

MINUTES OF THE COMMISSION MEETING HELD APRIL 16, 2013

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:33 a.m., April 16, 2013 at the Central Office located in Highspire, Pennsylvania. Present for the meeting was Pasquale T. Deon, Sr., Secretary Treasurer. Available via phone for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esquire, Vice Chairman; and Barry J. Schoch, P.E., Secretary of Transportation.

Other present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer (available via phone); Larry Bankert, Chief Engineer, Michael Baker, Jr., Inc.; William J. Capone, Director of Communications/Public Relations; Scott Fairholm, Chief Information Officer; David Gentile, Chief Compliance Officer; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Director of Fare Collection and Field Operations; Doreen McCall, Chief Counsel and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Susan Carson-Casoni, Cash Manager; Rick Dreher, Assistant CFO-Financial Management; Carl Defebo, Jr., Director of Public Relations & Marketing; Kelly Horvath, Executive Assistant; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN Systems; Cindy Smith, General Accountant 2; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Jon Livingston, Jacobs; Steve Muller, Larson Design Group; Jack Sillaman, Astorino; Robert Ward, Astorino and Thomas Rowader, Dawood.

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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 AN ANNUITANT HIRE, PROMOTIONS, EQUITY ADJUSTMENTS, NEW HIRES, VACANCIES AND REQUESTS TO POST AND FILL; AND TO CREATE, POST AND FILL POSITIONS IN THE COMPLIANCE AND ENGINEERING DEPARTMENTS.

THE COMMISSIONERS ALSO 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. THE FOLLOWING WERE VISTORS TO THE MEETING: Jon Livingston, Jacobs; Steve Muller, Larson Design Group; Jack Sillaman, Astorino; Robert Ward, Astorino and Thomas Rowader, Dawood.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held April 2, 2013 be approved and filed as submitted-was made by Commissioner Deon, 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 & Asset Management-was made by Commissioner Deon, seconded by Commissioner Schoch; and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS

CHANGE ORDERS AND CHANGE ORDER/FINAL PAYMENT

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

- a. Change Order #2 for Contract #T-040.00T001-3-04 with Gulisek Construction, LLC for the replacement of Bridge WB-423 at MP 40.20, for an additional \$198,000.00 for off-duty police officers to direct traffic at two intersections for morning and evening rush hour traffic due to the increase in volume of vehicles created by the detour in place for this project;
- b. Change Order #2 and Final Payment for Contract #EN-00116-03-05 with J.P.S. Construction Co., Inc. for bridge repairs between MP A20.00 and MP A130.64, for a decrease of \$205,653.93

to balance items to the actual work completed; for a final contract value of \$1,544,346.07 and final payment due to the contractor of \$77,217.30;

- c. Change Order #6 for Contract #T-342.75S001-3-02 with Loftus Construction Inc. for the replacement of Bridge DB-155 at MP 342.75, for an additional \$479,337.19 to accelerate work activity to overcome delays caused by utility relocations impacting the project and a 32 day time extension to complete the project.

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

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#### AGREEMENTS

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

- a. Work Order #33 with TransCore to replace the in roadbed toll classification loops at the MidCounty Express Lanes; at a not-to-exceed amount of \$174,293.00, and authorize the issuance of the Notice to Proceed to TransCore to complete the smart loop replacement prior to Memorial Day weekend;
- b. Continue using Bloomberg for access to Bloomberg's financial market data terminals to effectively manage the Commission's investment portfolio through January 2018.

-was made by Commissioner Deon, seconded by Commissioner Schoch; 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. Acquisition of Right-of-Way #14121, a partial take parcel necessary for construction of the Southern Beltway, by authorizing payment of fair market value, pro-rated taxes and recording fees of \$69,183.45 to Nathan Zarichnak & Associates, LLC escrow agent; authorize the appropriate Commission officials to execute the agreement of sale 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 deed as prepared by the Legal Department;
- b. Acquisition of Right-of-Way #17904, a partial take parcel necessary for construction of the Southern Beltway, by authorizing payment of fair market value, pro-rated taxes and recording fees of \$36,911.69 to Nathan Zarichnak & Associates, LLC escrow agent; authorize the appropriate Commission officials to execute the agreement of sale 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 deed as prepared by the Legal Department;

- c. Adopt the Proposed Property Acquisition Resolution for property owned by the Borough of Homewood, a partial take parcel necessary for the Beaver River Bridge replacement project; authorize payment of Estimated Just Compensation in the amount of \$500.00 to Babst Calland, 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 #14219-F, a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of fair market value and pro-rated taxes of \$2,942.00 to 910 Properties II, LLC; authorize the appropriate Commission officials to execute the agreement of sale 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 owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #3205-R1, a partial take parcel necessary for the total reconstruction project from MP 220.00 to MP 227.00, by authorizing payment of fair market value and pro-rated taxes of \$2,639.00 to James F. & Donna K. Blevins; authorize the appropriate Commission officials to execute the agreement of sale, 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 deed as prepared by the Legal Department;
- f. Acquisition of Parcel 44, a partial take parcel necessary for the reconstruction of Bridge NB-531 at MP A76.09 and Bridge NB-534 at MP A76.18, by authorizing payment of fair market value of \$2,000.00 to Schweitzer Tree Farm; authorize the appropriate Commission officials to execute the temporary construction easement agreement 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 prepared by the Legal Department.

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

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#### SUPPLEMENT

Motion-That the Commission approves Supplemental Agreement #1 with Rummel, Klepper & Kahl, LLP for the I-95 Interchange project ITS signing and lighting, for an additional \$2,500,000.00 for additional Stage 1 design and Stage 2 design for Sections A & C and consultation during construction for Stage 1 and Stage 2 construction-was made by Commissioner Deon, seconded by Commissioner Schoch; 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. Change Order for infrastructure cabling from Valley Forge Interchange to ERO with Henkels & McCoy, Inc.; for an additional \$74,916.50 to replace several damaged conduits;
- b. Senior Business Subject Matter Expert (May 1, 2013-June 30, 2014), utilizing the Commonwealth’s contract with Computer Aid, Inc.; at a total award of \$194,650.01;

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

**Item F-5c was removed from the agenda.**

- c. **REMOVED.** Herbicide spraying service, to the lowest responsive and responsible, DeAngelo Brothers Inc.; at a total award of \$1,430,000.00.

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AWARD OF A CONTRACT

Motion-That the Commissioner approves the Award of Contract #T-355.00P001-3-12 for the I-95 Interchange stream mitigation, to the lowest responsive and responsible bidder, Flyway Excavating, Inc.; at a not-to-exceed amount of \$761,640.00 and a contingency of \$30,000.00-was made by Commissioner Deon, seconded by Commissioner Schoch; and passed unanimously.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be on telephone meeting on Tuesday, May 7, 2013 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned in memory of Ron DeSalvo was made at 10:40 a.m. -made by Commissioner Lieberman, seconded by Commissioner Deon; and passed unanimously.

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PREPARED BY:

APPROVED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.  
Secretary Treasurer

ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL  
AND THE MANAGER OF STRATEGIC SOURCING AND ASSET MANAGEMENT