

MINUTES OF THE COMMISSION MEETING HELD FEBRUARY 6, 2018

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 9:49 a.m. on February 6, 2018 at the Central Office located in Highspire, Pennsylvania.

Available via telephone were Leslie Richards, Chair; William K. Lieberman, Vice Chair; and Pasquale T. Deon, Sr., Commissioner. Present for the meeting were Barry Drew, Secretary Treasurer and John Wozniak, Commissioner.

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, Inc.; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Assistant Director of Toll Collection-Fares; Doreen McCall, Chief Counsel; Stacia A. Ritter, Esquire, Director of Policy and External Affairs; Robert Taylor, Chief Technology Officer and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others present were 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; Anna Marcella, Executive Administrative Assistant; Andrew Matseur, Human Resources Analyst; Gina M. Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Holly Smith, Senior Human Resources Specialist; Lynn Stakem, Senior General Accountant; Mark Strause, Technician of PC/Lan Systems; Eric Madden, JMT; Julie Stone, GPI; Chris Messner; GPI; Matthew Natale, JMT; and Pamela Conti, WSP USA.



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 lateral, promotions, terminations, new hires, vacancies and requests to post and fill positions in the Maintenance and Information Technology departments.

The Commissioners also discussed Docket Nos. 2017-PTC-M26-31P, 17-10772, and 2017-WC-3940, 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 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 January 17, 2017 be approved and filed as submitted - were made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS
POLICY LETTER

Motion-That the Commission adopts the proposed revisions to Policy 5.01, Employee Accident Review and Disciplinary Program, to expand the authority of the Board, and to update reporting and administrative procedures -was made by Commissioner Drew, seconded by Commissioner Deon, and approved unanimously.



AGREEMENTS

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

- a. Lease Agreement with Range Resources-Appalachia, LLC to permit Range Resources-Appalachia to lease 39.02 acres of Right-of-Way and surplus property in Washington County for the purpose of exploring, developing and producing oil and gas from the Utica Shale Formation;
- b. Reimbursement Agreement with PA American Water Company (PAWC), to reimburse PAWC partial cost for the required engineering and facility relocation work necessary for construction of the Southern Beltway, Section 55A2; at a not-to-exceed amount of \$376,250.00;
- c. Assignment Agreement with Ammann & Whitney PA, Inc. (A Berger Group Holdings, Inc. subsidiary) to assign its active contracts to Louis Berger U.S., Inc. due to restructuring;
- d. Assignment Agreement with The Louis Berger Group, Inc. to assign its active contracts to Louis Berger U.S., Inc. due to restructuring;
- e. Supplemental Agreement #1 with Penn State Facilities Engineering Institute for Accident and Illness Prevention Program (AIPP) assessments at PTC administration, fare collection, interchange, maintenance, laboratory, training and warehouse facilities, for an additional \$155,178.00 through May 31, 2022 for the annual escalation rate;
- f. Agreement with Digital Assurance Corporation (DAC) to serve as a dissemination agent to provide a comprehensive web-based solution to assist in providing initial and continuing financial and debt-related information to investors and potential investors; at an annual not-to-exceed amount of \$17,000.00;
- g. Settlement Agreement and Release with Harry Enggasser and authorize issuance of the worker’s compensation settlement payment;
- h. Interagency Reimbursement Agreement with Southeastern Pennsylvania Transportation Authority (SEPTA) for cost sharing of consultant services to recommend actions to support long-term sustainable funding for SEPTA; at a Commission not-to-exceed cost of \$262,585.08;

- i. Amendments to our agreements with Leidos and NTT Data for Geographic Information Systems (GIS) work order services; exercising the option to renew the agreements for an additional year; at a combined not-to-exceed amount of \$1,500,000.00;
- j. Agreement with 7-Eleven, Inc., to distribute E-ZPass Go Paks in the service plazas on the Pennsylvania Turnpike;
- k. Settlement Agreement and Release with Allan Myers, LP, and authorize payment of the settlement amount;
- l. Agreement with Ames & Gough to provide insurance advisory services for the P3 project; at a not-to-exceed amount of \$10,000.00.

-was made by Commissioner Drew, seconded by Commissioner Deon, 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. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14132 (Patrick L. Bianchin), a partial take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$52,600.00 representing estimated just compensation 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;
- b. Acquisition of Right-of-Way #6007-B (Estate of Hugh M. McNeill), a total take parcel necessary for the total reconstruction project from MP 298.00 to MP 302.00 (Bulltown Road Bridge) by authorizing payment of \$741,671.47 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 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 #17965-1 (George A. & Miriam M. Siders d/b/a M&G Construction; and Robert C. Patterson), a total take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$1,400.00 representing moving costs to Robert C. Patterson; authorize the appropriate Commission officials to execute the Settlement Agreement and other documents that may be required; 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 #14081-RC (Joseph W. & Erica L. Salmond), a partial take parcel necessary for the total reconstruction project from MP 53.00 to MP 57.00 by authorizing payment of \$1,029.00 representing fair market value and pro-rated taxes to Joseph W. & Erica L. Salmond; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #14002-A (Baierl Chevrolet, Inc.), a partial take parcel necessary for the total reconstruction project from MP 28.00 to MP 31.00 by authorizing payment of \$9,111.00 representing fair market value and pro-rated taxes to Baierl Chevrolet, Inc.; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that 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 the delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #14083-A2 (American Legion Post 980, Inc.), a partial take parcel necessary for the total reconstruction project from MP 53.00 to MP 57.00 by authorizing payment of \$11,934.01 representing fair market value and non-residential move costs to American Legion Post 980, Inc.; authorize the appropriate Commission officials to execute the Temporary Construction Easement and other documents that 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 the delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #14008-H (James G. & Martha G. Ward as Trustee of the Ward Family Trust), a partial take parcel necessary for the total reconstruction project from MP 28.00 to MP 31.00 by authorizing payment of \$10,150.00 representing fair market value and pro-rated taxes to the Ward Family Trust; 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;
- h. Acquisition of Right-of-Way #3357-B (Lisburn Devco I, LP), a partial take parcel necessary for the replacement of Bridge EB-117 at MP 238.09 by authorizing payment of \$10,000.00 representing fair market value to Lisburn Devco I, LP; 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 owner is contingent upon its delivery of an executed Temporary Construction Easement as prepared by the Legal Department;

- i. Settlement of Right-of-Way #14079-RH (Todd M. & Debra A. McKillop), a total take parcel necessary for the replacement of Bridge WB-452 at MP 52.36 by authorizing payment of \$174,150.31 representing fair market value, pro-rated taxes, recording fees, replacement housing supplement and closing costs to ARROW Land Services, 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;
- j. Settlement of Right-of-Way #14079-RL (John K. & Kara L. Marshalek), a total take parcel necessary for the replacement of Bridge WB-452 at MP 52.36 by authorizing payment of \$78,831.66 representing fair market value, pro-rated taxes and recording fees to ARROW Land Services, LLC escrow agent, and issue payment of \$58,492.00 representing replacement housing supplement and closing costs to Robert A. Felkay, Esquire, 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;
- k. Acquisition of Right-of-Way #14000-F (CW Development, LP), a partial take parcel necessary for the total reconstruction project from MP 28.00 to MP 31.00 by authorizing payment of \$5,887.00 representing fair market value and pro-rated taxes to CW Development, LP; 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 their delivery of a deed prepared by the Legal Department;
- l. Settlement of Right-of-Way #14126 (James J. & Cheryl L. Bowman and Big Sand Drilling Company), a partial take parcel necessary for construction of the Southern Beltway by authorizing the appropriate Commission officials to execute the "New Stream Option Agreement" as prepared by the Legal Department; and authorize the execution of any other documents required to implement the option, if necessary, including the execution of a deed as prepared by the Legal Department.

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



ADVERTISING

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

- a. Financial Swap advisory services;
- b. Contract #S-006.00X002-3-14 for construction of cashless tolling SR 0576, Section 55T, between MP S6.11 and MP S13.80;

- c. Property Management services for property/structures impacted by construction of the Mon/Fayette Expressway, Rt. 51 to I-376.

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



PURCHASE ORDER

Motion-That the Commission approves the Change Order and the Issuance of a Purchase Order for hazardous and residual waste removal with Clean Venture, Inc., for removal of contaminated soil near the Carlisle Interchange, at a cost of \$58,942.80-was made by Commissioner Drew, 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 "h":

- a. Contract #EN-00224-03-02 for roadway and miscellaneous repairs along Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66, to the lowest responsive and responsible bidder, The Lane Construction Corporation; at a not-to-exceed amount of \$4,000,000.00;
- b. Contract #EN-00224-03-04 for roadway and miscellaneous repairs between MP 122.18 and MP 201.58, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$4,000,000.00;
- c. Contract #EN-00224-03-06 for roadway and miscellaneous repairs between MP 299.98 and MP 358.11 and between MP A20.00 and MP A57.22, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$5,000,000.00;
- d. Contract #EN-00224-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.18, to the lowest responsive and responsible bidder, The Lane Construction Corporation; at a not-to-exceed amount of \$5,000,000.00;
- e. Contract #EN-00224-03-05 for roadway and miscellaneous repairs between MP 201.58 and MP 299.98, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$4,000,000.00;
- f. Contract #EN-00224-03-07 for roadway and miscellaneous repairs between MP A57.22 and MP A130.64, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$4,500,000.00;

- g. Contract #EN-00165-03-02 for the installation of signs between MP 0.00 and MP 245.75, Toll I-376, Turnpike 66, Turnpike 43 and Turnpike 576, to the lowest responsive and responsible bidder, Allison Park Contractors, Inc.; at a not-to-exceed amount of \$2,000,000.00;
- h. Contract #EN-00165-03-03 for the installation of signs between MP 245.75 and MP 359.00 and between MP A20.00 and MP A131.00, to the lowest responsive and responsible bidder, Allison Park Contractors, Inc.; at a not-to-exceed amount of \$2,000,000.00.

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



IAG PAYMENT

Motion-That the Commission approves payment of the E-ZPass Interagency Group's (IAG) invoice for expenses incurred in supporting the backup Virtual Private Network (VPN), from July - December 2017, in the amount of \$2,413.31-was made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously.



SUPPLEMENT

Motion-That the Commission approve the negotiation and execution of Supplemental #1 for full depth roadway reconstruction from MP 28.00 to MP 31.00 with ms consultants, inc., for an additional \$3,500,000.00 to fund the final design and provide post design services during construction; for a revised not-to-exceed amount of \$11,500,000.00-was made by Commissioner Drew, 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 firm for the items listed in memos "a" through "c":

- a. T00082, open-end construction inspection services-West:
 - T.W. Consultants, Inc.-AWARDED
 - ALCM, LLC
 - Erdman, Anthony, Associates, Inc.

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

- b. T00084, open-end coating consultant services, systemwide:
 - KTA-Tator, Inc.-AWARDED
 - Greenman-Pedersen, Inc.

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

c. T00085, construction management services for the Mon/Fayette Expressway Expansion projects from PA 51 to PA 837:

- Johnson, Mirmiran & Thompson, Inc.-AWARDED

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



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, February 20, 2018 beginning at 1:30 p.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:01 a.m. -was made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Barry Drew
Secretary Treasurer