



## **Transportation Infrastructure Investment Fund Council**

### **Meeting Minutes**

November 14, 2024

11:00 a.m.

Virtual via Zoom and In-Person (Delaware Room, DelDOT Admin. Bldg.)

#### **Members Present:**

Joe Westcott (Chair)  
Representative Bill Bush  
Martin Nunlee  
Mona Parikh  
Bill Strickland  
Senator Jack Walsh

#### **Guests:**

Pamela Steinebach	Delaware Department of Transportation
Susanne Laws	Delaware Department of Transportation
Liddy Campbell	Delaware Department of Transportation
Tami Venn	Delaware Department of Transportation
George Lees	Delaware Department of Justice – DAG for DelDOT
Regina Mitchell	Delaware Division of Small Business (DSB)
Kristina Robinson	Delaware Division of Small Business (DSB)
Andrew Harton	Delaware Division of Small Business (DSB)
Joanna Colson	Delaware Division of Small Business (DSB)
David Finklea	WuXi AppTec/STA Pharmaceutical USA Co.
Dean Childers	WuXi AppTec/STA Pharmaceutical USA Co.
Robert Herrera	Seaford Commercial 28 LLC
David Rinnier	Seaford Commercial 28 LLC
Steve Weathers	Seaford Commercial 28 LLC
John Falkowski	Becker Morgan Group
Pam Scott	CGO
Robert Wittig	DSM
Fred Wittig	DSM
Michael Willey	
Jake Owens	

#### **Agenda Item # 1: Welcome and Introductions**

**Discussion:** Mr. Westcott welcomed everyone. He led the roll call for the Council.  
**Quorum was confirmed.**



## **Agenda Item # 2: Approval of the July 30, 2024, Meeting Minutes**

**Discussion:** Mr. Westcott acknowledged that the meeting materials were distributed previously for the Council's review. A motion to approve the July 30, 2024, meeting minutes was made by Dr. Nunlee. The motion was seconded by Ms. Parikh.

### **Roll call vote was taken:**

Mr. Westcott: Abstain (not present at July 30, 2024, meeting)

Rep. Bush: For

Sen. Walsh: For

Dr. Nunlee: For

Ms. Parikh: For

Mr. Strickland: For

**The motion to approve the minutes carried.**

## **Agenda Item # 3: Status of Previous Approvals**

**Discussion:** Ms. Steinebach reviewed the current DelDOT fatality statistics, noting a continued increase in the incidents involving vulnerable road users.

Ms. Steinebach acknowledged that to date, the Council has awarded \$50,726,811.03, creating/maintaining a total of 11,705 jobs. The current amount available for awards is \$13,293,188.97, which includes the two forfeited grants from Lakeshore Motor Company and Incyte.

Ms. Steinebach reviewed the status of current grantee projects. Round 1 TidalHealth Peninsula Regional Inc. has not started construction, their grant term ends in October 2025. A pre-submittal meeting with DelDOT was held in January. DelDOT will reach out to them to get a current status on their project.

## **Agenda Item #4: Review of and Vote on Requests for Extensions and Progress Payments**

### **STA Pharmaceutical USA (Round 3) Extension Request:**

**Discussion:** Ms. Steinebach introduced the request by stating that approval was granted in Round 3 for an award of \$2.1 million with 500 jobs. Recent project delays due to supply chain interruptions in manufacturing equipment and design changes have extended Day One operations to the fourth quarter of 2026. The grantee anticipates Town of Middletown acceptance of Merrimac Avenue on November 19, 2024, and the DelDOT permit for the construction of the shared-use path (SUP) on Levels Road is expected December 2024. The grantee has requested that the grant term be extended for an additional year, expiring November 24, 2025. Ms. Steinebach mentioned that representatives of the grantee are present at the meeting should anyone have any questions.

**Public comment: None**



## **Executive Session: None**

Mr. Westcott stated that since the project is well underway, an extension of one year seems appropriate. He then asked the Council if there were any further questions, and since no further questions were asked, Mr. Westcott asked for a motion to approve the request for a one-year grant term extension expiring on November 24, 2025. A motion to approve was made by Ms. Parikh and the motion was seconded by Dr. Nunlee.

### **Roll call vote was taken:**

Mr. Westcott: For  
Rep. Bush: For  
Sen. Walsh: For  
Dr. Nunlee: For  
Ms. Parikh: For  
Mr. Strickland: For

**The request was approved to recommend a one-year grant term extension for Round 3 STA Pharmaceutical USA.**

### **Seaford Commercial 28 LLC (Round 9) Progress Payment Request:**

**Discussion:** Ms. Steinebach mentioned that representatives of the grantee are present at the meeting should anyone have any questions. Ms. Steinebach introduced the request as the former Nylon Capital Shopping Center, with no change to the economic development project as presented in the original Round 9 application. She further stated they had been awarded \$4,695,879.00 with 115 jobs in Year three. The TIIF scope of the work also is unchanged from the original application, and includes pedestrian facilities, pavement, mill and overlay, and consolidating access points. There will also be lighting and underground utility work.

The anticipated phasing of the TIIF Scope of work due to complexity is to minimize impacts on the traveling public and to allow portions of the shopping center to be open during construction. The grantee is requesting interim progress payments for overhead utility relocations, city street segments for Sussex Avenue and Tull Drive, and DelDOT road segments for Stein Highway and Atlanta Road. Ms. Steinebach stated that they are requesting four progress payments and if approved, will be decided at DelDOT's discretion. Ms. Steinebach emphasized this is a request for interim payments and does not change the original grant term, with no term extension being requested at this time.

John Falkowski (Becker Morgan Group, representative for grantee) asked to speak to clarify that the original request was for five progress payments and that they are still working with DelDOT on the details. The five payments are for the overhead utility relocations, then splitting the four roads into four payments to provide flexibility.

Mr. Westcott suggested that the committee not get involved in how the progress payments are to be made, and to allow for DelDOT and the applicant to work out the details.



Sen. Walsh asked about a schedule of values for those breakouts. Mr. Falkowski stated that they could provide the original estimates, finalized bids are in process.

Mr. Westcott clarified that acceptance of the road segments prior to reimbursement is still required.

Mr. Lees suggested to Council that it sounds like they are directing DelDOT and the developer to work a plan out and bring it back to the Council, to prevent the need to obtain Council approval for each reimbursement request.

Mr. Westcott agreed and does not want to slow down the progress of the construction on this very important project.

Dr. Nunlee asked Mr. Lees if the Council can recommend that DelDOT inform the Council and then Council acknowledge approval or disapproval in an email polling situation.

Mr. Lees responded that Council voting needs to be conducted in public.

Steve Weathers (representative of grantee) mentioned that payment amounts can be worked out in time for the April meeting.

Ms. Steinebach explained that acceptance of public road construction work is per the bonded amounts, therefore DelDOT Public Works also needs to be on board with the bonding structure.

**Public Comment: None**

**Executive Session: None**

Mr. Westcott asked for a motion to approve the request for interim progress payments for Seaford Commercial 28 LLC at the discretion of DelDOT subject to DelDOT presenting to Council at the next meeting a summary of the progress payment structure. A motion was made by Ms. Parikh and seconded by Dr. Nunlee.

**Roll call vote was taken:**

Mr. Westcott: For  
Rep. Bush: For  
Sen. Walsh: For  
Dr. Nunlee: For  
Ms. Parikh: For  
Mr. Strickland: For

**The request was approved to recommend interim progress payments for Round 9 Seaford Commercial 28 LLC at DelDOT's discretion, subject to presenting a summary of payment structure to Council at next regularly scheduled meeting.**



## **Agenda Item #5: Summary of TIIF Program Improvements (Employment Standard Guidelines)**

**Discussion:** Ms. Steinebach announced that Andrew Harton (DSB) will provide additional comments on the Employment Standards Guidelines as related to the employment standard.

Ms. Steinebach presented the proposed revisions to the adopted Employment Standard Guidelines based on feedback from the last meeting and discussions with DSB. In particular, for Generally Excluded Development Types (GEDT), the applicant would need to demonstrate by the extensive narrative how their particular jobs, such as pay, educational opportunities, and upward mobility, differ from other similar GEDT's. In addition, the applicant would need to explain how their project would stimulate secondary jobs in the surrounding area.

Transportation improvements under consideration would have a direct public benefit, such as enhancing intersection capacity and safety. Site entrances, auxiliary lanes for those site entrances, and pedestrian facilities along development site frontages would not be eligible for TIIF funding. The Council would allow DelDOT discretion in defining the TIIF scope of work.

Mr. Harton discussed his office's role in processing TIIF applications and related reporting. His office administers the Strategic Fund, Site Readiness Fund, Graduated Lab Space Fund and other economic development tools. He noted that his team worked with DelDOT to align employment guidelines with the state's other economic development incentives.

Mr. Harton explained that eligibility for TIIF has two main components: first, transportation improvements within the public right-of-way benefiting the community; second, the requirement that projects provide economic development opportunities. The state's economic development grants focus on incentivizing businesses, particularly those outside the state, to bring economic growth to this state.

Mr. Harton further explained that retail and restaurant businesses are geographically located where the population is, and in fact, incentivizing these types of projects can actually have an adverse effect on those similar businesses already in existence.

Mr. Harton emphasized the importance of excluding certain businesses from TIIF consideration, because of limited available funds.

Mr. Westcott invited questions and comments from Council.

Mr. Strickland stated his understanding is Council is not amending the generally excluded types but rather creating criteria for which an exception is considered.

Mr. Westcott confirmed that, and the purpose of this discussion is to clarify the circumstances around which an exception could be made. The important part is that any funding



that would be awarded to a GEDT would be limited to those with traffic improvements that are a public benefit and would not include things like entrance and frontage improvements, which is different from all other development types where those additional components could be considered.

Dr. Nunlee stated that he appreciated the clarity to consider these other development types especially if they are going to benefit the public and is in favor of these provisions.

Mr. Westcott expressed concern that if the Council approves TIIF funding for one convenience store, many more applications will follow.

Ms. Steinebach advised that for context, in the years 2020-2024, DelDOT has approved construction plans for 20 convenience stores in State Strategies Investment Levels 1 and 2.

Mr. Westcott asked for a motion to adopt the revised Employment Standard Guidelines. A motion was made by Ms. Parikh and seconded by Rep. Bush.

**Roll call vote was taken:**

Mr. Westcott: For  
Rep. Bush: For  
Sen. Walsh: For  
Dr. Nunlee: For  
Ms. Parikh: For  
Mr. Strickland: For

**The motion carried, the Employment Standard Guidelines as revised were adopted, effective immediately.**

**Agenda Item # 6: Public Comment**  
None

**Agenda Item # 7: Future Meetings**

**Discussion:** Ms. Steinebach stated that the next deadline for TIIF application submissions is Monday, February 10, 2025. The next Council meeting is scheduled for Wednesday, April 30, 2025.

**Agenda Item # 8: Adjournment**

Sen. Walsh made a motion to adjourn the meeting. The motion was seconded by Rep. Bush. The meeting was adjourned at 12:13 p.m.

*Minutes Prepared by: Tami Venn, DelDOT Planning*  
*Minutes Reviewed by: Susanne Laws, DelDOT Planning*