

MINUTES OF THE COMMISSION MEETING HELD AUGUST 6, 2019

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 11:13 a.m. on Tuesday, August 6, 2019 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Leslie S. Richards, Chair and John Wozniak, Commissioner. Available via telephone were William K. Lieberman, Vice Chair; Barry Drew, Secretary Treasurer; and Pasquale T. Deon Sr., Commissioner.

Also in attendance for the meeting were Mark P. Compton, Chief Executive Officer; Larry Bankert, Michael Baker Int'l.; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; 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 Susan Carson-Casoni, Cash Manager; Kelly Horvath, Executive Administrative Assistant; Catherine Clement-Jenkins, Equal Opportunity/ADA Officer; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Shawn Laudenslager, End User Support Technician; Gina M. Murray, Engineering Contracts Supervisor; Randy Oswald, summer employee; Matthew Cheng, CEO Intern; Siham Guerich, CEO Intern; Ellerie Krot, CEO Intern; Sara Morris, CEO Intern; Samuel Rivera, Jr., CEO Intern; Curtis Reynolds, CEO Intern; Sina Kim, CEO Intern; Eric Madden, JMT; Paul McNamee, KCI; Mike Houser, Markosky; David Azzato, TPD; Mike Gross, Wallace Montgomery; and Sarah Simon, Spotlight PA.



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, active postings, new hires and vacancies.

The Commissioners also discussed Docket #2008-CV-19541-CV 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 July 16, 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 memo received from the Chief Counsel-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

PROFESSIONAL ADVISORY SERVICES POOL

Motion-That the Commission approves amending the Professional Advisory Services pool of qualified firms to provide performance audits, forensic audits, best practices, compliance assessments and specialized security and investigative services, to include Paladin Group, LLC -was made by Commissioner Wozniak, seconded by Commissioner Deon, and approved unanimously.



AGREEMENTS

Motion-That the Commission approves the negotiation and execution of Agreement and Amendment for the items listed in memos “a” and “b”:

- a. Amendment to our agreement with ComPsych Corporation for the Turnpike Employee Assistance Program; exercising the option to renew the agreement for an additional year (January 1, 2020 – December 31, 2020); at an estimated cost of \$40,000.00;
- b. Reimbursement Agreement with Norfolk Southern Railroad to reimburse the railroad the cost for the engineering work necessary for construction of the Lafayette Street Interchange at MP 331.60; at an estimated cost of \$26,168.75.

-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 “l”:

- a. Settlement of Right-of-Way #14S249 (Lebanon Village Condominium; Mary Jane Senn), a total parcel necessary for construction of the Mon/Fayette Expressway by authorizing payment of \$7,600.00 representing the balance of settlement funds to Babst, Calland, Clements & Zomir, PC, escrow agent; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release as reviewed and approved by the Legal Department; and payment of the settlement fund to the property owner is contingent upon the execution and delivery of the Settlement Agreement and General Release;
- b. Right-of-Way #6007-B (prior owner-Estate of Hugh M. McNeill), a total take parcel necessary for the total reconstruction project from MP 298.00 to MP 302.00; authorize the execution of a Deed of Easement, as drafted by the Legal Department, granting access over and across the former McNeill property, to properties now or formerly of Merle W. Stoltzfus and David J. Stoltzfus; Robert N. & Sara R. Baskin; and Bainbridge 4500 Parterns, L.P.; and authorize the Chief Counsel, or counsel’s designee, to execute the Deed of Easement on the Commission’s behalf;
- c. Acquisition of Right-of-Way #7209-RA (Thomas Breeswine), a partial take parcel necessary for the total reconstruction project from MP A38.00 to MP A44.00 by authorizing payment of \$18,303.66 representing fair market value and pro-rated taxes to Thomas Breeswine; 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 is contingent upon the delivery of a deed as prepared by the Legal Department;

- d. Acquisition of Right-of-Way #15168-A (Rachel Danielle Christner), a partial take parcel necessary for the stormwater management basin and dam remediation project at MP G2.30 NB by authorizing payment of \$2,018.60 representing fair market value and pro-rated taxes to Rachel Danielle Christner; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing, and to authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel. Payment of damages to the property owner is contingent upon the property owner's delivery of a deed prepared by the Legal Department;
- e. Acquisition of Right-of-Way #6020-A (James C. Wertz), a total take parcel necessary for the total reconstruction project from MP 308.00 to MP 312.00 by authorizing payment of \$428,316.53 representing fair market value, pro-rated taxes and recording fees to Diversified Settlement Services, Inc., 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;
- f. Acquisition of Right-of-Way #6009-RA (Mary K. Burnett), a partial take parcel necessary for the total reconstruction project from MP 302.00 to MP 308.00 by authorizing payment of \$9,112.50 representing fair market value and por-rated taxes to Mary K. Burnett; 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;
- g. Acquisition of Right-of-Way #14S385 (Denise I. Massung), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$162,623.33 representing fair market value, pro-rated taxes, recording fees, 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 owner is contingent upon the property owner's delivery of a deed as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #14S209-A (Mark E. Mauro, Kathleen Sparaga, Sheila Hoglund), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$167,893.32 representing fair market value, pro-rated taxes and recording fees to ARROW Land Solutions, 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 their delivery of a deed as prepared by the Legal Department;

- i. Acquisition of Right-of-Way #14S209 (Mark E. Mauro, Kathleen Sparaga, Sheila Hogle), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$93,203.80 representing fair market value, pro-rated taxes and recording fees to ARROW Land Solutions, 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 their delivery of a deed as prepared by the Legal Department;
- j. Acquisition of Right-of-Way #14150 (Cuddy Partners. L.P.), a partial take parcel required for the Southern Beltway, U.S. 22 to I-79 Project was approved by the Commission on August 23, 2016 (Item F-3aa); after a number of Court Ordered Settlement Conferences, counsel has recommended a full and final settlement of all claims for a total of \$600,000.00; the Legal Department and Engineering Department have reviewed the file and considering all facts related to the case believe the proposed settlement is in the Commission's best interest; the Legal Department recommends that the Commission approve the proposed settlement by authorizing the issuance of a check in the amount of \$430,000.00 payable to Goldberg, Kamin & Garvin, PC, as Escrow Agent, representing the payment of additional settlement funds; to authorize the Chief Counsel, or Counsel's designee, to execute the required Right-of-Way Easement as drafted and approved by the Legal Department; upon the payment of settlement funds to the Condemnee, the docket shall be marked settled and discontinued with prejudice;
- k. Acquisition of Right-of-Way #14S321 (Eric G. Mancz), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$83,939.03 representing fair market value, pro-rated taxes and recording fees to ARROW Land Solutions, LLC, escrow agent; and \$33,552.00 to Eric G. Mancz for replacement housing supplement and closing costs; 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 as prepared by the Legal Department;
- l. Right-of-Way #14092-B (James D. Sloan), a total take parcel necessary for the total reconstruction project from MP 53 to MP 57; by authorizing payment of \$159,154.03 representing fair market value, pro-rated taxes and recording fees to Tri-State Paralegal Services, LLC as 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 their delivery of a deed as prepared by the Legal Department.

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



ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos “a” through “e”:

- a. Two (2) open-end contracts for Intelligent Transportation Systems (ITS) and Traffic Operations services systemwide;
- b. Open-end contract for material inspection and testing services from MP 0.00 to MP 200.00, I-376, Turnpike 576, Turnpike 66 and Turnpike 43;
- c. Open-end traffic and revenue services systemwide;
- d. Two (2) engineering or construction management firms to perform open-end construction inspection services between MP 0.00 and MP 247.00, I-376, Turnpike 576, Turnpike 66 and Turnpike 43;
- e. Two (2) engineering or construction management firms to perform open-end construction management and construction inspection services between MP 0.00 and MP 247.00, I-376, Turnpike 576, Turnpike 66 and Turnpike 43.

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



PURCHASE ORDERS

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

- a. Promotional items, to the lowest responsive and responsible bidder, Levin Promotional Products; at a total award of \$301,000.00;
- c. Motor oil grease and lubrication, exercising the option to renew the agreements for an additional year (September 1, 2019 – August 31, 2020); and approve staff movement of funds between contracts as needed during the life of the contract:

PPC Lubricants, Inc.	\$120,000.00
Triple Cities Acquisition	<u>15,000.00</u>
d/b/a Cooks Bros. Truck Parts	
TOTAL APPROVAL:	\$135,000.00
- d. Installation of durable pavement markings between MP 0.00 and MP 245.75, I-376, Turnpike 66, Turnpike 43 and Turnpike 576, to the lowest responsive and responsible bidder, Parking Lot Painting Co., LLC; at a total award of \$7,500,000.00;
- e. Change Order for catch basin cleaner and sweeper rentals (April 2019-March 2020), for an additional \$63,478.00 to cover rental extensions due to weather and repairs;

- f. CheckPoint Security Gateway Solutions (August 2019 – September 2020), utilizing the Commonwealth’s contract with CDW Government LLC/CDW LLC; at a total award of \$107,797.22.

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

Motion-That the Commission approves the Award of Bids and Issue Purchase Orders for the items listed in memo “b”:

- b. Stone, slag and gravel aggregates, to the lowest responsive and responsible bidders; and approve staff movement of funds between contracts as needed during the life of the contract:

Hanson Aggregates MBC, Inc.	\$ 54,500.00	HOME, GIBS, SEAR, GREE, HARC, DNGL, JEFF
Lindy Paving	20,500.00	HOME, GIBS
New Enterprise Stone & Lime	58,000.00	GREE, HARC, DNGL, SMST, KEGG, EVRT, BRNT, NEWV, MTGT, BOWM, DVLT, QTWN, SLAT, POCN, WYOM
Allegheny Mineral Corp.	12,000.00	GIBS
Pennsy Supply, Inc.	13,000.00	NEWV, NCMB, MTGT
Hempt Bros., Inc.	2,000.00	NCMB
Silver Hill Quarry	5,000.00	BOWM
Glasgow, Inc.	1,500.00	DVLT, PLYM
Douglassville Quarry	4,500.00	DVLT, PLYM
Birdsboro Quarry	500.00	PLYM
Highway Materials	500.00	PLYM
Plumstead Materials	2,000.00	TREV
Martin Stone Quarries	1,500.00	QTWN
Naceville Materials	500.00	QTWN
Locust Ridge Quarry	<u>2,000.00</u>	POCN
TOTAL AWARD	\$178,000.00	
Contingency	<u>22,000.00</u>	
TOTAL APPROVAL:	\$200,000.00	

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

VICE CHAIR LIEBERMAN: I abstain on the basis that a vendor listed in this item (Lindy Paving) is a client of my firm.

The motion passed.



AWARD OF CONTRACTS

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

- a. Contract #EN-00237-03-03 for sinkhole repairs between MP 312.03 and MP 356.42, MP H40.83 and MP H42.54, and MP A20.00 and MP A70.07, to the lowest responsive and responsible bidder, Bi State Construction Co., Inc.; at a not-to-exceed amount of \$2,000,000.00;

- b. Contract #EN-00237-03-02 for sinkhole repairs between MP 199.26 and MP 312.03, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$2,000,000.00.

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



CHANGE ORDERS/FINAL PAYMENTS

Motion-That the Commission approves the Change Order, Final Change Order, and Final Payment for the items listed in memos "a" and "b":

- a. Change Order #1 for Contract #EN-00189-03-03 for sinkhole repairs between MP 312.03 and MP 358.11, and between MP A20.00 and MP A70.07 with Bi State Construction Co., Inc., for an increase of \$1,000,000.00 for additional sinkholes recently identified and any additional repairs through the end of 2019; for a revised not-to-exceed amount of \$3,000,000.00;
- b. Final Change Order #1 for Contract #EN-00184-03-05 for bridge repairs between MP 000.00 and MP 109.91, Toll I-376, Turnpike 576, 43 and 66 with J.P.S. Construction Co., Inc., for a decrease of \$1,030,675.84 in the not-to-exceed amount to reflect the actual cost of completed work authorizations; and make a final payment in the amount of \$23,466.21.

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



SUPPLEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #2 with Johnson, Mirmiran & Thompson, Inc. for construction inspection services from MP A31.73 to MP A45.50, for an additional \$2,000,000.00 for continued and additional construction inspection services; for a revised not-to-exceed amount of \$12,000,000.00-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PSPC ITEMS

Motion-That the Commission approves the award of services and authorize the negotiation and execution of an agreement with the selected firms for the items listed in memos "a" and "b":

- a. T00118, open-end construction management and inspection services for Facility projects:
 - KCI Technologies, Inc.-AWARDED
 - TRC Engineers, Inc.

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

- b. T00121, administrative services of Project Collaboration Systems and Tab Wizard:

- Stantec Consulting Services, Inc.-AWARDED

-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 on Tuesday, August 20, 2019 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:24 a.m. -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

1

Ann Louise Edwards
Assistant Secretary Treasurer

Barry Drew
Secretary Treasurer