2022**

Minutes of a Meeting of the Erie Regional Airport Authority duly posted and advertised, held in the second floor conference room of the Intermodal Center, 208 East Bayfront Parkway, Erie, PA 16507.

Attendees: Andrea Zdaniewski Derek Martin Lauren Magee, MTSD
Brian Slawin Michelle Magee Bryan Magee, MTSD
Richard Wagner James Pacansky Lou Aliota, MTSD
Daniel Giannelli Drew Feiock Michael Keys, City Council
David Hallman, Jr. Ian Bogle G. Patterson, NCA
 Jennifer Gornall Brad Peganoff, Millcreek
 Sarah Schnarrs, Fairview
 Colin Russ, concerned citizen
 Chief Tecumseh Brown Eagle,
 Erie Indians Moundbuilders

Participated by Zoom: Marybeth Smialek

Board President Daniel Giannelli opened the meeting at 12:01 PM with the Pledge of Allegiance to the United States of America.

Approval of Agenda:

Mr. Giannelli asked for a motion to approve the agenda as presented. Brian Slawin made a motion to approve the agenda as presented and Richard Wagner seconded. Approved by Yeas: Marybeth Smialek, Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, and David Hallman, Jr.

Approval of Minutes:

Mr. Giannelli asked for a motion to approve the minutes of last month's Board Meeting. Marybeth Smialek moved to approve, and Brian Slawin seconded. Approved by Yeas: Marybeth Smialek, Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, and David Hallman, Jr.

Mr. Slawin commented that he appreciates the accuracy of our meeting minutes and that they exceed the requirements for prepared meeting minutes.

Public Comments

Mr. Giannelli stated that public comments are an opportunity for members of the public to speak on the policies and business of the Authority. It is not an opportunity to defame any specific individual.

Lou Aliota of Millcreek Township spoke on the following: the Authority's legal issues the past two years, the cost of legal fees, taxpayer money, Knox, Board Member email



addresses, a breach of security at Mercyhurst, Board approval to seek RFPs, the need for an RFP for legal services in December, an Auditor General investigation, the Surcharge Act of Pennsylvania, the federal lawsuit filed by Jason Morell under the Fair Standards Act, and the lack of issues not addressed by the Executive Director, Board President Giannelli, and the Board of Directors.

Mr. Giannelli asked Mr. Aliota to be specific with what he has not addressed.

Chief Tecumseh Brown Eagle of the Erie Indians Moundbuilders Tribal Nation spoke on the following: Erie is being dragged through the mud, the need for diversity on the Board, lack of security in the airport, no canine for airport security, property purchases by the Authority, the relationship with the general public, the importance of using appropriate titles, his representation of the people whose land the Airport is on, personal bonds for airport employees.

Mr. Giannelli reiterated that the City and County make appointments to this Board. Mr. Slawin asked for clarification on what claim Chief Tecumseh Brown Eagle is making.

Brad Peganoff of Millcreek Township, address on file spoke on the following: Resolution 2022-12 regarding the bid award for Taxiway A Realignment and the grant associated with the project and the lawsuit filed by Jason Morell.

Committee Reports:

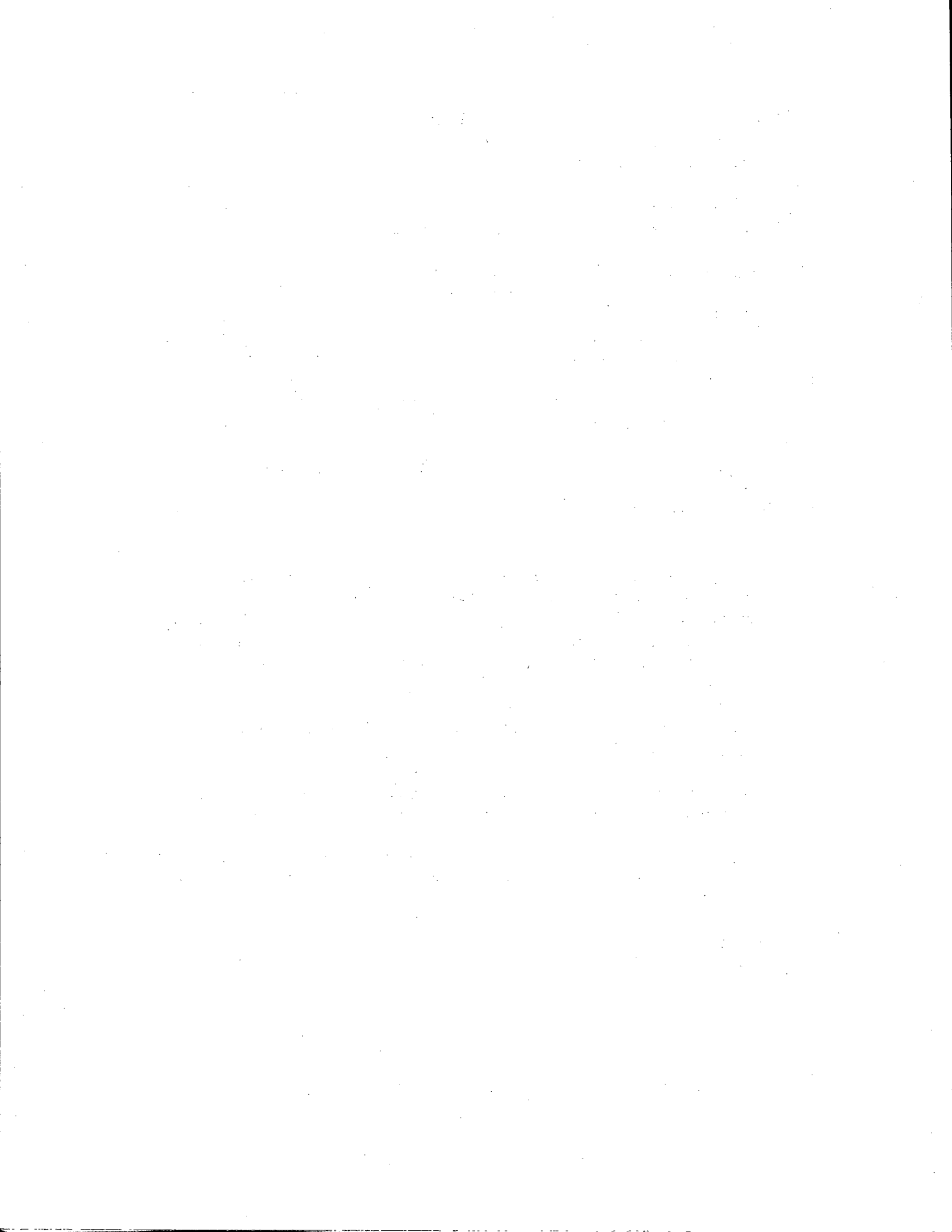
Finance Committee- At the request of Finance Committee Chair Marybeth Smialek, Committee member David Hallman, Jr. reported that the Committee met on November 15, 2022. The Committee reviewed the current Cash Forecast and AR Summary, Capital Fund Transactions, and Bills to be Paid. The Finance Report and Expense Reports will be available next month due to the early meeting. Mr. Hallman stated the Finance Committee recommends approval of the bills and made the motion to approve; seconded by Brian Slawin. Approved by Yeas: Marybeth Smialek, Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, and David Hallman, Jr.

Financial Report- James Pacansky explained that the Finance Report will be available next month due to this month's early meeting.

Mr. Giannelli reported that the Executive Director's evaluation will be reviewed with Mr. Martin next week. Salary adjustments will be discussed at next month's Board Meeting.

There is no **Unfinished Business**.

Resolutions:



Mr. Martin reported that study sessions were held with the Board. Mr. Slawin stated he was impressed with the process and commended James Pacansky and Derek Martin.

ADOPTION OF 2023 CAPITAL BUDGET

RESOLUTION 2022-31

WHEREAS, the Erie Regional Airport Authority has determined that the projects described on the attached 2023 Capital Budget are necessary and desirable, and;

WHEREAS, each Federal and State grant associated with this Capital Budget has been, or will be, brought before the Board for approval, and;

WHEREAS, each project will be properly bid and awarded by the Authority as required by The Pennsylvania Municipal Authorities Act.

NOW, THEREFORE BE IT HEREBY RESOLVED THAT, Erie Regional Airport Authority adopts the 2023 Capital Budget in the amount \$16,279,035 and authorizes the Executive Director to take necessary action to implement this resolution.

David Hallman, Jr. moved, and Marybeth Smialek seconded. Approved by Yeas: Marybeth Smialek, Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, and David Hallman, Jr.

ADOPTION OF 2023 GENERAL OPERATIONS BUDGET

RESOLUTION 2022-32

WHEREAS, the ERIE REGIONAL AIRPORT AUTHORITY (hereinafter the "Authority") has prepared and reviewed the proposed General Operations Budget for 2023, and;

WHEREAS, the Authority has found the General Operations Budget to be balanced.

NOW, THEREFORE BE IT HEREBY RESOLVED THAT, the Authority approves the 2023 General Operations Final Balanced Budget in the amount \$3,580,884 and directs the Executive Director to implement said budget.

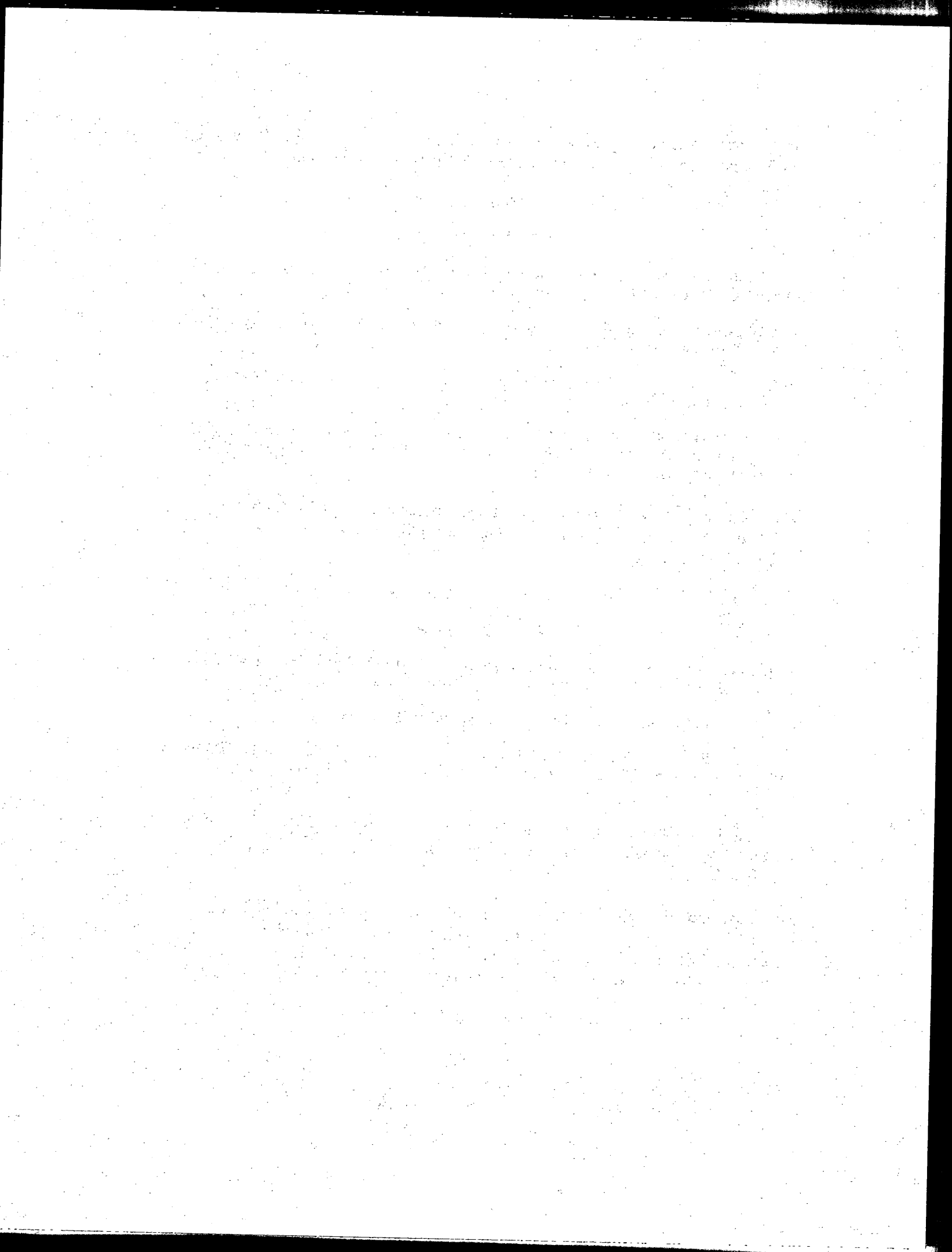
Andrea Zdaniewski moved, and Brian Slawin seconded. Approved by Yeas: Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, David Hallman, Jr., and Marybeth Smialek.

Mr. Martin explained that we currently have older trucks in very good working condition with 10-15 more years of use. A business decision was made to purchase two plow/hitch assemblies for these existing trucks: a cost of \$50,000 versus \$300,000 to \$400,000. We went through COSTARS so it was unnecessary to go out to bid for this purchase.

Approve Purchase of Two Plow/Hitch Assembly for Airfield Plow Trucks

RESOLUTION 2022-33

WHEREAS, the ERIE REGIONAL AIRPORT AUTHORITY (hereinafter the "Authority") has two non-emissions Airfield Plow Trucks (Mobile 6 and Mobile 7) in excellent condition.



WHEREAS, these two vehicles can be equipped with new frames and plows with the purchase of the plows and hitch assembly kits which will prolong the useful life of the vehicles.

NOW, THEREFORE BE IT HEREBY RESOLVED THAT, the Authority approves the purchase of two: BlueMax Plow Moldboard with dual flared "hotwings" on each end of moldboard, SQH Truck Hitch, and JOMA cutting edges for 20' BMP Plow for a not to exceed cost of \$101,900.00.

Richard Wagner moved, and David Hallman, Jr. seconded. Approved by Yeas: Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, David Hallman, Jr., and Marybeth Smialek.

Mr. Martin explained that the previously approved reduction to the airlines' common use space was 50%. This approves a 20% reduction. Once approved by this Board, the amendments will be sent to the airlines for consideration.

RESOLUTION 2022-34

Granting of Special Exception to Airline Common Use Fee In Response To COVID-19 and Industry Challenges

WHEREAS, the number of commercial passenger flights in and out of Erie International Airport ("ERI"), and the capacity of those flights, continue to be negatively impacted as a result of the COVID-19 pandemic, most recently due to the lagging return of business travelers and the spike in jet fuel costs, pilot shortages and changes in airline fleets; and

WHEREAS, the Erie Regional Airport Authority ("ERAA") recognizes the financial difficulties commercial airlines have faced and continue to face due to the lingering negative impacts from the COVID-19 pandemic and industry-wide challenges; and

WHEREAS, in response to these noted challenges, the ERAA is offering with this Resolution to all commercial passenger airlines operating at ERI which are subject to the "Common Use Space and Charges" (as defined in Article IV §§1.c and d of the Airline Operating Agreements currently in effect as of this date between signatory airlines and ERAA) a special exception which reduces the "Common Use Space and Charges" ("Common Use Fee" or "Common Use Fee Calculation") owed to ERAA from January 1, 2023 through December 31, 2023; and

NOW, THEREFORE, on this 16th day of November 2022, **LET IT BE RESOLVED**, that the Erie Regional Airport Authority hereby grants a limited special exception of the Common Use Fee to all commercial passenger airlines operating at ERI that are subject to the Common Use Fee in response to the COVID-19 pandemic and industry-wide challenges as set forth in more detail below:

A. Scope of Resolution

1. All capitalized terms used herein and not otherwise defined shall have the meaning given to such terms in the Erie Regional Airport Authority Air Transport Operator's Use and Lease Agreement ("AOA") currently in effect as of this date with all signatory airlines.

2. This Resolution applies to all commercial passenger airlines operating at ERI who are subject to payment of the Common Use Fee ("Airlines") from January 1, 2023 through December 31, 2023.

3. This Resolution provides for a certain optional alternative in the rights and obligations of the Airlines and the ERAA under Article IV §§1.c and d of the AOA by providing the Airlines the option of utilizing a reduced Common Use Fee Calculation as set forth in Section B.1 of this Resolution.

4. Airlines may take advantage of the provisions of this Resolution or continue to abide by the original terms and conditions of the Common Use Fee Calculation, at their option. Airlines may opt into this Resolution's provisions by signing a copy of this Resolution in the space provided below and returning a signed copy to the Executive Director of the ERAA. The unmodified terms and conditions of the Common Use Fee Calculation shall apply to any Airlines that fail to comply with the Resolution, whether or not such Airlines have initially opted into the alternative provisions of this Resolution.

B. Scope of Relief

1. Under this Resolution, an Airline may elect to utilize a special exception to the Common Use Fee Calculation by which the Airline may reduce its Common Use Fee due and owing to the ERAA from January 1, 2023 through December 31, 2023 to the equivalent of Twenty Percent (20%) of the amount otherwise prescribed in the Common Use Fee Calculation set forth in the AOA ("special exception-reduced rate fee").

2. Any obligations of any Airline to pay to ERAA any other rent, fee or other charges as otherwise outlined in the AOA, other than the Common Use Fee outlined in Article IV §§1.c and d of the AOA, remain in full force and effect.

3. This offer of a special exception shall not be deemed to be a permanent amendment of, or alteration to, the terms and conditions of the Common Use Fee Calculation specifically or the AOA generally.

C. Resolution Conditions

1. As a condition of receiving the benefits of this Resolution, an Airline must be current on all rates and charges and any other of its obligations, including the special exception-reduced rate fee, to the ERAA. For purposes of this Resolution only, an Airline shall be deemed current if no obligation has been outstanding more than thirty (30) days from the invoice date.

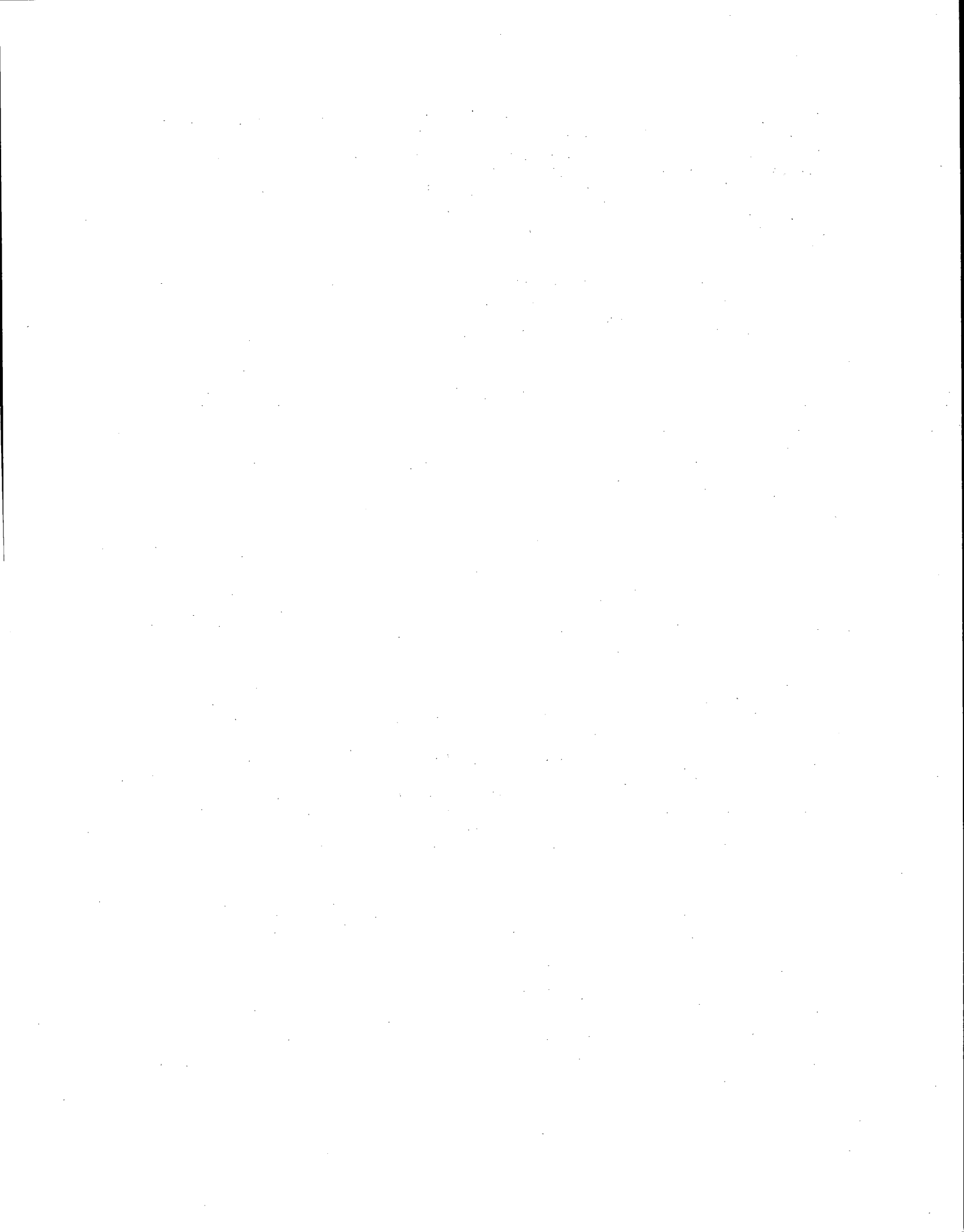
2. An Airline which seeks to take advantage of the benefits of this Resolution must sign the Resolution where indicated and return it to the Executive Director of ERAA no later than December 31, 2022 or, if any additional commercial passenger Airline becomes subject to the Common Use Fee during 2022, within thirty (30) days from the date that Airline becomes subject to the Common Use Fee.

3. The ERAA reserves the right to terminate the special exception-reduced rate fee, and apply the unmodified terms and conditions of the Common Use Fee Calculation, for any Airline which does not meet the conditions set forth in this Resolution. The ERAA shall provide at least ten (10) days written notice and an opportunity to cure before declaring any Airline in default under this Resolution.

4. Any questions or dispute regarding the interpretation of this Resolution shall be decided by the ERAA's Executive Director.

Brian Slawin moved, and Andrea Zdaniewski seconded. Approved by Yeas: Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, David Hallman, Jr., Marybeth Smialek, and Richard Wagner.

Regarding ERAA Resolution 2022-22 Approval of Parking Rate Increase approved at the September 28, 2022 Board Meeting, Jennifer Gornall stated that with no effective date listed in the resolution the increase is effective with approval of the resolution. She then read the full resolution into the record.



RESOLUTION 2022 - 35

AMENDMENT TO MINUTES OF SEPTEMBER 28, 2022 BOARD MEETING

WHEREAS, on September 28, 2022, the Erie Regional Airport Authority ("Authority") Board of Directors ("Board") passed Resolution 2022-22, in which the Board approved an increase in the daily parking rate in the Erie International Airport's ("Airport's") long term lot from \$12/day to \$13/day and in the short term lot from \$15/day to \$16/day; and

WHEREAS, there was no effective date specifically delineated in the body of Resolution 2022-22 and, thus, the rate increase was technically effective from the date approved by the Board; and

WHEREAS, the minutes of the September 28, 2022 Board meeting, which were approved by the Board at the October 26, 2022 Board meeting, provided a summary of the discussion that occurred by the Board when it approved Resolution 2022-22, which summary included the following: "Mr. Hayes asked if this was effective immediately. Mr. Pacansky explained that this increase starts in 2023 and will be reflected in the 2023 budget as 2022 is almost over and the 2022 budget was approved back in November 2021;" and

WHEREAS, during public comment at the October 26, 2022 public Board meeting, a member of the public questioned the accuracy of the above-quoted portions of the September 28, 2022 minutes as it was noted the parking increase was effectuated on November 1, 2022; and

WHEREAS, the written notes taken during the September 28, 2022 public meeting by Ms. Michelle Magee state: "Question – GH – when will it go in effect – this budget? JP – no this is for 2023 budget[;] 2022 budget is already set so it's reflected in 2023 budget;" and

WHEREAS, to avoid any confusion about what was said during the September 28, 2022 Board meeting relative to the action approved by the Board with the passage of Resolution 2022-22, the Board is passing this Resolution to Amend the Minutes of the September 28, 2022 Board meeting.

AND NOW, THEREFORE, on this 16th day of November, 2022, it is hereby **RESOLVED** by the Board of Directors of the Erie Regional Airport Authority, the following:

1. That the Board hereby amends the official minutes of the September 28, 2022 Board meeting to more accurately reflect the discussion that was held regarding Resolution 2022-22. That section of the September 28, 2022 minutes should be amended to provide as follows:

Resolutions

Resolution 2022-22 Approval of Parking Rate Increase

Jake Ciulla from Reef Parking explained the process for the proposed increase. The proposed increase only affects the daily rates in long term and short term parking lots. Each daily max price will increase by \$1.00. An annual revenue increase of \$40,000 is anticipated with the daily max increase. Mr. Hayes asked when will this increase go in effect – this budget? Mr. Pacansky explained that this increase will be reflected in the 2023 budget as the 2022 budget is already set so the increase is reflected in the 2023 budget.

2. The Board authorizes and directs the Administration of the Authority to replace this section of the official September 28, 2022 Board meeting minutes with the amended language set forth in Paragraph 1 above.

Andrea Zdaniewski moved, and Richard Wagner seconded. Approved by Yeas: Andrea Zdaniewski, Brian Slawin, David Hallman, Jr., Marybeth Smialek, Richard Wagner, and Daniel Giannelli.

New Business

Mr. Martin explained that currently ERAA has an education policy for employees. We would like the Board's feedback and work with Knox to develop a policy. More on this to follow.

Liaison Comments

City Council Liaison Michael Keys spoke on the following: maintaining the correct format for public speakers, and the Airport's hiring of a PR firm. He requested a copy of the budget.

Board Member Comments

In response to a question from Mr. Slawin regarding airport funding, Mr. Martin explained the following: in 1970 Congress established the user-supported Airport and Airway Trust Fund. Before this was established, airport money came from the general Treasury revenues which meant that all citizens were paying for airports whether they used the airport or not. Congress established this trust fund to move away from using tax revenues from people who don't use air transportation. Mr. Martin summed it up- if you are not flying, you are not contributing to the funding of this airport.

Mr. Martin stated that we have no taxing authority and since he has been here Erie Airport has not received any money from the City or County. Ms. Gornall clarified that the County floated a bond during the runway improvement project and unused funds were returned to the County.

Regarding the continued diversity comments, Mr. Slawin stated that the Airport Authority does not appoint its own Board members. Appointments are made by City and County Councils.

Mr. Wagner spoke about the airport being good to the community and the PR firm.

Executive Director's Report

Mr. Martin reported the following:

- TSA precheck enrollment was held November 7th – 11th, 2022
- Lt. Ricketts is hosting a support dog event at the airport- November 19, 2022
- 5-year capital improvement plan meeting with the FAA in Harrisburg- November 15, 2022

Brian Slawin made a motion to adjourn, and David Hallman, Jr. seconded. Approved by Yeas: Marybeth Smialek, Richard Wagner, Daniel Giannelli, Andrea Zdaniewski, Brian Slawin, and David Hallman, Jr.

Adjournment: 1:00 PM



David Hallman, Jr., Secretary



