

MINUTES OF THE COMMISSION MEETING HELD JUNE 18, 2019

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:23 a.m. on Tuesday, June 18, 2019 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Pasquale T. Deon Sr., Commissioner and John Wozniak, Commissioner; available via telephone were Leslie S. Richards, Chair; William K. Lieberman, Vice Chair and Barry Drew, Secretary Treasurer.

Also in attendance for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer, Michael Baker International; Robert F. Brady, Director of Operations/Projects-East; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; Charles L. Duncan III, Esquire, Director of Legislative Affairs; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire, Director of Policy and Fare Collection; Robert Taylor, Chief Technology Officer and Ann Louise Edwards, Assistant Secretary Treasurer.

Others present were Rick Dreher, Asst. CFO/Financial Management; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Shawn Laudenslager, End User Support Technician; Jeffrey A. Naugle, Manager of Treasury Operations; Randy Oswald, Summer employee; Eric Madden, JMT; Paul McNamee, KCI; Jill Bolt, T.Y. Lin; Ben Snyder, RK&K; Mike Houser, Markosky; David Azzato, TPD; Dave Snively, ms consultants; Tom Friel, WSP; Mike Gross, Wallace Montgomery; Casey Waller, Bravo Group; and Lou Cortelazzi, McMahan.



Mrs. Edwards led the Commissioners, staff and visitors in the Pledge of Allegiance.



The Assistant Secretary Treasurer, Ann Louise Edwards, called the roll and declared a quorum available.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included a promotion, terminations, new hires and vacancies.

The Commissioners also engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Mrs. Edwards: The public is welcome 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 and effective meeting, all persons wishing to address the Commission should have signed in a requested time to speak. If you have not done so, you are invited to do so at this time.

There were no requests to address the Commission.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held June 4, 2019 be approved and filed as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.

COMMUNICATIONS

Motion-That the Commission approves the memos received from the Chief Counsel and the Director of Procurement & Logistics-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS

POLICIES

Motion-That the Commission adopts a new Policy, Revisions to Policies, and Rescind a Policy for the items listed in memos “a” through “d”:

- a. Revisions to Policy 8.01, Acceptable Use of Commission Technology Resources, to reflect operational and procedural changes;
- b. Revisions to Policy 8.05, Licensed Software Use, to clarify and update the policy;

- c. Rescind Policy 8.08, Voicemail Policy, and replace it with Information Technology's Standard, Managing Availability Status;
- d. New Policy 8.12, IT Security and Risk Management, to set IT standards and procedures to help PTC authorized users protect IT assets, and to reduce risk of damage and cost of breach or misuse of those assets.

-was made by Commissioner Wozniak, seconded by Commissioner Deon, and approved unanimously.



#### AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements for the items listed in memos "a" through "d":

- a. Settlement Agreement and Release with Theresa LaSalle, and authorize payment of the settled amount of the Workers' Compensation claim;
- b. Settlement Agreement and Release with Alice Loiseau, and authorize payment of the settled amount of the Workers' Compensation claim;
- c. Agreement with AAA Northampton County, Inc., for E-ZPass Go Paks distribution;
- d. Interagency Agreement between the Commission, the Pennsylvania Department of Transportation and the Pennsylvania State Police for the administration of the automated speed enforcement program in active work zones.

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



#### RIGHT-OF-WAY REQUEST

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

- a. Settlement of Right-of-Way #17663 (Kimberly Lynn McLaughlin, a/k/a Kimberly Lynn McAfee; Douglas R. Head), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$38,900.00 representing difference between the estimate of just compensation already paid and the updated just compensation, settlement funds and Statutory 710 attorney fees to Bresnahan, Nixon & Finnegan, P.C., escrow agent; and payment of all funds is contingent upon the property owners' execution of a Settlement Agreement as approved by the Legal Department and the docket being marked settled, satisfied and discontinued;

- b. Acquisition of Right-of-Way #14S406 (Joseph Ioli, Inc.), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$70,925.59 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, escrow agent; 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 owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #14S228 (Joseph Ioli, Inc.), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$75,826.85 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, escrow agent; 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 owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- d. Acquisition of Right-of-Way #6547-A (Shirley R. Wellington), a partial take parcel necessary for the total reconstruction from MP A38.00 to MP A44.00 by authorizing payment of \$71,047.78 representing fair market value, pro-rated taxes and recording fees to Closure Settlement, LLC, escrow agent; 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 damages to the property owner is contingent upon her delivery of a deed as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #6008-B (Vernon N. & Doris J. Weaver), a partial take parcel necessary for the total reconstruction project from MP 302.00 to MP 308.00 by authorizing payment of \$155,299.02 representing fair market value, pro-rated taxes and recording fees to Closure Settlement LLC, escrow agent; 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 the delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #14S287 (Robert W. Wilson), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$2,500.00 representing statutory search costs to Robert W. Wilson; authorize the appropriate Commission officials to execute all required documents; and authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;

- g. Acquisition of Right-of-Way #14008-A1-A (Marshall-North Boundary Properties, LLC), a partial take parcel necessary for the total reconstruction project from MP 28.00 to MP 31.00 by authorizing payment of \$6,064.50 representing fair market value and pro-rated taxes to Marshall-North Boundary Properties, LLC; 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 owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- h. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S257 (Joseph Pearson), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of estimated just compensation of \$1,000.00 to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- i. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S261 (Paul R. & Cynthia J. Drusbasky), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of estimated just compensation of \$16,000.00 to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- j. Acquisition of Right-of-Way #6005-A (Merle W. Stoltzfus; David J. Stoltzfus), a partial take parcel necessary for the total reconstruction project from MP 302.00 to MP 308.00 by authorizing payment of \$2,230.00 representing fair market value and pro-rated taxes to Merle W. Stoltzfus and David J. Stoltzfus; 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 the delivery of a deed as prepared by the Legal Department;
- k. Acquisition of Right-of-Way #14S270 (David L. & Jill L. Lykins), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$214,195.61 representing fair market value, pro-rated taxes, recording fees, replacement housing supplement and closing costs to Closure Settlement LLC, escrow agent; 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 the delivery of a deed as prepared by the Legal Department;
- l. Acquisition of Right-of-Way #14S352-1 (Andrew V. & Rose Borriello; Timothy Debeneadto), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$8,082.00 representing rent supplement and moving costs to Timothy Debeneadto; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;

- m. Accept a donation of coal interest in the McDonald Mine, located on Section 55A2 of the Southern Beltway project from David and Andrea Aloe; acquisition of the interests in various coal seams is necessary for construction of the Southern Beltway; authorize the appropriate Commission officials to execute the documents required to effectuate the donation of the support estate, including the authorization for the Chief Financial Officer to execute the necessary tax forms; and final acceptance of the support estate is contingent upon the Legal Department’s review and approval of the necessary quit claim deed.

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



FINAL PAYMENT

Motion-That the Commission approves Final Payment for Contract #T-355.00P002-3-03 for the replacement of Bridge DB-237 at MP 353.96 with Allan Myers, L.P., in the amount of \$16,628.56, for a final contract value of \$6,712,168.88 -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approves an Award of a Bid, a Change Order and Issue Purchase Orders for the items listed in memos “a” through “c”:

- a. Calcium Chloride, exercising the option to renew the agreements for an additional year (July 1, 2019 – June 30, 2020):

Chemung Supply Corp.	\$ 7,000.00	District 2
Main Pool & Chemical Co., Inc.	0.00	District 5
Calcium Chloride Sales	50,000.00	District 1, 2
Innovative Municipal Products	<u>50,000.00</u>	District 3, 4, 5
TOTAL RENEWAL:	\$107,000.00	

- b. Change Order for Environmental Systems Research Institute (ESRI) GIS software maintenance and support, for an additional \$86,000.00 for the Enterprise Advantage program;
- c. Sludge and residual wastewater removal contract (June 1, 2019 – June 30, 2021), to the lowest responsive and responsible bidder, ACV Enviro APV; at a total award of \$800,000.00.

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



AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contracts for the items listed in memos “a” through “c”:

- a. Contract #T-149.50T002-3-04 for substructure removal of Bridge B-518 and Earlston Road construction at MP 154.42, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$3,360,929.18 and a contingency of \$150,000.00;

- b. Contract #A-020.00M001-3-02 for installation of pre-entry Intelligent Transportation Systems between MP A30.13 and MP A130.64, to the lowest responsive and responsible bidder, Bruce & Merrilees Electric Co.; at a not-to-exceed amount of \$1,417,748.91 and a contingency of \$50,000.00;
- c. Contract #A-130.23S001-3-02 for the replacement of Bridge NB-751 at MP A130.23, to the lowest responsive and responsible bidder, Susquehanna Valley Construction Corporation; at a not-to-exceed amount of \$15,670,000.00 and a contingency of \$700,000.00.

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



### BOND RESOLUTIONS

- a. Motion-That the Commission adopts the Resolution that repeals and replaces the previously adopted Resolution of the Commission on May 20, 2019, which authorized the issuance of the Pennsylvania Turnpike Commission's variable and/or fixed rate Turnpike Subordinate Revenue Bonds. Authorize the approval of the issuance of the Pennsylvania Turnpike Commission's Turnpike Subordinate Revenue Bonds in an aggregate principal amount not to exceed \$800,000,000 (based on par amount) in one or more series or sub-series, taxable or tax-exempt, to: (1) finance or refinance the costs of (a) making lease, grant or other payments to the Pennsylvania Department of Transportation in accordance with Act 44 and Act 89, (b) refunding all or a portion of any bond anticipation notes other short-term indebtedness or subordinate indenture bonds previously issued by the Pennsylvania Turnpike Commission for the foregoing purposes, (c) reimbursing the Pennsylvania Turnpike Commission for payments previously made to the Pennsylvania Department of Transportation in accordance with Act 44 and Act 89, (d) any debt service reserve or similar funds, credit facility costs or capitalized interest to such bonds, (e) issuance of such bonds; and (2) providing for (a) the appointment of disclosure counsel (McNees Wallace & Nurick) and (b) providing for the appointment of the financial advisor (PFM); authorizing the taking of further action; repealing inconsistent resolutions; and declaring that this resolution shall be liberally construed-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.
- b. Motion-That the Commission authorizes the appointment of bond counsel (Stradley Ronon Stevens & Young, LLP) in connection with the issuance of the Pennsylvania Turnpike Commission's Turnpike Subordinate Revenue Bonds approved by a resolution adopted on June 18, 2019-was made by Commissioner Wozniak, seconded by Commissioner Deon; Commissioner Liberman voted "No". The motion passed with all other members in the affirmative.



PSPC ITEMS

Motion-That the Commission approves the award of services and authorize the negotiation and execution of an agreement with the selected firm(s) for the items listed in memos "a" through "c":

a. RFP T00116, material inspection and testing services from MP 200.00 to the Delaware River Bridge, and the Northeast Extension:

- Quality Engineering Solutions, Inc.-AWARDED

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

b. RFP T00114, open-end construction management and inspection services from MP 0.00 to MP 247.00, I-376, Turnpike 576, Turnpike 66 and Turnpike 43:

- The EADS Group-AWARDED
- Erdman Anthony Associates
- Pennoni Associates

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

c. RFP T00106, replacement of Bridge DB-210 at MP 348.25:

- Traffic Planning and Design, Inc.-AWARDED
- Borton-Lawson Engineering, Inc.
- Arora and Associates, P.C.

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



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held via telephone on Tuesday, July 2, 2019 beginning at 10:00 a.m.



POST-FORMAL MEETING

The Commission accepted the report presented by the Advisory Committee. The Committee found that the Commission followed the recommendations presented 3 years ago. Chair M. G. Patel noted that most of the tasks were accomplished, and several tasks are in the process of being finalized. The report provided for seven (7) recommended actions that will be reviewed and responded by Commission staff.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:38 a.m. -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.

