

MINUTES OF THE COMMISSION MEETING HELD MAY 6, 2014

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:20 a.m. May 6, 2014 at the Central Office located in Highspire, Pennsylvania. Available for the meeting were A. Michael Pratt, Esquire, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer; Sean Logan, Commissioner and Barry J. Schoch, P.E., Secretary of Transportation. Available via the telephone for the meeting was William K. Lieberman, Chairman.

Present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer Michael Baker Jr., Inc.; Robert F. Brady, Director of Operations/Projects-East; William J. Capone, Chief of Communications and Public Relations; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Director of Fare Collection and Field Operations; Doreen McCall, Chief Counsel; Ray Morrow, Acting Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others in attendance were Charlie Camp, Fare Collection Operations Manager; John Christensen, Director of Facilities & Energy management Operations; Richard S. Dipiero, Senior Fare Collection Operations Manager; Richard C. Dreher, Assistant CFO; Kelly Horvath, Executive Assistant; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Anthony Q. Maun, Assistant CFO/Accounting & Budgeting; Robert H. Rosell, Jr., Technician of PC/LAN Systems; Catherine L. Sabo, Accounting Manager; Patricia F. Schlegel, Director of Human Resources; Cindy Smith, General Accountant II; Lynn Stakem, Senior General Accountant; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Scott Shimko, Borton Lawson Engineering; Troy Holloway, Century Engineering; Max Inkrote, Larson Design Group; Jon Livingston, Jacobs; Thomas Rowader, Dawood Engineers; Kristi Reichard, Raudenbush Engineering, Inc.

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Ms. Edmunds led the Commissioners and staff in the Pledge of Allegiance.

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The Assistant Secretary Treasurer, Ann Louise Edmunds, called the roll and declared a quorum present.

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SUNSHINE ANNOUNCEMENT

MS. EDMUNDS: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED A TERMINATION, PROMOTION, NEW HIRES, VACANIES AND REQUESTS TO ABOLISH POSITIONS IN THE FARE COLLECTION DEPARTMENT AND EASTERN REGIONAL OFFICE.

THE COMMISSIONERS ALSO DISCUSSED DOCKET NOS. 4055 AND 2012-CV-7716, CLAIM NUMBER 752119 AND 001-BI-2007, AND ENGAGED IN NON-DELIBERATIVE INFORMATIONAL DISCUSSIONS REGARDING VARIOUS ACTIONS AND MATTERS, WHICH HAVE BEEN APPROVED AT PREVIOUS PUBLIC MEETINGS.

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PUBLIC COMMENT

MS. EDMUNDS: THE PUBLIC IS WELCOME AT THIS TIME TO ADDRESS THE COMMISSION REGARDING ITEMS LISTED ON THE AGENDA OR OTHER ITEMS NOT LISTED ON THE AGENDA THAT ARE WITHIN THE COMMISSION'S AUTHORITY OR CONTROL.

IN ORDER TO CONDUCT AN ORDERLY, EFFICIENT, EFFECTIVE AND DIGNIFIED MEETING, ALL PERSONS WISHING TO ADDRESS THE COMMISSION SHOULD HAVE SIGNED IN AND REQUESTED TIME TO SPEAK. IF YOU HAVE NOT DONE SO, YOU ARE INVITED TO DO SO.

COMMISSIONERS, WE HAVE NO REQUESTS TO ADDRESS THE COMMISSION. AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF. THE FOLLOWING WERE VISTORS TO THE MEETING: SCOTT SHIMKO, BORTON LAWSON ENGINEERING; TROY HOLLOWAY, CENTURY ENGINEERING; MAX INKROTE, LARSON DESIGN GROUP; JON LIVINGSTON, JACOBS; THOMAS ROWADER, DAWOOD ENGINEERS; KRISTI REICHARD, RAUDENBUSH ENGINEERING, INC.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held April 22, 2014 be approved and filed as submitted-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memos received from the Chief Counsel and the Acting Manager of Strategic Sourcing and Asset Management-was made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.

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PERSONNEL

Motion-That the Commission approves the Personnel as submitted-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.

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NEW BUSINESS

RFQ'S FOR MUNICIPAL BOND AND MUNICIPAL FINANCING FIRMS

Motion-That the Commission approves approve the issuance of Request for Qualifications (RFQ) from firms experienced in municipal bond and municipal financing and approve inclusion of the selected qualified firms in the various established pools as listed in memos "a" and "b":

- a. Underwriting Pools;
- b. Bond and Underwriter's Counsel Pools.

-was made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements and an Amendment for the items listed in memos "a" and "c-h":

- a. Amendment to our agreement with I.B. Abel for infrastructure cabling and communication systems, for an additional \$250,000.00 due to the unanticipated volume of cable plant work associated with new and rehab construction of maintenance sheds and PSP facilities; for a revised not-to-exceed amount of \$850,000.00;
- c. Interagency Reimbursement Agreement with the PA Department of Transportation (PennDOT) to reimburse PennDOT for the cost of right-of-way acquisition, utility coordination and construction for the replacement of overhead Bridge WB-308 at MP 28.01 (PennDOT will assume costs for design and will administer the design and construction); the Commission's share of the cost is estimated at \$5,650,000.00;
- d. Settlement Agreement and Release with David Waggett and authorize the issuance of the workers' compensation settlement payment;
- e. Settlement Agreement and Release with Daniel Haley and authorize the issuance of the workers' compensation settlement payment;
- f. Settlement Agreement and Release with Carolyn Williams and authorize the issuance of the workers' compensation settlement payment;
- g. Agreements with PennDOT Messenger Services for the purpose of distributing E-ZPass Go Paks in their locations throughout the Commonwealth;
- h. Agreement with Ahold USA (Giant Food Stores and Martin's Food Markets) for the purpose of distributing E-ZPass Go Paks in their locations throughout the Commonwealth.

-was made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.

Motion-That the Commission approves the Agreement for the item listed in memo "b":

- b. Reimbursement Agreement with The Peoples Natural Gas Company to reimburse the gas company the costs for the engineering and facility relocation work necessary for the total reconstruction project from MP 40.00 to MP 44.00 (MP 43.13, Bridge WB-429); at a not-to-exceed amount of \$38,507.00;

-was made by Commissioner Logan, seconded by Commissioner Schoch, Commissioner Lieberman abstained.

CHAIRMAN LIEBERMAN: I ABSTAIN ON THIS ITEM BECAUSE I HAVE A PERSONAL RELATIONSHIP WITH SENIOR MANAGEMENT OF THE PEOPLES NATURAL GAS COMPANY.

The motion passed.

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#### RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos "a" through "h":

- a. *Plans entitled, "Drawings for Authorizing Acquisition of Right-of-Way S.R. 1021 (Valley Hill Road) at MP 316.58 from Station 51+80.00 to Station 57+77.47 Length 597.47 FT, 0.113 MI, Contract No. T-316.58S001 Replacement of Bridge EB-729 (S-30073) in Chester County", as prepared by the Engineering Department for the replacement of Bridge EB-729 at MP 316.58;*
- b. *Plans entitled, "Acquisition of Right-of-Way for Pennsylvania Turnpike in Bedford County Contract No. T-129.00T001-3-04 and Township Road 421 Replacement of Bridge B-404 in Juniata Township, Bedford County", as prepared by the Engineering Department for the replacement of Bridge B-404 at MP 129.00;*
- c. Acquisition of Right-of-Way #6520-RA (*David M. & Rachel L. Halteman*), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment fair market value and pro-rated taxes of \$609.00 to David M. and Rachel L. Halteman; authorize the appropriate Commission officials to execute the agreement of sale; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of damages to the property owner is contingent upon their delivery of a deed prepared by the Legal Department;
- d. Acquisition of Right-of-Way #2117-G (*Vera M. & Marcia K. Ritchey*), a total take parcel necessary for the total reconstruction project from MP 149.00 to MP 155.00 by authorizing payment of fair market value & pro-rated taxes of \$57,199.91 to David J. Puzak, Esquire, escrow agent and housing supplement & closing costs of \$34,889.50 to Carl Walker Metzgar, LLC, escrow agent; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administer and approved by the Chief Counsel; and payment of the fair market value to the property owners is contingent upon delivery of a deed as prepared by the Legal Department;

- e. Negotiations of Right-of-Way #6525-A (*Ray W. & Barbara L. Moyer*), a total take parcel necessary for the total reconstruction from MP A31.00 to MP A38.00 by authorizing payment of Section 710 statutory damages of \$400.00 to Ray W. & Barbara L. Moyer;
- f. Acquisition of Right-of-Way #7135-C2 (*Do Little Corporation*), a partial take parcel necessary for construction of the I-95/I-276 Interchange by authorizing payment of fair market value, pro-rated taxes and Section 710 fees of \$47,865.50 to Do Little Corporation; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #9525-B (*Alfred P. Beichler, Jr., and Mark A. Beichler*), a partial take parcel necessary for construction of the CCTV project at the Keyser Valley Interchange by authorizing payment of fair market value of \$1,000.00 to Al & Mark Beichler Partnership; authorize the appropriate Commission officials to execute the agreement of sale and other documents that may be required for closing; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value to the property owners is contingent upon their delivery of a deed of easement as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #17758 (*Stephen and Sandra J. Vennare*), a partial take parcel necessary for construction of the Southern Beltway by authorizing payment of fair market value, pro-rated taxes and recording fees of \$35,368.01 to Fayette Professional Services, Inc., escrow agent and payment of Section 710 fees of \$4,000.00 to Stephen and Sandra J. Vennare; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of fair market value to the property owners is contingent upon their delivery of a deed as prepared by the Legal Department.

-was made by Commissioner Deon seconded by Commissioner Pratt, and passed unanimously.

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#### ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" through "c":

- a. Engineering/Construction Management firm to provide open-end construction technical and management services between MP 0.00 and MP 358.00, the James E. Ross Highway, Amos K. Hutchinson Bypass, Mon/Fayette Expressway and the Northeast Extension;
- b. Engineering/Survey firm to perform surveying services systemwide;

- c. Mechanical/Electrical/Plumbing (MEP) firm to perform design and construction phase services systemwide.

- was made by Commissioner Deon, seconded by Commissioner Pratt, and passed unanimously.

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AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of a Bid and the Issuance of a Purchase Order for the item listed in memo "a":

- a. Forty-four (44) tandem axle dump trucks, utilizing the Commonwealth's contract with Mack Trucks, Inc.; at a total award of \$10,162,152.00;

-was made by Commissioner Schoch, seconded by Commissioner Deon, Commissioner Pratt abstained.

VICE CHAIRMAN PRATT: MR. CHAIRMAN, I ABSTAIN ON THE BASIS THAT THE COMPANY SET FORTH IN THIS AGENDA ITEM IS A CLIENT OF THE FIRM OF WHICH I AM A PARTNER. I ASK THAT THE SECRETARY PLEASE HAVE THE MINUTES OF THE MEETING REFLECT MY ABSTENTION ON THIS VOTE.

Motion-That the Commission approves the Award of Bids and the Issuance of Purchase Orders for the item listed in memo "b":

- b. Unleaded gasoline and ethanol, exercising our option to renew the agreements for an additional year (June 1, 2014 – May 31, 2015) with the following companies:

Petroleum Traders	\$1,000,000.00	Homewood, Gibsonia, Jefferson Hills, Harrison City, Searights, NC
Mansfield Oil Co.	700,000.00	Kegg, Everett, Slatington, Wyoming Valley
Glassmere Fuel Co.	150,000.00	Donegal
Export Fuel	400,000.00	Greensburg, Somerset
Bedford Valley Petroleum	200,000.00	Burnt Cabins
Talley Petroleum	<u>800,000.00</u>	Newville, NC, Mt. Gretna, Bowmansville
RENEWAL VALUE:	\$3,250,000.00	

-was made by Commissioner Deon, seconded by Commissioner Pratt, and passed unanimously.

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AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contracts for the items listed in memos "a" and "b":

- a. Contract #T-090.69R001-3-02 for bituminous resurfacing of the Donegal Interchange ramps at MP 90.69, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$823,217.75 and a contingency of \$40,000.00;
- b. Contract #A-052.30S001-3-02 for painting and fencing replacement at various bridge locations between MP A52.30 and MP A54.29, to the lowest responsive and responsible bidder, Hercules

Painting Company, Inc.; at a not-to-exceed amount of \$1,368,473.00 and a contingency of \$50,000.00.

-was made by Commissioner Deon, seconded by Commissioner Schoch, and passed unanimously.

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#### SUPPLEMENTAL AGREEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #1 with Rettew Associates for wastewater/environmental engineering services, for an additional \$200,000.00 to complete inspection of the water/wastewater facilities and for design of the Carlisle Interchange and Everett Maintenance municipal water connection; for a revised not-to-exceed amount of \$1,200,000.00-was made by Commissioner Deon, seconded by Commissioner Pratt, and passed unanimously.

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#### CHANGE ORDERS AND FINAL PAYMENT

Motion-That the Commission approves the Change Orders for the item listed in memo "a":

- a. Change Order #1 for Contract #EN-00118-03-05 with Lindy Paving, Inc. for roadway and miscellaneous repairs between MP 0.00 and MP 75.39, Toll I-376, Turnpike 66 and Turnpike 43, for a 60-day time extension necessary to complete weather sensitive work due to the winter and early spring harsh weather conditions;

-was made by Commissioner Logan, seconded by Commissioner Deon; Commissioner Lieberman abstained.

CHAIRMAN LIEBERMAN: I ABSTAIN ON THIS ITEM BECAUSE THE VENDOR IS A CLIENT OF MY FIRM.

Motion-That the Commission approves the Change Orders and Final Payment for the items listed in memos "b" and "c":

- b. Change Order #2 and Final Payment for Contract #T-355.00P001-3-11 with Neshaminy Constructors, Inc. for the replacement of structure S-32388 at I-95 (MP 40.50 on I-95), for a decrease of \$84,978.10 to balance items to actual work completed, additional changes for a PECO duct bank, concrete, parapet modification for guiderail, rebar undercuts, demolition of concrete obstructions, median pier protection, beam wall, guiderail, ROW fencing, surveying and pavement marking removal; for a final contract value of \$5,689,246.84 and a final amount due to the contractor of \$227,352.22;
- c. Change Order #1 for Contract #EN-00124-03-02 with New Enterprise Stone & Lime, Inc. for sinkhole repairs from MP 312.03 to MP 358.11 and MP A20.00 to A70.07; for a time extension from 11/15/13 to 11/15/14 in anticipation of repairs that may result from the harsh winter conditions.

-was made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.

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Brad Heigel noted the passing of John Michael Varga, an Engineering Inspector, who worked for the Turnpike for 20 years and passed away on May 3, 2014 after a yearlong battle with cancer. He asked that we remember his family and noted the loss of an employee.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, May 20, 2014 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned in memory of John Michael Varga was made at 11:27 a.m. - made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.

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PREPARED BY:

APPROVED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.  
Secretary Treasurer

05-06-14