

MINUTES OF THE COMMISSION MEETING HELD MAY 1, 2018

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:12 a.m. on May 1, 2018 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Leslie Richards, Chair; William K. Lieberman, Vice Chair; Barry Drew, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and John Wozniak, Commissioner.

Also in attendance for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer, Michael Baker, Inc.; Robert F. Brady, Director of Operations/Projects-East; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Assistant Director of Toll Collection-Fares; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others present were Caitlyn Bassett, HR Analyst; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Anthony Q. Maun, Asst. CFO/Accounting & Budgeting; Jeffrey A. Naugle, Manager of Treasury Operations; Tammy Rinehart, HR Analyst; Timothy M. Scanlon, Director of Traffic Engineering & Operations; Cindy Smith, ETC Customer Service Operations Analyst; Mark Strause, Technician of PC/Lan Systems; Paul McNamee, KCI; Harry Sigley, CMTS; Kristi Reichard, AMT; Eric Madden, JMT; and Elton Cammers, VSI.



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



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



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included reclassification, salary correction, promotions, new hires and vacancies. The Commissioners also discussed Docket No. 1:18-CV-00608-SHR and engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Ms. Edmunds: The public is welcome 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 and effective meeting, all persons wishing to address the Commission should have signed in a requested time to speak. If you have not done so, you are invited to do so at this time.

There were no requests to address the Commission.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held April 17, 2017 be approved and filed as submitted -were made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



COMMUNICATIONS

Motion-That the Commission approves the memo received from the Chief Counsel-was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



PERSONNEL

Motion-That the Commission approves the Personnel as submitted-was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS

SUPPLEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #2 with CDR Maguire, Inc. for construction management services for the Southern Beltway, Rt. 22 to I-79, for an increase of \$4,000,000.00 for three additional construction contracts that were added to the project, design phase utility coordination services, extensive coordination to plug numerous gas/oil wells within the project limits, delays in construction start dates requiring additional project time for

essential staff, more extensive pre-construction review efforts than originally anticipated, and construction management services for the Findlay Connector cashless tolling construction; for a revised not-to-exceed amount of \$20,500,000.00-was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



### AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements for the items listed in memos “a” through “c”:

- a. Rental Agreement with PA Department of Transportation (PennDOT), to continue renting space (on a month to month basis) at two (2) of PennDOT’s facilities in Luzerne County to store core soil samples; at an annual cost of \$12,222.00;
- b. Settlement Agreement and Release with Walsh Construction; authorize the appropriate Commission officials to execute the necessary documents and issue payment of the settled amount in exchange for a full and final release of all claims;
- c. Confidentiality and Nondisclosure Agreement with Kelmar Associates to audit unclaimed property, specifically dormant E-ZPass accounts.

-was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



### RIGHT-OF-WAY REQUEST

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos “a” through “g”:

- a. Acquisition of Right-of-Way #12035-V (MarkWest Liberty Midstream & Resources, LLC), a partial take parcel necessary for the pre-entry DMS ITS from MP 10.00 to MP 201.00 by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to MarkWest Liberty Midstream & Resources, LLC; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that 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 of Easement as prepared by the Legal Department;
- b. Acquisition of Right-of-Way #8996-E (Lake Harmony Development Co, n/k/a Blue Ridge Real Estate Co.), a partial take parcel necessary for the replacement of the Big Boulder cell tower (MP A90.1) by authorizing payment of \$1,000.00 representing fair market value to Blue Ridge Real Estate Co.; authorize the appropriate Commission officials to execute the required Temporary Construction Easement and other documents that may be required for closing; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief

Counsel; and payment of the fair market value to the property owner is contingent upon its delivery of an executed Temporary Construction Easement as prepared by the Legal Department;

- c. Acquisition of Right-of-Way #13025 (Convenience Realty, LP), a partial take parcel necessary for the pre-entry DMS ITS from MP 10.00 to MP 201.00 by authorizing payment of \$1,212.92 representing fair market value and pro-rated taxes to Convenience Realty, LP; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that 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 the delivery of a deed as prepared by the Legal Department;
- d. Acquisition of Right-of-Way #14069-F (Ian M. & Taylor T. Docherty), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00 by authorizing payment of \$6,051.00 representing fair market value and pro-rated taxes to Ian M. & Taylor T. Docherty; also authorize payment of \$1,416.25 representing Section 710 damages to Auld Miller, LLC; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that 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 the delivery of a Deed of Easement as prepared by the Legal Department;
- e. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14133 (Alpine Partners II, LP; Columbia Gas of PA), a partial take parcel necessary for construction of the Southern Beltway, US 22 to I-79 by authorizing payment of \$297,000.00 representing Estimated Just Compensation to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- f. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14130 (1273 Washington Pike Associates, LLC; Deklewa Partners, LP; J&D Mineral, LP), a partial take parcel necessary for construction of the Southern Beltway by authorizing payment of \$451,500.00 representing estimated just compensation to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- g. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14148 (Diggin', Inc.; Christopher M. Clark), a total take parcel necessary for construction of the Southern Beltway by authorizing payment of \$18,200.00 representing estimated just compensation to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel.

-was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



ADVERTISING

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

- a. Contract #T-210.00R001-3-02 for bituminous resurfacing between MP 210.92 and MP 215.14;
- b. Contract #T-326.00R001-3-02 for bituminous resurfacing between MP 326.34 and MP 334.08;
- c. Three (3) open-end drilling contracts to perform subsurface boring, sampling and testing services on the Mon/Fayette Expressway, Sections 53A, 53B and 53C;
- d. Contract #T-075.00R001-3-02 for bituminous resurfacing between MP 75.69 and MP 84.99.

-was made by Commissioner Drew, seconded by Commissioner Wozniak and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approves the Issuance of Purchase Orders for the items listed in memos “a” and “b”:

- a. Security door and hardware contract, exercising the option to renew the agreement for an additional year (May 1, 2018 – April 30, 2019) with Fried Brothers Inc.; at a cost of \$120,000.00;
- b. Microsoft Enterprise license agreement (June 1, 2018 – May 30, 2021), utilizing the Commonwealth’s contract with CDW Government LLC; at a total award of \$2,610,608.64.

-was made by Commissioner Drew, seconded by Commissioner Wozniak and passed unanimously.



CONTRACT AWARD

Motion-That the Commission the Award of Contract #A-058.88S001-3-02 for superstructure replacement of Bridge NB-360 at MP A58.88, to the lowest responsive and responsible bidder, J.D. Eckman, Inc.; at a not-to-exceed amount of \$3,773,052.00 and a contingency of \$180,000.00-was made by Commissioner Drew, seconded by Commissioner Wozniak and passed unanimously.



CHANGE ORDERS AND FINAL PAYMENT

Motion-That the Commission approves the Change Orders and Final Payment for the items listed in memos “a” and “b”:

- a. Change Order #1 for Contract #T-019.00R002-3-02 for bituminous resurfacing and substructure rehabilitation between MP 19.41 and MP 31.25 with The Lane Construction Corporation, for an increase of \$2,346,462.33 for bituminous pavement patching, pavement marking, changes to the

milestone dates due to deteriorating roadway and longitudinal patching; for a revised not-to-exceed amount of \$19,795,601.83;

- b. Change Order #2 and Final Payment for Contract #T-174.00R001-3-02 for bituminous resurfacing between MP 173.25 and MP 179.94 with New Enterprise Stone & Lime Company, for a decrease of \$85,152.89 to balance items to actual work completed and costs for joint repairs; for a final contract value of \$10,599,800.54 and final amount due to the contractor of \$1,049,224.48.

-was made by Commissioner Drew, seconded by Commissioner Wozniak and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held via telephone on Tuesday, May 15, 2018 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:17 a.m. -was made by Commissioner Drew, seconded by Commissioner Wozniak and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

Barry Drew  
Secretary Treasurer