

MINUTES OF THE COMMISSION MEETING HELD APRIL 5, 2011

A formal meeting of the Pennsylvania Turnpike Commission convened at 12:06 p.m., April 5, 2011 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Vice-Chairman; J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Barry J. Schoch, P.E., Acting Secretary of Transportation.

Others present for the meeting were Roger E. Nutt, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Robert F. Brady, Director of Operations/Projects-East; Richard S. 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; Joe Suess, Acting Chief Informational Officer and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Michael D. Begler, Director of Operations Review; William J. Capone, Director of Communications/Public Relations; John Christensen, Manager of Facilities & Energy Management Operations; Susan Carson-Casoni, Cash Manager; 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; Anthony Q. Maun, Director of Accounting; Jeffrey A. Naugle, Manager of Treasury Operations; Cathy Sabo, Sr. General Accountant; Patricia F. Schlegel, Director of Human Resources; Mark Strause, Technician of PC/LAN; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Kathy Thomas, Administrative Secretary; Kathy Bruder, Governor's Office; Denny Semsick, GAI Consultants; Don Spaeder, GAI Consultant and Mike Ryan, Michael Baker, Jr., Inc.

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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 present.

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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 PROMOTION, NEW HIRES, VACANCIES AND REQUESTS TO REORGANIZE;

TO POST AND FILL; TO ABOLISH; AND TO CREATE AND FILL POSITIONS IN THE FINANCE AND ADMINISTRATION, MAINTENANCE, LEGAL AND FACILITIES AND ENERGY MANAGEMENT DEPARTMENTS, WESTERN REGIONAL OFFICE, AND EXECUTIVE OFFICE.

THE COMMISSIONERS ALSO DISCUSSED DOCKET NO. 00494 AND POLICY 6.4 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.

KATHY BRUDER, GOVERNOR'S OFFICE
RAY SCHILLING, GAI CONSULTANTS
DON SPAEDER, GAI CONSULTANTS
MIKE RYAN, MICHAEL BAKER JR., INC.

MS. EDMUNDS: THIS CONCLUDES THE PUBLIC COMMENT SECTION OF THE MEETING.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held March 15, 2011 be approved and filed-was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memo received from the Chief Counsel-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 amended-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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NEW BUSINESS

Reinvestments, Liquidations and Purchase of Securities

Upon the motion by Commissioner Lincoln, seconded by Commissioners Deon, the following Resolution was presented for adoption:

RESOLUTION

BE IT RESOLVED that The Pennsylvania Turnpike Commission hereby ratifies the action of the Assistant Chief Financial Officer, 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 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 Lieberman, Pratt, Lincoln, Deon and Schoch; the motion passed unanimously.

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AGREEMENT

Motion-That the Commission approves the negotiation and execution of a Supplemental Agreement with Verizon PA, Inc. for the relocation of cable lines necessary for the construction of the westbound access ramp at MP 15.90, for an additional \$1,716.11; increasing the not-to-exceed amount to \$10,060.72-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 "g":

- a. Authorize the acquisition of Right-of-Way #1A010-H, a drainage easement, necessary for the total reconstruction project from MP 67.00 to MP 75.00; by issuing payment in the amount of \$1,000.00 payable to Sandra L. Pietrusza; representing fair market value; 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 Operating Officer or delegate; and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;

- b. Approve the preparation and execution of a written indemnification agreement between the Commission and Allegheny Township for the access ramp at MP 127.90WB that connects to a township road;
- c. Authorize the acquisition of Right-of-Way #14211-RA, a temporary construction easement, necessary for the total reconstruction project from MP 40.00 to MP 48.00; by issuing payment in the amount of \$700.00 payable to C.E. Holden; and the appropriate Commission officials to execute the temporary construction easement;
- d. Approve settlement of Right-of-Way #14008-AA, a partial take parcel, necessary for the total reconstruction project from MP 31.00 to MP 38.00; by issuing settlement payment in the amount of \$15,000.00 payable to Hollinshead, Mendelson, Bresnahan & Nixon, P.C.;
- e. Authorize the acquisition of Right-of-Way #8995-R01, a partial take parcel, necessary for the Rt. 903 Slip Ramp project; by issuing payment in the amount of \$3,420.55 payable to Edward J. Moyer, representing fair market value and pro-rated taxes; 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 Operating Officer or delegate; and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
- f. Authorize the acquisition of Right-of-Way #17753, a total take parcel, necessary for construction of the Southern Beltway project; by issuing payment in the amount of \$207,366.32, payable to Nathan J. Zarichnak and Associates, LLC, Escrow Agent; representing fair market value, pro-rated taxes, recording fees and moving costs; 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 Operating Officer or delegate; and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
- g. Authorize the acquisition of Right-of-Way #14069-C, a temporary construction easement, necessary for the total reconstruction project from MP 40.00 to MP 48.00; by issuing the following payments for fair market value:
 - \$250.00 to Leonard R. Constantini, III
 - \$250.00 to Georgette P. Constantiniauthorize the appropriate Commission officials to execute the temporary construction easement; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Operating Officer or delegate; and payment of the fair market value to the property owners is contingent upon the delivery of a deed prepared by the Legal Department.

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

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APPROVE ADVERTISING

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

- a. Authorized Service Provider for coverage from MP 24.90 to MP 49.30;

- b. Authorized Service Provider for coverage from MP A75.90 to MP A94.40;
- c. Authorized Service Provider for coverage from MP A94.50 to MP A130.60.

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

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AWARD OF BIDS, A CHANGE ORDER & THE 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" through "c":

- a. Blade PCs for the Traffic Operations Center at the TIP building utilizing the Commonwealth's contract with ePlus Technology, Inc.; at a total award of \$385,626.74;
- b. Video Display Wall for the Traffic Operations Center at the TIP building, utilizing the Commonwealth's contract with Vistacom; at a total award of \$1,188,838.71;
- c. Radio System for the Traffic Operations Center at the TIP building, utilizing the Commonwealth's contract with Zetron, Inc.; at a total award of \$485,482.50;

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

Item F-5d was REMOVED FROM AGENDA

- d. Change Order for preventative maintenance of the lighting on the Mon/Fayette Expressway, for an increase of \$75,000.00; increasing the purchase order to \$195,000.00.

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AWARD OF CONTRACTS

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

- a. Contract #A-020.00T002-3-04 for wetland mitigation at Norristown Farm Park; to the lowest responsive and responsible bidder, James D. Morrissey, Inc.; at a total award of \$1,039,115.95 and a contingency of \$75,000.00;
- b. Contract #T-247.38F005-3-02 for general construction for the traffic operations center at the TIP building; to the lowest responsive and responsible bidder, Lobar, Inc.; at a total award of \$625,000.00 and a contingency amount of \$30,000.00;
- c. Contract # T-247.38F005-3-03 for plumbing work for the traffic operations center at the TIP building; to the lowest responsive and responsible bidder, G.R. Sponaugle & Sons, Inc.; at a total award of \$284,900.00 and a contingency amount of \$20,000.00;
- d. Contract # T-247.38F005-3-04 for electrical work for the traffic operations center at the TIP building; to the lowest responsive and responsible bidder, Shannon A. Smith, Inc.; at a total award of \$327,000.00 and a contingency amount of \$25,000.00;

- e. Contract # T-247.38F005-3-05 for HVAC work for the traffic operations center at the TIP building; to the lowest responsive and responsible bidder, Shannon A. Smith, Inc.; at a total award of \$321,900.00 and a contingency amount of \$15,000.00.

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

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FINAL PAYMENT

Motion-That the Commission approves Final Payment in the amount of \$600,859.45 for Contract #T-247.38F003-3-04 with Lighthouse Electric Company, Inc. for electrical work at the TIP building, for a final contract value of \$7,431,208.31-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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AMENDING A POLICY

Motion-That the Commission amends the policy authorizing the Chief Counsel or Deputy Chief Counsel to settle, without formal Commission action, claims in dispute to include all property damage claims, workers' compensation liens, and other litigation claims up to and including \$10,000; to increase the settlement authority of the Chief Counsel or Deputy Chief Counsel up to and including \$50,000.00-was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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ITEMS ADDED TO THE FORMAL AGENDA

SUPPLEMENTAL AGREEMENT

Motion-That the Commission approves Supplemental Agreement #1 with McCormick Taylor, Inc. for open-end environmental services; for an additional \$150,000.00; increasing the not-to-exceed amount to \$900,000.00-was made by Commissioner Lincoln, seconded by Commissioner Deon; Commissioner Schoch abstained.

COMMISSIONER SCHOCH: I abstain because the vendor is a prior employee.

The motion passed.

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CHANGE ORDERS

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

- a. Change Order #1 for Contract #M-015.30X001-3-03 with McKamish, Inc. for plumbing work at the Maintenance Facility at MP M18.00 SB on the Mon/Fayette Expressway, for an increase of \$90,375.72, necessary for revisions to plumbing fixtures, drains and piping;
- b. Change Order #1 for Contract A-078.00R001-3-02 with Pikes Creek Site Contractors for bituminous resurfacing and median barrier replacement from MP A77.99 to MP A88.52, for an increase of \$1,700,000.00; necessary to repair a deteriorated section of roadway pavement adjacent to this contract.

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

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CHANGE ORDER AND FINAL PAYMENT

Motion-That the Commission approves Change Order #5 and Final Payment for Contract #T-247.38F003-3-05 with Worth & Company, Inc. for HVAC work at the TIP Building; for an increase of \$18,354.41; making the final contract value \$6,301,842.83 and a final amount due of \$388,935.27-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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POLICY LETTER

Motion-That the Commission amends Policy Letter 6.4, Vehicle Policy, to reflect changes as discussed-was made by Commissioner Lincoln, seconded by Commissioner Pratt; and passed unanimously.

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NEXT MEETING

MS. EDMUNDS: WE HAVE NO POST-FORMAL MEETING TODAY. THE NEXT FORMAL COMMISSION MEETING WILL BE TUESDAY, APRIL 26, 2011. COMMISSIONERS, I HAVE NO ADDITIONAL ITEMS FOR CONSIDERATION. I REQUEST A MOTION FOR ADJOURNMENT.

ADJOURNMENT

CHAIRMAN LIEBERMAN: WE WELCOME OUR NEW CEO TO HIS FIRST OFFICIAL MEETING; WELCOME ROGER. WE ARE OFF TO A GOOD START WITH A FEW WEEKS OF ROGER AS CEO AND WE ARE LUCKY AND GLAD TO HAVE HIM. SO ROGER, WELCOME.

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 12:13 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

04-05-11

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL