

MINUTES OF THE COMMISSION MEETING HELD MAY 1, 2012

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 11:02 a.m., May 1, 2012 at the Central Office located in Highspire, Pennsylvania. Available via phone 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.

Present for the meeting were Roger E. Nutt, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Nikolaus Grieshaber, Chief Financial Officer; Bradley Heigel, Chief Engineer; Doreen McCall, Chief Counsel; Stacia A. Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Donna Lapano, Executive Office Assistant; Bob Rosell, Technician of PC/LAN Systems; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Captain Kathy Jo Winterbottom, PSP and Thomas Harding, Auditor General's Office.

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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 TITLE CHANGE, TRANSFER, RE-HIRE, PROMOTIONS, EQUITY ADJUSTMENTS, RECLASSIFICATIONS, NEW HIRES, VACANCIES, REORGANIZATION AND REQUESTS TO FILL; TO CREATE AND FILL; AND TO CREATE, POST AND FILL POSITIONS IN THE ENGINEERING, MAINTENANCE AND FINANCE AND ADMINISTRATION DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED DOCKET NO. 1325 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.
THOMAS HARDING, AUDITOR GENERAL

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held April 17, 2012 be approved and filed as submitted-was made by Commissioner Pratt seconded by Commissioner Schoch; 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 Pratt, 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 Pratt, seconded by Commissioner Schoch; and passed unanimously.

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NEW BUSINESS

OPEB

Motion-That the Commission authorizes the transfer of an additional \$25,000,000.00 from the General Reserve Fund (GRF) account to the Commission's Retiree Medical Trust, to help reduce future operating expense growth-was made by Commissioner Pratt, 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" through "e", and approve the not-to-exceed amount for the item in memo "d":

- a. Reimbursement Agreement with Duquesne Light Co., to reimburse Duquesne Light the costs associated with the required engineering and facility relocation work necessary for the replacement of Bridge WB-427 at MP 42.65; at a not-to-exceed amount of \$1,652,400.00;
- b. Reimbursement Agreement with the New Jersey Turnpike Authority (NJTA) to reimburse NJTA half of the costs (estimated to be \$122,500,000) associated with the major rehabilitation and upgrades to the Delaware River Bridge (which is jointly owned by the PTC and the NJTA); at a not-to-exceed amount of \$61,250,000.00;
- c. Reimbursement Agreement with Big Beaver Borough to reimburse the Borough the costs associated with the design and construction to repair and reopen a section of Norwood Road in the Borough which is necessary as part of the Beaver River Bridge replacement project; at a not-to-exceed amount of \$1,000,000.00;
- d. Agreement with Kapsch TrafficCom IVHS, Inc. for electronic toll collection technology, subsystem components and services was approved (for 10-years) at the Commission Meeting on December 20, 2011 (item F-2d). Approval is requested for an annual not-to-exceed amount of \$4,000,000.00 for the purchase of ETC technology and services;
- e. Reimbursement Agreement with CSX Railroad for protective services and related engineering services necessary for the replacement of Bridge NB-119 at MP A24.66; at a not-to-exceed amount of \$420,000.00.

-was made by Commissioner Pratt, 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, b and c":

- a. Authorize settlement of Right-of-Way #1A012-A, a partial take parcel necessary for the replacement of Bridge B-431 at MP 67.70, by issuing settlement payment in the amount of \$47,837.86 to McDonald, Snyder & Lightcap, P.C., Escrow Agent; and payment to the property owners is contingent upon their delivery of an executed full and final release and settlement agreement as approved by the Legal Department;
- b. Authorize the execution of a Settlement and General Release Agreement with Wawa to grant Wawa access easement across a portion of Commission property acquired for the I-95 Interchange project; the easement would not detrimentally impact the project for the Commission's interest; and fair market value of the property interests to be conveyed will be determined by an independent third party appraiser;
- c. Authorize settlement of Right-of-Way #8995-R31, a partial take parcel necessary for the Rt. 903 Slip Ramp, by issuing payment settlement payment in the amount of \$1,165.02 to Fred Weiner; authorize the appropriate Commission officials to execute the post condemnation settlement agreement; authorize payment of additional statutory damages as calculated by the Right-of-Way Acquisition Unit and approved by the Chief Counsel; and payment of the settlement amount to the property owner is contingent upon the delivery of an executed settlement agreement and confirmatory deed as prepared by the legal Department;

-was made by Commissioner Pratt, seconded by Commissioner Schoch.

Motion-That the Commission approves the Right-of-Way Request for the item listed in memo "d":

- d. Authorize the transfer of a temporary construction easement and aerial easement to the Pennsylvania Department of Transportation (Penn DOT) in Luzerne County necessary for their construction of Navy Way Road; accept the fair market value of \$42,500 from Penn DOT; authorize the appropriate Commission officials to execute all necessary agreements, transfer documents and closing documents as reviewed and approved by the Legal Department; and transfer of all property interest is contingent upon the Commission's receipt of fair market value.

-was made by Commission Pratt, seconded by Commission Deon; Commission Schoch abstained.

COMMISSIONER SCHOCH: I ABSTAIN ON THE BASIS THAT AS AN EX-OFFICIO MEMBER OF THE COMMISSION AND SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, I WOULD BE VOTING ON AN AGREEMENT BETWEEN TWO PARTIES, BOTH OF WHICH I HAVE A RELATIONSHIP WITH.

The motions passed.

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ADVERTISING

Motion-That the Commission approves advertising for design and construction services for the installation of seventeen (17) Dynamic Message Signs and three (3) Closed Circuit Televisions from MP 226.60 to MP 269.90 and a pre-entry locations on Rt. 11, Rt. 15, I-83, I-283, PA 283 and PA 72-was made by Commissioner Pratt, 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, Change Orders and the Issuance of Purchase Orders for the items listed in memos "a" through "d":

- a. Systemwide maintenance for uninterruptible power sources and batteries for systems manufactured by APC/MGE (May 1, 2012-April 30, 2014), with the option to renew for one additional 2-year period, to the lowest responsive and responsible bidder, Emerson Network Power/Liebert Services, Inc.; at a total award of \$407,693.00;
- b. Systemwide maintenance for uninterruptible power sources and batteries for systems manufactured by EATON (May 1, 2012-April 30, 2014), with the option to renew for one additional 2-year period, to the lowest responsive and responsible bidder, United Power & Battery; at a total award of \$581,340.00;

- c. Systemwide maintenance for uninterruptible power sources and batteries for systems manufactured by EMERSON (May 1, 2012-April 30, 2014), with the option to renew for one additional 2-year period, to the lowest responsive and responsible bidder, United Power & Battery; at a total award of \$1,083,920.00;
- d. Toner/printer supplies, exercising our option to renew the agreement for an additional year with CNI Office Supplies; at an additional cost of \$110,000.00.

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

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AWARD OF CONTRACTS

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

- a. Contract #S-006.00X002-3-03 for structural demolition and/or removal for the Southern Beltway project between US 22 and I-79, to the lowest responsive and responsible bidder, Earthmovers Equipment Company; at a not-to-exceed amount of \$570,551.00 and a contingency of \$25,000.00;
- b. Contract #A-094.59R001-3-02 for the Pocono Interchange Ramp "D" widening at MP A94.59, to the lowest responsive and responsible bidder, Pikes Creek Site Contractors; at a not-to-exceed amount of \$1,249,880.12 and a contingency of \$50,000.00;
- c. Contract #T-355.00P001-3-11 for the replacement of structure S-32388 at MP 40.50, to the lowest responsive and responsible bidder, Neshaminy Constructors, Inc.; at a not-to-exceed amount of \$5,716,450.64 and a contingency of \$200,000.00.

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

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CHANGE ORDERS & 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 #7 for Contract #T-355.00P001-3 with Wohlsen Construction Company for the Trevoise Maintenance facility relocation; for an additional \$72,428.18 necessary for revisions and additions to fencing, soffit work, camera relocation, electrical work, painting, plumbing, wash bay area, kitchen area, bathroom area, gate pedestals and the intrusion detection system;
- b. Change Order #2 and Final Payment for Contract #T-122.18F001-3-03 with Lighthouse Electric Company, Inc. for the Allegheny Tunnel Substation and transformer replacement, for a decrease of \$6,563.47 for normal quantity adjustments to balance the contract items to the actual work completed; for a final contract value of \$1,286,804.83 and a final amount due to the contractor of \$61,840.13;
- c. Change Order #2 and Final Payment for Contract #EN-00097-03-05 with Lane Construction Corporation for roadway and miscellaneous repairs between MP 0.00 and MP 75.39, Toll 376, Turnpike 66 and Turnpike 43, for a decrease of \$443,716.20 for normal quantity adjustments to

balance the contract items to the actual work completed; for a final contract value of \$1,056,283.80 and a final amount due to the contractor of \$52,814.19;

- d. Change Order #5 for Contract #A-078.00R001-3-02 with Pikes Creek Site Contractors for bituminous resurfacing and median barrier replacement between MP A77.99 and MP A88.52, for an additional \$515,399.15 necessary for normal quantity adjustments to balance contract items to the actual work completed to date, additional costs for pothole and inlet repairs, bituminous pavement patching, repairs to a deteriorated deck on Bridge NB-537 and a 74-day time extension to complete additional work on the project;
- e. Change Order #12 for Contract #M-015.30X001-3-01 with Walsh Construction for construction of Section 51H of the Mon/Fayette Expressway, for an additional \$1,697,400.00 necessary for both the loading analysis to mill 1" from the entire bridge deck of MF-202A and to place 1¼" of latex modified concrete due to cracking.

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

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ITEM ADDED TO THE FORMAL AGENDA

Motion-That the Commission adopts Policy Letter 2.16, *Chief Executive Officer Leave*, to conform with leave policies set forth in Commonwealth Management Director 505.7-was made by Commissioner Pratt, seconded by Commissioner Deon, and passed unanimously.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be held Tuesday, May 15, 2012 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 11:09 a.m. -was made by Commissioner Pratt, seconded by Commissioner Deon; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

05-01-12

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL