

MINUTES OF THE COMMISSION MEETING HELD DECEMBER 6, 2016

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:36 a.m. on December 6, 2016 at the Central Office located in Highspire, Pennsylvania. Present for the meeting was Barry Drew, Commissioner. Available via telephone were Sean Logan, Chairman; William K. Lieberman, Vice Chairman and Leslie Richards, Secretary of Transportation.

Present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer, Michael Baker, Inc.; Charles L. Duncan III, Esquire, Director of Legislative Affairs; Scott D. Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen A. McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire, Director of Policy & External Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others present were Samantha Abbott, Executive Administrative Assistant; Jack Christensen, Director of FEMO; Richard S. DiPiero, Senior Fare Collection Operations Manager; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Anthony Q. Maun, Assistant CFO/Accounting & Budgeting; Jeffrey A. Naugle, Manager of Treasury Operations; Sheri Norris, Director of Human Resources; Mark Strause, Technician of PC/LAN Systems; Mike Shubert, Consultant; Roger Eaton, HDR; John Smith, Parsons Brinckerhoff; Quentin Rissler, Larson Design Group; Kristi Reichard, Raudenbush; and Casey Waller, KCI.



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



The Assistant Secretary Treasurer, Ann Louise Edmunds, 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 performance incentive, annuitants, new hires, vacancies, and a request to reclassify and fill a position in the Engineering Department.

The Commissioners also discussed Docket Nos. PTC-2016001-COL and 25 MD 2009, and engaged in non-deliberative informational discussions regarding various actions and matters, which have been approved at previous public meetings.



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 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 November 15, 2016 be approved and filed as submitted - were made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



COMMUNICATIONS

Motion-That the Commission approves the memo received from the Chief Counsel—was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No unfinished business to discuss.



NEW BUSINESS

POOL

Motion-That the Commission approves amending the pool of qualified bond counsel for bond, special, underwriters and disclosure counsel services to include Bruce E. Dice & Associates
–was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements and Amendments for the items listed in memos “a” through “e”:

- a. Amendment to our agreement with Intergraph Corporation to incorporate an API based interface module (EdgeFrontier) for CADS for facility fire alarm monitoring; at a cost of \$159,672.00 which also includes the second year of software maintenance;
- b. Agreement with Indiana University of Pennsylvania (IUP) Research Institute to provide support in the development of Safety Day for the Commission’s maintenance department as required for the Commission’s self-insured status with the Commonwealth; at a not-to-exceed amount of \$30,000.00;
- c. Interagency Reimbursement Work Order with the Pennsylvania Department of Transportation (PennDOT) for PennDOT to reimburse the Commission partial cost for the implementation of a truck parking information delivery system; the not-to-exceed amount is \$2,768,745.00 of which \$2,094,639.00 would be reimbursed to the Commission via the Discretionary Program of the 2005 SAFETEA-LU Federal Transportation Act (the Commission would be responsible for \$674,106.00);
- d. Reimbursement Agreement with Norfolk Southern Railway to reimburse the railway the cost for flagging and protection services necessary for the Beaver River Bridge replacement project (Bridge WB-211 at MP 13.21); at a not-to-exceed amount of \$1,495,597.50;
- e. Reimbursement Agreement with Norfolk Southern Railway to reimburse the railway the cost for the engineering and protective services necessary for the replacement of Bridge EB-103 at MP 228.54; at a not-to-exceed amount of \$901,501.00.

-was made by Commissioner Drew, seconded by Commissioners Lieberman, and passed unanimously.



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Request for the items listed in memos “a” through “l”:

- a. Acquisition of Right-of-Way #2002-B (Century, Inc.), a partial take parcel necessary for the total reconstruction project from MP 128.00 to MP 134.00 by authorizing payment of \$3,013.05 representing fair market value and pro-rated taxes to Century, Inc.; authorize the appropriate Commission officials to execute the Agreement of Sale and all other documents 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;
- b. Acquisition of Right-of-Way #17739-A (Jeffrey S. and Lisa M. Spencer), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$10,000.00 representing fair market value to Jeffrey S. and Lisa M. Spencer; authorize the appropriate Commission officials to execute the Temporary Construction Easement 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 Temporary Construction Easement as approved by the Legal Department;
- c. Adopt the proposed Property Acquisition Resolution for Right-of-Way #1088-A (Ronald Huffman), a partial take parcel necessary for the total reconstruction project from MP 128.00 to MP 134.00 by authorizing payment of \$770.00 representing estimated just compensation to Bruce E. Dice Associates, PC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- d. Acquisition of Right-of-Way #17721-A (Kathleen Berry, George Michael Meehan, Mary Ann White and Susan Alrutz), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, Section 55-A2 by authorizing the following payments of fair market value \$1,700.00 to Kathleen Berry, \$1,700.00 to George Michael Meehan and \$1,700.00 to Susan Alrutz; authorize the appropriate Commission officials to execute the Temporary Construction Easement 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 Temporary Construction Easement as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #15000-RA2 (Lee M. & Mary Colleen Krug and the Estate of Robert M. King), a total take parcel necessary for the bridge (WB-500) replacement project at MP 59.58 by authorizing payment of \$189,283.80 representing fair market value, pro-rated taxes and recording fees to TRG Closing Services, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be necessary 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. Adopt the proposed Property Acquisition Resolution for Right-of-Way #1018-A (Main Street Milk, LLC), a partial take parcel necessary for the total reconstruction project from MP 99.00 to MP 109.00 by authorizing payment of \$24,300.00 representing estimated just compensation to Bruce E. Dice & Associates, PC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- g. Settlement of Right-of-Way #6502-B (Eileen M. Dickson and D&D Development Properties, LLC), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$19,369.77 representing settlement funds and pro-rated taxes to Buckley, Brion, Maguire & Morris, LLP, escrow agent; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release; authorize the payment of Section 710 damages as approved by the Right-of-Way Administrator and the Chief Counsel; and payment of the settlement funds to the Condemnees is contingent upon their execution and delivery of the Settlement Agreement and General Release as drafted and approved by the Legal Department;
- h. Adopt the proposed Property Acquisition Resolution for Right-of-Way #6539-B (The Township of Salford), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$9,100.00 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. Acquisition of Right-of-Way #14S031 (Leonard E. Robinson, Jr., Estate of David G. Robinson & Philip L. Robinson), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 by authorizing payment of \$883,614.75 representing fair market value, pro-rated taxes and recording fees to TRG Closing Services, 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;
- j. Acquisition of Right-of-Way #17748 (Elizabeth Ann Kinser), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$2,000.00 representing fair market value to Elizabeth Ann Kinser; authorize the appropriate Commission officials to execute the Temporary Construction Easement 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 Temporary Construction Easement as prepared by the Legal Department;
- k. Acquisition of Right-of-Way #1104-D (Patrick S. & Connie S. Will), a partial take parcel necessary for the total reconstruction project from MP 128.00 to MP 134.00 by authorizing payment of \$964.25 representing fair market value and pro-rated taxes to Patrick S. & Connie S. Will; 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 owners is contingent upon their delivery of a deed prepared by the Legal Department;

- I. Acquisition of Right-of-way #1092-C (Samuel G. Fochtman), a partial take parcel necessary for the total reconstruction project from MP 128.00 to MP 134.00 by authorizing payment of \$2,197.48 representing fair market value and pro-rated taxes to Samuel G. Fochtman; 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 his delivery of a deed prepared by the Legal Department.

-was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" through "d"; and approves increasing a currently advertised contract value:

- a. Two (2) open-end right-of-way acquisition services contracts for the Mon/Fayette Expressway, Rt. 51 to I-376, design Sections 53A, 53B and 53C;
- b. Right-of-Way acquisition service (open-end) for mainline projects;
- c. Environmental services systemwide;
- d. Increase the not-to-exceed amount for two (2) full service public outreach and involvement consulting contracts to support the Capital Plan (currently advertised and previously approved August 23, 2016; item F-4b); to increase the not-to-exceed amount to \$650,000.00 per contract.

-was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



PURCHASE ORDERS

Motion-That the Procurement Change Orders and the Issuance of Purchase Orders for the items listed in memos "a" through "g":

- a. Glass beads, exercising the option to renew the agreement for an additional year (December 1, 2016 – November 30, 2017) with Potters Industries, LLC; at a cost of \$160,000.00;
- b. Change Orders for the contracts for stone, slag and gravel aggregates (thru August 31, 2017) due to the need exceeding the estimate:

Hanson Aggregates	\$20,000.00	Homewood, Gibsonia, Searights, Greensburg, Harr City, Donegal, Jeff Hills
New Enterprise Stone & Lime	14,000.00	Somerset, Kegg, Everett, Burnt Cabins
Hempt Bros.	3,000.00	New Cumberland
Martin Limestone	4,000.00	Mt. Gretna
Highway Materials	5,000.00	Plymouth Meeting, Quakertown

Martin Stone Quarries	3,000.00	Quakertown
Eastern Industries	2,000.00	Slatington
Locust Ridge (H & K)	<u>1,000.00</u>	Pocono
TOTAL CHANGE ORDERS:	\$52,000.00	

- c. Trash and refuse removal services (January 1, 2017 – December 31, 2018), to the lowest responsive and responsible bidders:

Waste Management of PA	\$137,000.00	District 1
Weavers Sanitation Svc Inc.	59,000.00	District 2
Republic Services of PA	43,000.00	District 3
Waste Management of PA	83,000.00	District 4
Waste Management of PA	<u>43,000.00</u>	District 5
TOTAL AWARDS:	\$365,000.00, plus a contingency of \$91,250.00	

- d. Fifteen (15) 2017 Chevrolet Silverado 1500 4WD double cab trucks (Foreman’s trucks), utilizing the Commonwealth’s contract with Apple Automotive Group; at a total award of \$469,470.00;

- e. Change Orders for the agreements for electrical, general, HVAC and plumbing services (October 1, 2015 – September 30, 2017) increasing the value for projects related to drainage, stormwater and card-access at gates:

ELECTRICAL

TSB, Schultheis Electric	\$513,000.00	District 1
Clark Contractors	128,000.00	District 2

GENERAL

Clark Contractors	1,925,000.00	District 1
Clark Contractors	738,000.00	District 2
Clark Contractors	441,000.00	District 3
Clark Contractors	502,000.00	District 4
Clark Contractors	256,000.00	District 5

HVAC

McKamish, Inc.	132,000.00	District 1
MARC Service Inc.	86,000.00	District 2
eciService LLC	53,000.00	District 3
3B Services Inc.	131,000.00	District 4
3B Services Inc.	66,000.00	District 5

PLUMBING

Clark Contractors	452,000.00	District 1
Clark Contractors	139,000.00	District 2
Clark Contractors	69,000.00	District 3
Clark Contractors	108,000.00	District 4
Clark Contractors	<u>61,000.00</u>	District 5
TOTAL CHANGE ORDERS:	\$5,800,000.00	

- f. Mower parts, exercising the option to renew the agreements for an additional year (January 1, 2017 – December 31, 2017):

Montage Enterprises	\$100,000.00
Cherry Valley Tractor	40,000.00
Lacal Equipment	<u>5,000.00</u>
TOTAL RENEWAL:	\$145,000.00

- g. Microwave radio upgrade for multiple locations, Phase 3; utilizing the Commonwealth's contract with Alcatel-Lucent USA Inc.; at a total award of \$2,389,672.67.

-was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



AWARD OF CONTRACTS

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

- a. Contract #A-120.68S001-3-02 for the replacement of Bridge NB-709 at MP A120.68, to the lowest responsive and responsible bidder, Nyleve Bridge Corp.; at a not-to-exceed amount of \$5,362,758.78 and a contingency of \$250,000.00;
- b. Contract #A-057.66S002-3-02 for the replacement of Bridge NB-355 at MP A57.66, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$8,420,000.00 and a contingency of \$400,000.00;
- c. Contract #S-006.00X002-3-06 for construction of the Southern Beltway, Section 55A1, MP S5.08 to MP S8.81, to the lowest responsive and responsible bidder, Independence Excavating, Inc.; at a not-to-exceed amount of \$90,848,268.78 and a contingency of \$4,500,000.00;
- d. Contract #T-228.54S001-3-02 for the replacement of Bridge EB-103 at MP 228.54, to the lowest responsive and responsible bidder, Deblin, Inc.; at a not-to-exceed amount of \$15,374,359.92 and a contingency of \$750,000.00.

- was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



CHANGE ORDER

Motion-That the Commission approves Change Order #3 and Final Payment for Contract #T-255.00R002-3-02 for bituminous overlay between MP 254.87 and MP 263.01 with Hempt Bros., Inc. for a decrease of \$170,608.23 to balance items to actual work completed and a negotiated settlement; for a final contract value of \$10,240,427.50 and final amount due to the contractor of \$212,776.41- was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



STAFF AUGMENTATION

That the Commission approves an increase to the not-to-exceed amount for IT staff augmentation (through the Commonwealth’s contract), to acquire short term staffing resources to supplement staff vacancies and to fill difficult to find IT skillsets, from \$2,700,000.00 to \$2,961,000.00 through May 31, 2017-was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



APPROVAL OF PAYMENTS

That the Commission approves payment of the E-ZPass Interagency Group’s invoices for the items listed in memos “a” and “b”:

- a. 2017 E-ZPass Interagency Group’s (IAG) annual assessment for our participation in the E-ZPass Interagency Group, in the amount of \$75,000.00.
- b. E-ZPass Interagency Group’s (IAG) invoice for expenses incurred in supporting the backup Virtual Private Network (VPN), from August – September 2016, in the amount of \$1,542.88.

-was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, December 20, 2016 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania turnpike Commission be adjourned at 10:42 a.m. -was made by Commissioner Logan, seconded by Commissioner Drew, and passed unanimously.



PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

APPROVED BY:

Pasquale T. Deon, Sr.
Secretary Treasurer

ATTACHMENT:

Memo received from the Chief Counsel