

MINUTES OF THE COMMISSION MEETING HELD FEBRUARY 16, 2010

A formal meeting of The Pennsylvania Turnpike Commission convened at 10:50 a.m., February 16, 2010 at the Central Office, Pennsylvania Turnpike Commission located in Highspire, Pennsylvania. Present for the meeting were J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and A. Michael Pratt, Commissioner. Available via phone was Allen D. Biehler, P.E., Chairman/Secretary of Transportation.

Others present for the meeting were Joseph G. Brimmeier, Chief Executive Officer; Rich DiPiero, Director of Fare Collection; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Nikolaus Grieshaber, Chief Financial Officer; Michael P. Haney, Director of Maintenance; Jeffrey L. Hess, Director of Operations/Projects-West; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; Jeffrey J. Mesaric, Chief Information Officer; Valerie J. Payne, Director of Administration; Craig Shuey, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Michael D. Begler, Director of Operations Review; Carl E. Defebo, Jr., Manager of Public Information-East; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Assistant; Anthony L. Maniscola, Special Investigator; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN; Patricia F. Schlegel, Director of Human Resources; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Mike Ryan, Michael Baker, Jr. Inc and John Kurgan, Michael Baker, Jr., Inc.



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



SUNSHINE ANNOUNCEMENT

MS. EDMUNDS: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED TERMINATIONS, PROMOTIONS, NEW HIRES, VACANCIES, A REQUEST TO POST AND FILL A POSITION IN THE OPERATIONS AUDIT DEPARTMENT AND A REQUEST TO APPROVE THE SUMMER EMPLOYMENT PROGRAM.

THE COMMISSIONERS ALSO ENGAGED IN NON-DELIBERATIVE INFORMATIONAL DISCUSSIONS, REGARDING VARIOUS ACTIONS AND MATTERS, WHICH HAVE BEEN APPROVED AT PREVIOUS PUBLIC MEETINGS.



MINUTES OF MEETING

Motion - That the Minutes of the meeting held February 2, 2010 be approved and filed – was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



COMMUNICATIONS

Motion – That the Commission accepts and files the memos received from the Chief Counsel and the Manager of Procurement and Material Management– was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PERSONNEL

Motion – That the Commission approves the Personnel as submitted – was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



UNFINISHED BUSINESS

There was no Unfinished Business to discuss.



NEW BUSINESS

Reinvestments, Liquidations and Purchase of Securities

Upon the motion by Mr. Lincoln, seconded by Mr. Deon, the following Resolution was presented for adoption:

RESOLUTION

BE IT RESOLVED that the Pennsylvania Turnpike Commission hereby ratifies the action of the Investment Analyst, with the approval of the Chief Executive Officer and the Consulting Engineer, in directing the Trustee to make the foregoing reinvestments, liquidations and purchases; and

BE IT FURTHER RESOLVED that copies of the Resolution certified by the Assistant Secretary and Treasurer shall be forwarded to the Trustee as required in Article VI, Section 602 of the 2001 Amended and Restated Trust Indenture.

The following members voted yea: Commissioners Biehler, Lincoln, Deon and Pratt. The motion passed.



AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Amendments, an Environmental Covenant and an Agreement for the items listed in memos "a" through "d":

- a. Amendment to our agreement with Image API, Inc. for maintenance and support of OnBase Electronic Document Management System; exercising our first option to extend the agreement for an additional year;
- b. Amendment to our agreement with Travel Boards, Inc. for the food and fuel logo program, to including administering the program from Valley Forge Interchange to Delaware Valley Interchange (east bound only);
- c. Environmental Covenant with the PA Department of Environmental Protection (PADEP) limiting the use of the Mt. Gretna Maintenance Facility;
- d. Agreement with Cecil Township Police Department to permit them to use some of the homes acquired on the Southern Beltway project for police training.

-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



RIGHT-OF-WAY REQUESTS

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

- a. Authorize the acquisition of Right-of-Way #17661, a total take parcel, necessary for construction of the Southern Beltway, by issuing a check in the amount of \$134,722.14, payable to Coon and Company, Escrow Agent; representing fair market value, prorated taxes, recording fees and Section 710 damages; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
- b. Authorize a quit claim deed extinguishing Interstate Waste Services interest in Parcel 99A, necessary for the total reconstruction project from MP 199.00 to MP 227.00, by issuing a check in the amount of \$500.00, payable to Interstate Waste Services; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment to Interstate Waste Services is contingent upon their delivery of a quit claim deed prepared by the Legal Department;

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- c. Authorize the settlement of Right-of-Way #14033-B, a partial take parcel, previously approved at the August 14, 2007 Commission Meeting (item G-3f), by issuing a check in the amount of \$5,000.00 representing settlement, payable to Atlantic Coast Partners;
- d. Adopt the proposed Property Acquisition Resolution for Right-of-Way #3176-G, a partial take parcel, necessary for the total reconstruction project from MP 199.00 to MP 227.00; authorize payment of Estimated Just Compensation in the amount of \$45,000.00 payable to Stevens & Lee, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;
- e. Adopt the proposed Property Acquisition Resolution for Right-of-Way #6070-RA, a partial take parcel, necessary for Bridge EB-735 replacement project; authorize payment of Estimated Just Compensation in the amount of \$15,000.00 payable to Buckley, Brion, McGuire, Morris & Sommer, LLP, Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;
- f. Authorize the settlement of Right-of-Way #3111-J, a partial take parcel, previously approved at the October 6, 2009 Commission Meeting (item F-3d), by issuing a check in the amount of \$75,400.00 payable to Stevens & Lee, P.C., Escrow Agent; authorize the appropriate Commission officials to execute the post condemnation settlement and release, and authorize the payment of settlement funds to the property owner is contingent upon their execution and delivery of a post condemnation settlement and release;
- g. Authorize the acquisition of Right-of-Way #3141-B, a parcel take parcel, necessary for the total reconstruction project from MP 199.00 to MP 227.00, by issuing a check in the amount of \$10,048.50, representing fair market value and prorated taxes, payable to Jack C. and Wilma M. Rolar; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
- h. Authorize the acquisition of Right-of-Way #3131-D, a partial take parcel, necessary for the total reconstruction project from MP 199.00 to MP 227.00, by issuing a check in the amount of \$761.25, representing fair market value and prorated taxes, payable to Shippensburg University Foundation; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;

- i. Authorize the acquisition of Right-of-Way #3136-A, a partial take parcel, necessary for the total reconstruction project from MP 199.00 to MP 227.00, by issuing a check in the amount of \$20,202.50, representing fair market value and prorated taxes, payable to Coon & Company, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon their delivery of a deed prepared by the Legal Department.

-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



ISSUE RFP'S and ADVERTISE

Motion-That the Commission approves the issuance of two RFP's listed in memos "a" and "b"; and approve the advertising, preparation and execution of agreements for the items listed in memos "c" and "d":

- a. RFP for an authorized service provider in District 4 for coverage from MP 333.10 to MP 359.10 and MP A20.00 to MP A30.00;
- b. RFP for attestation of retiree prescription drug coverage to be effective upon award, for a three-year period, with 2 one-year renewable extensions;
- c. Advertise for two (2) engineering firms for open-end design engineering-related services systemwide; and authorize the preparation and execution of these agreements;
- d. Advertise for an engineering firm to perform open-end geotechnical services systemwide; and authorize the preparation and execution of this agreement.

-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



PAYMENT

Motion-That the Commission approves payment of an additional assessment fee for the Lightman Allocation Trust Account and authorizes the issuance of a check in the amount of \$3,000.00 payable to Latsha Davis Yohe & McKenna, P.C Trust Account-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contract #T-315.87S001-3-02 for the replacement of Bridge EB-728 at MP 315.87, to the lowest responsive and responsible bidder, Nyleve Bridge Corp., at a total award of \$4,014,750.20; with a contingency amount of \$200,000.00-was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



Items Added to the Formal Agenda

FINAL SELECTION

Motion-That the Commission approves the consultant selection recommendation from the Technical Review Committee and authorize the negotiation and execution of a contract with the first firm listed to provide a study phase, preliminary and final design services of the Pittsburgh Interchange rehabilitation project; at a not-to-exceed amount of \$3,000,000.00 or three (3) years whichever occurs first:

Reference #1-149
GAI Consultants, Inc.
Gannett Fleming, Inc.
AECOM, Inc.

-was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



CHANGE ORDER AND FINAL PAYMENT

Motion-That the Commission approves Change Order #1 and Final Payment for Contract #T-273.97S001-3-02 with Kinsley Construction Co. Inc. for rehabilitation of six bridges between MP 273.97 and MP 277.88; for an increase of \$88,847.39, making the final contract value \$1,151,617.39, and the final amount due of \$163,040.43-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



RESOLUTION

MR. BRIMMEIER: Commissioners, I would like to take this opportunity to ask you to pass a Resolution in light of what we just went through last week and a half with this weather. The Resolution acknowledges the tremendous job that our maintenance people did, our operations people-the people that sit downstairs and man the radios and coordinate all the dispatching that needs to be done, EMS and towing. Also I would like to recognize our towing services, particularly in light of last Sunday, we had a disaster in

which one of the towing services, Weavertown Towing, when one of their employees was killed when a trailer truck ran into his towing vehicle while he was hooking up a car from a three car accident. I would like to read this so that we can honor these people that actually risked their life in those snow storms.

RESOLUTION

WHEREAS, between February 5 and February 10, 2010, a series of winter storms pounded the Commonwealth of Pennsylvania with record snowfall amounts, making road conditions treacherous and resulting in numerous road closures across our nation's Northeast and Mid-Atlantic regions; and

WHEREAS, during these extreme weather conditions, the Pennsylvania Turnpike's maintenance workers, radio dispatchers, first responders, PSP Troop T, and other safety and response personnel worked relentlessly, showing their enduring commitment to fulfilling the Pennsylvania Turnpike Commission's mission of operating a safe and reliable toll-road system; and

WHEREAS, these selfless, dedicated employees, troopers and contractors confronted whatever challenges came, battling deep snow, high winds, ice and drifting — responding to an unparalleled number of incidents and accident reports statewide;

NOW, THEREFORE, BE IT RESOLVED that the Pennsylvania Turnpike Commission hereby honors the devoted men and women of our Maintenance, Safety & Operations and Administrative Services Departments for their heroic performance in extreme and unprecedented weather conditions during these snowstorms.

BE IT FURTHER RESOLVED that the Pennsylvania Turnpike Commission hereby recognizes the devoted men and women who represent PSP Troop T and the Commission's contracted emergency service providers — fire, EMS and authorized service — who provided timely and effective response to hundreds of incidents and accidents and helped to clear the scene and quickly reopen the highway for the safety of all travelers.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to these valued employees and contractors as an expression of the Commission's gratitude for a job well done under severe and challenging circumstances.

-was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



NEXT MEETING

MS. EDMUNDS: The next Commission Meeting will be held Wednesday, March 3, 2010.



ADJOURNMENT

MS. EDMUNDS: Commissioners, I have no other items for consideration, if you have nothing further, I request a motion for adjournment.

Motion – That this meeting of The Pennsylvania Turnpike Commission be adjourned at 10:58 a.m. - was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

02-16-10

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL AND
MANAGER OF PROCURMENT AND MATERIAL MANAGEMENT