

MINUTES OF THE COMMISSION MEETING HELD FEBRUARY 21, 2012

A formal meeting of the Pennsylvania Turnpike Commission convened at 12:39 p.m., February 21, 2012 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esq., Vice Chairman; J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Barry J. Schoch, P.E., Secretary of Transportation.

Others present for the meeting were Roger E. Nutt, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; William J. Capone, Chief of Communications and Public Relations; Richard DiPiero, Director of Fare Collection; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Todd S. Garrison, Director of Maintenance; Nikolaus Grieshaber, Chief Financial Officer; Jeffrey L. Hess, Director of Operations/Projects-West; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity & Inclusion; Joseph P. Suess, Acting Chief Information Officer; Stacia A. Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Michael D. Begler, Director of Operations Review; Susan Carson-Casoni, Cash Manager; John Christensen, Manager of FEMO; Kelly Decker, Attorney 4; Carl DeFebo, Jr., Manager of Public Information-East; Derek S. Hansel, Assistant Chief Financial Officer; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Office Assistant; Anthony L. Maniscola, Inspector General; Jeffrey A. Naugle, Manager of Treasury Operations; Catherine L. Sabo, Senior General Accountant; Lynn Stakem, General Accountant; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Dean Kohr, Atkins; Robert Bistine, HNTB; Yasamin Gramian, HNTB; Richard Stees, Erdman Anthony; JJ Eden, AECOM/ATI; Phil Glick, ECBM; Kim Stank, Zelenkofske Axelrod; Pat Kirk, Zelenkofske Axelrod and Corey Troutman, Zelenkofske Axelrod.

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

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

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SUNSHINE ANNOUNCEMENT

MS. EDMUNDS: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED A RECLASSIFICATION, PROMOTIONS, NEW HIRES, VACANCIES, THE

SUMMER PROGRAM AND REQUESTS TO CREATE, POST AND FILL AND TO POST AND FILL POSITIONS IN THE MAINTENANCE, ENGINEERING AND FINANCE AND ADMINISTRATION DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED Trumbull v. PTC (Docket No. 3997) and ENGAGED IN NON-DELIBERATIVE INFORMATIONAL DISCUSSIONS REGARDING VARIOUS ACTIONS AND MATTERS, WHICH HAVE BEEN APPROVED AT PREVIOUS PUBLIC MEETINGS.

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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, EFFICIENT, EFFECTIVE AND DIGNIFIED MEETING, ALL PERSONS WISHING TO ADDRESS THE COMMISSION SHOULD HAVE SIGNED IN AND REQUESTED TIME TO SPEAK. IF YOU HAVE NOT DONE SO, YOU ARE INVITED TO DO SO.

COMMISSIONERS, WE HAVE NO REQUESTS TO ADDRESS THE COMMISSION. AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF.

DEAN KOHR, ATKINS  
ROBERT BISTINE, HNTB  
YASAMIN GRAMIAN, HNTB  
RICHARD STEES, ERDMAN ANTHONY  
JJ EDEN, AECOM/ATI  
PHIL GLICK, ECBM  
KIM STANK, ZELENKOFKSKE AXELROD  
PAT KIRK, ZELENKOFKSKE AXELROD  
COREY TROUTMAN, ZELENKOFKSKE AXELROD.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held February 7, 2012 be approved and filed as amended-was made by Commissioner Lincoln seconded by Commissioner Schoch; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memos received from the Chief Counsel and the Manager of Strategic Sourcing and Asset Management-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS

Motion-That the Commission approves reimbursement payment to the E-ZPass Interagency Group (IAG) for expenses incurred in supporting the backup Virtual Private Network Connection, from July through December 2011, in the amount of \$4,634.40-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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AGREEMENTS

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

- a. Agreement with PECO Energy Co. for the Commission to install electric conduits necessary for the I-95/I-276 Interchange Project (Ford Road); at a not-to-exceed amount of \$107,840.00;
- b. Reimbursement Agreement with PECO Energy Co. for PECO to reimburse the Commission the cost to install a new gas line necessary for the I-95/I-276 Interchange Project (Ford Road); at a not-to-exceed amount of \$76,737.00;

-was made by Commissioner Lincoln, and seconded by Commissioner Deon; Commissioner Pratt abstained.

VICE CHAIRMAN PRATT: MR. CHAIRMAN: I ABSTAIN ON THE BASIS THAT THE COMPANY SET FORTH IN THESE AGENDA ITEMS IS A CLIENT OF THE FIRM OF WHICH I AM A PARTNER. I ASK THAT THE SECRETARY PLEASE HAVE THE MINUTES OF THE MEETING REFLECT MY ABSTENTION ON THIS VOTE.

Motion-That the Commission approves the negotiation and execution of the Agreements and Supplemental Agreement for the items listed in memos "c" through "f":

- c. Reimbursement Agreement with Verizon for Verizon to reimburse the Commission the cost to install conduit necessary for the I-95/I-276 Interchange Project (Ford Road); at a not-to-exceed amount of \$98,000.00;
- d. Supplemental Agreement with the Municipal Authority of the Borough of West View for facility relocation work necessary for the total reconstruction project from MP 31.00 to MP 40.00; for an increase of \$17,284.28, increasing the not-to-exceed amount to \$107,284.28 due to additional labor and material costs;
- e. Supplemental Agreement with EA Maps, LLC for open-end mapping services; for an increase of \$500,000.00, increasing the not-to-exceed amount to \$1,400,000.00 to support the enhanced Capital Plan;

- f. Reimbursement Agreement with CSX Railroad to reimburse the Railroad the costs to perform protective services and engineering costs due to the total reconstruction project from MP A20.00 to MP A26.00; at a not-to-exceed amount of \$250,000.00.

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

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#### RIGHT-OF-WAY REQUEST

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

- a. Approve the execution of a Declaration of Restrictive Covenants for Conservation, for the wetland mitigation site in Middletown Township, Bucks County; and authorize the appropriate Commission officials to execute the necessary documents as prepared by the Legal Department;
- b. Authorize the settlement of Right-of-Way #6070-RA, a partial take parcel, necessary for the replacement of Bridge EB-735; by issuing payment in the amount of \$21,250.00, payable to Buckley, Brion, McGuire, Morris & Sommer, LLP; representing the difference between the Board of Viewers' award and estimated just compensation previously paid; authorize the appropriate Commission officials to execute the settlement agreement and other documents necessary for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of settlement amount to the property owners will complete this condemnation;
- c. Authorize the acquisition of Right-of-Way #12035-RB1, a total take parcel, necessary for the Beaver River Bridge Replacement Project; by issuing payment in the amount of \$77,659.89, payable to McClain, Young & Patterson, Escrow Agent; representing fair market value, pro-rated taxes and estimated closing costs; authorize the appropriate Commission officials to execute the agreement of sale and other documents necessary for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- d. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6497-B, a partial take parcel necessary for the replacement of Bridge NB-150 and Bridge NB-152; authorize payment of the Estimated Just Compensation in the amount of \$7,200.00; and authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer;
- e. Authorize the acquisition of Right-of-Way #14217-H, a partial take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; by issuing payment in the amount of \$108,024.20, payable to Nathan Zarichnak and Associates, LLC, Escrow Agent; representing fair market value, pro-rated taxes and recording fees; authorize the appropriate Commission officials to execute the agreement of sale and other documents necessary for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; 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. Authorize the acquisition of Right-of-Way #14204-B, a total take parcel, necessary for the total reconstruction project from MP 40.00 to MP 48.00; by issuing the following payments:
  - a. Nathan Zarichnak & Associates, LLC-\$121,188.46
  - b. Sure Settlement LLC-\$83,847.94
  - c. BrickKicker Home Inspection-\$588.00

Representing fair market value, pro-rated taxes, recording fees, housing supplement, estimated closing costs and home inspection costs; authorize the appropriate Commission officials to execute the agreement of sale and other documents necessary for closing; authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the relocation damages to the property owner is contingent upon the closing of replacement housing.

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

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ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" and "b":

- a. Retention of a firm to perform facilities engineering and construction related commissioning services, systemwide. Commissioning Services will be utilized to ensure efficient functionality of building equipment and systems.
- b. Financial Institution(s) to provide banking and cash management services.

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

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AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos "a" and "b":

- a. Blue Mountain, Kittatinny and Tuscarora Tunnels control system preventative maintenance contracts (January 1, 2012-May 31, 2016), to Optimum Controls Corporation; at a total award of \$714,000.00;
- b. Change Order to the purchase order for herbicides to cover the period February 1, 2011-March 31, 2012:

	<u>Change Order</u>
Arborcheum Products Co.	\$60,000.00
Crop Production Services	\$15,500.00
CWC Chemical, Inc.	\$12,000.00
Helena Chemical Co.	<u>\$10,000.00</u>
TOTAL CHANGE ORDER:	\$97,500.00

-was made by Commission Lincoln, seconded by Commissioner Deon; the passed unanimously.

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### AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contract #T-355.00P001-3-06 for the replacement of Bridge DB-229 at MP 352.36, to the lowest responsive and responsible bidder, Driscoll Construction Co., Inc.; at a total award of \$7,668,620.25 and a contingency of \$300,000.00- was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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### SUPPLEMENTAL AGREEMENTS

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

- a. Supplemental Agreement #1 with URS for additional construction inspection and construction management for the rehabilitation project at MP 266.67, for an additional \$300,000.00;
- b. Supplemental Agreement #3 with SAI Consulting Engineers, Inc. for design management services for the total reconstruction projects from MP 31.00-38.00, MP 67.00-75.00 and MP 199.00-227.00; for an additional \$3,000,000.00, necessary due to additional work and scope changes in the MP 31-38, and MP 67-75 total reconstruction projects involving the oversight and coordination of utility relocations, environmental activities, and roadway washouts and undermining issues caused by the heavy rainfall in 2011; and to continue design management activities during the construction phases of these projects. In addition, three mainline reconstruction sections in the MP 199-227 total reconstruction corridor are in final design process and will require SAI to continue design management services including additional open-end drilling through 2016 when the projects are anticipated to be completed;
- c. Supplemental Agreement #3 with Urban Engineers, Inc. for design services for the total reconstruction project from MP A20.00 to MP A30.00; for an additional \$6,000,000.00, necessary due to changes in design and regulatory requirements, including stormwater management, noise analysis and remediation and environmental remediation and permitting;
- d. Supplemental Agreement #1 with The Temple Group for open-end construction inspection services-east; for an additional \$1,500,000.00, necessary for additional inspection services;
- e. Supplemental Agreement #1 with Johnson, Mirmiran, & Thompson, Inc. for design services for the total reconstruction project from MP 128.00 to MP 134.00; for an additional \$11,300,000.00, to restart the project as part of the Enhanced Capital Plan.

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

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CHANGE ORDERS AND CHANGE ORDERS & FINAL PAYMENTS

Motion-That the Commission approves the Change Orders and Change Orders/Final Payments for the items listed in memos "a" through "e":

- a. Change Order #1 and Final Payment for Contract #T-099.00R001-3-02 with New Enterprise Stone & Lime, Inc. for bituminous overlay between MP 99.08 and MP 101.70 and shoulder and median rehabilitation between MP 93.98 and MP 99.20; for a decrease of \$265,806.37; making the final contract value \$4,545,096.54, and a final amount due to the contractor of \$549,821.43;
- b. Change Order #2 and Final Payment for Contract #EN-00097-03-04 with Road-Con, Inc. for roadway and miscellaneous repairs between MP A20.00 and MP A130.30, for a decrease of \$137,383.13; making the final contract value \$1,071,409.04 and a final amount due to the contractor of \$21,428.18;
- c. Change Order #1 for Contract #T-292.00R001-3-02 with Reading Site Contractors for bituminous overlay between MP 292.00 and MP 299.30, for an increase of \$424,842.03; necessary for quantity adjustments for binder and wearing courses, pavement base drain, pavement markers, inlet repairs and price adjustment for asphalt materials;
- d. Change Order #1 for Contract #A-020.00T02-3-04 with James D. Morrissey for wetland mitigation at Norristown Farm Park, for an increase of \$284,763.74; necessary for an alternate waste site, grading to waste site, pot hole repairs, waterline repairs, additional surveying and additional topsoil;
- e. Change Order #11 and Final Payment for Contract #M-015.30X001-3 with New Enterprise Stone and Lime Co., Inc. for construction of Section 51F of the Mon/Fayette Expressway, for an increase of \$48,907.65; making the final contract value \$66,652,320.00 and a final amount due to the contractor of \$447,846.37.

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

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ITEM ADDED TO THE FORMAL AGENDA

PURCHASE ORDER

Motion-That the Commission approves the Issuance of a Purchase Order to retrofit the attenuators at Pocono Interchange, to M H Corbin; at a total award of \$100,890.00-was made by Commissioner Lincoln, seconded by Commission Deon; and passed unanimously.

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RENAMING THE PLAINFIELD SERVICE PLAZA

Motion-That the Commission approves renaming the Plainfield Service Plaza to the Cumberland Valley Service Plaza-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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NEXT MEETING

MS. EDMUNDS: I HAVE NO FURTHER ITEMS FOR CONSIDERATION FOR TODAY'S MEETING. THE NEXT FORMAL COMMISSION MEETING WILL BE HELD ON TUESDAY, MARCH 6, 2012 BEGINNING AT 10:00 A.M.

ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 12:45 p.m.-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

02-21-12

APPROVED BY:

J. William Lincoln  
Secretary Treasurer



ATTACHMENT NUMBER 1  
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL