

MINUTES OF THE COMMISSION MEETING HELD MAY 3, 2016

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:53 a.m. on May 3, 2016 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Sean Logan, Chairman; Barry Drew, Commissioner; and Leslie S. Richards, Secretary of Transportation. Available via telephone were William K. Lieberman, Vice Chairman and Pasquale T. Deon, Sr., Secretary Treasurer.

Others present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Michael Baker, Inc.; Robert F. Brady, Director of Operations/Projects-East; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; Charles L. Duncan, III, Esquire, Director of Legislative Affairs; Scott D. Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Director of Fare Collection & Field Operations; Doreen A. McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire, Director of Policy & External Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Richard S. DiPiero, Senior Fare Collection Operations Manager; Richard C. Dreher, Assist CFO/Financial Management; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, Director of Procurement and Logistics; Donna Lapano, Executive Office Assistant; Sheri Norris, Director of Human Resources; Lynn Stakem, Senior General Account; Mark A. Strause, Technician of PC/LAN Systems; Mike Schubert, Paul McNamee, KCI; John Smith, Parsons Brinkerhoff; Kristi Reichard, Raudenbush Engineering; Mark Boris, Borton Lawson; Glenn Deppert, Arora & Associates; John Kelly, Janney; Eric Madden, ACEC/PA; Steve Barber, Michael Baker International; Cory Greene, Michael Baker International; Mike Gross, Wallace Montgomery; Katrin Hillner, PCN Network, Inc. and Scott Shimko, Borton Lawson.



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 a reclassification, new hires, vacancies, and requests to reclass; and to post and fill positions in the Engineering and Information Technology Departments.

The Commissioners also 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 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 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 19, 2016 be approved and filed as submitted-were made by Commissioner Drew, seconded by Commissioner Richards, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No unfinished business to discuss.



NEW BUSINESS

POLICY LETTER

REMOVED FROM THE AGENDA. Adopt the revisions to Policy 2.03, Family Medical Leave, to clarify leave usage and update the policy to include federal regulatory changes.



AGREEMENTS

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

- a. Supplemental Agreement with G. R. Sponaugle & Sons, Inc. for heating, ventilation and air conditioning (HVAC) equipment repair services for the Central Administration Building and the TIP building, for an additional \$9,253.85 for work completed during the 2015 contract year; for a revised not-to-exceed amount of \$84,253.85;
- c. Reimbursement Agreement with Union Railroad Company to reimburse the railroad the cost for the engineering and protective services necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376; at a not-to-exceed amount of \$250,000.00;
- d. Amendment to our agreement with Compliance Management International for safety consulting services, to extend the agreement until May 31, 2017 to continue development of the Accident and Illness Prevention Program (AIPP) and certify the annual Workers’ Compensation self-insurance application; and authorize advertising for all safety consulting services;
- e. Consent Assessment of Civil Penalty regarding construction for the Valley Forge Service Plaza earth berm, authorize payments of \$12,000.00 to the Commonwealth of PA CWF and \$1,800.00 to Chester County Conservation District;
- f. Amendment to the agenda item authorizing an agreement with TransCore for the Customer Service Center (CSC) and Violations Processing Center (VPC) that was approved February 3, 2009 (item G-7c) to correct language on the agenda item from a “not-to-exceed amount” to a “program estimate”;
- g. Agreement with Thomas C. Cohick as a Special Assistant to the Commission for ETC Operations.

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

Motion-That the Commission approved the negotiation and execution of the Amendment for the item listed in memo “b”:

- b. Amendment to our agreement with Sagewell Partners to provide broker services for insurances and COBRA administration, exercising the option to renew the agreement for an additional year (September 24, 2016 – September 23, 2017); at an approximate cost of \$10,000.00;

-was made by Commissioner Drew, seconded by Commissioner Richards; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on this item because I have a business relationship with one of Sagewell Partners clients.



RIGHT-OF-WAY REQUESTS

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

- a. Acquisition of Right-of-Way #8993-A (A & B Partners), a partial take parcel necessary for the Intelligent Transportation System project from MP A19.96 to MP A124.29, by authorizing payment of \$1,007.50 representing fair market value and recording fees to A & B Partners; 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 #6519-G (Valerian C. Stefanowicz, Jr.), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$5,957.00 representing fair market value and pro-rated taxes to Valerian C. Stefanowicz, Jr.; 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 damages to the property owner is contingent upon his delivery of a deed prepared by the Legal Department;
- c. Acquisition of Right-of-Way #6516-A (Franconia Township), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$88,700.00 representing fair market value to Franconia Township; 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 damages to the property owner is contingent upon its delivery of a deed prepared by the Legal Department;

- d. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6514-B (North Slope Realty), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$2,600.00 representing estimated just compensation to a law firm to be 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;
- e. Acquisition of Right-of-Way #9525-D (LA Bank, National Association, n/k/a NBT Bank, National Association), a partial take parcel necessary for the replacement of Bridge NB-709 at MP A120.00 by authorizing payment of \$2,537.50 representing fair market value and pro-rated taxes to NBT Bank, National Association; 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;
- f. Temporary Construction Easement for the removal of Bridge NB-657 at MP A115.00 (Borough of Dupont), to construct a cul-du-sac for Wyoming Avenue (owned and operated by the Borough of Dupont); authorize the appropriate Commission officials to execute the Temporary Construction Easement as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #14063-C (Hampton Township School District), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00 by authorizing payment of \$7,000.00 representing fair market value to Hampton Township School District; authorize the appropriate Commission officials to execute the Agreement of Sale 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #6034-E1 (Eagleview Crossing, L.P.), a partial take parcel necessary for the total reconstruction project from MP 311.00 to MP 319.00 by authorizing payment of \$96,183.26 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale 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 fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- i. Settlement of Right-of-Way #17658 (Roy & Sandy Daniels, Penneco Drilling Associates 2008-1, Penneco Pipeline Corp, Everest Exploration Company, LLC, Billman Geologic Consultants, Inc.), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$4,500.00 to Everest Exploration Company, LLC and payment of \$4,500.00 to Billman Geologic Consultants, Inc.; and authorize the appropriate Commission officials to execute the Settlement Agreement and release for both claims, as approved by the Legal Department;

- j. Acquisition of Right-of-Way #17387 (Thomas H. & Elizabeth L. Prickett), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$1,497.30 representing fair market value, pro-rated taxes, recording fees and Section 710 damages to Coon & Company, escrow agent and authorize payment of \$100.00 representing Section 710 damages to E.G. Kirsch & Associates, 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 Chief Counsel; and payment of fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- k. Acquisition of Right-of-Way #17388 (Daniel E. & Patti Daily), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$1,212.30 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; 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 Chief Counsel; and payment of fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- l. Acquisition of Right-of-Way #17620-A (James Fulton Nirella and Joshua David Griffith), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$3,035.25 representing fair market value and pro-rated taxes to James Fulton Nirella and Joshua David Griffith; 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 Chief Counsel; and payment of fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- m. Acquisition of Right-of-Way #17634 (Ronald P. & Marie A. Snyder), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$8,925.00 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; 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 Chief Counsel; and payment of fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- n. Acquisition of Right-of-Way #6518-A1 (RSI 1739, L.P.), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$5,857.00 representing fair market value and pro-rated taxes to RSI 1739, L.P.; 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 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;

- o. Acquisition of Right-of-Way #6519-F (Daniel R. Gehman), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$22,939.00 representing fair market value and pro-rated taxes to Daniel R. Gehman.; 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 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;
- p. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17525 (Tram Homes, LLC), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$605.00 representing estimated just compensation to the Law Offices of Robert J. Wratcher LLC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- q. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6525-C (Clifford H. Gehret and Corey (Courtney) J. Gehret), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$102,100.00 representing estimated just compensation to a law firm to be named at a later date and authorize payment of \$4,000.00 representing Section 710 damages to Cliff and Corey Gehret; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- r. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6501-A (Jeanette Rose Baum, Faye Gina Baum and Miriam Cerline Baum), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$83,500.00 representing estimated just compensation to a law firm to be 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;
- s. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6529-B (Louis & Margaret D. Toto), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$41,000.00 representing estimated just compensation to a law firm to be 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;
- t. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6531-A (Mathew K. Landis and Kevin C. Landis), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$62,000.00 representing estimated just compensation to a law firm to be 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;

- u. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6514-C (JKL Properties), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$37,000.00 representing estimated just compensation to a law firm to be 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;
- v. Acquisition of Right-of-Way #6031-A (The Hankin Group), a partial take parcel necessary for the total reconstruction from MP 311.00 to MP 319.00 by authorizing payment of \$115,771.49 representing fair market value, pro-rated taxes and recording fees to Coon & Company, escrow agent; 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 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.

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



ADVERTISING

Motion-That the Commission approves advertising for ATM services at the Central Administration Building, TIP and service plazas -was made by Commissioner Drew, seconded by Commissioner Richards, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approves the Issuance of Purchase Orders for the items listed in memos "a" through "e":

- a. Work zone safety television media planning, utilizing the Commonwealth's contract with Harmelin Media/Harmelin & Associates; at a cost of \$172,342.00;
- b. Fire protection system inspection and maintenance for District's 1 & 2 (April 1, 2016 – December 31, 2017), to the lowest responsive and responsible bidder, George A. Kint Inc. d/b/a Kint Fire Protection; at a cost of \$316,380.00 for the 2-years;
- c. E-ZPass Summer 2016 media planning, utilizing the Commonwealth's contract with Harmelin Media/Harmelin & Associations; at a cost of \$331,005.25;
- d. Fuel storage tank cleaning, exercising the option to renew the agreement for an additional year (May 1, 2016 – April 30, 2017) with Clean Fuel Associates, Inc.; at a cost of \$166,000.00;
- e. Consolidation and relocation of existing Data Center from Derry St. locations to 300 East Park Drive, utilizing the Commonwealth's contract with Presidio Networked Solutions; at a not-to-exceed amount of \$1,700,000.00.

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



AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contracts for the items listed in memos “a” and “b”:

- a. Contract #T-312.00R001-3-02 for bituminous resurfacing between MP 312.35 and MP 319.32, to the lowest responsive and responsible bidder, Reading Site Contractors; at a not-to-exceed amount of \$4,861,751.76 and a contingency of \$200,000.00;
- b. Contract #A-130.64R001-3-02 for bituminous resurfacing of the Clarks Summit Interchange ramps, to the lowest responsive and responsible bidder, Pikes Creek Site Contractors; at a not-to-exceed amount of \$2,493,011.28 and a contingency of \$120,000.00.

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



CHANGE ORDERS/FINAL PAYMENTS

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

- a. Change Order #3 and Final Payment for Contract #T-330.00M001-3-02 for the installation of communications infrastructure between MP 330.20 and MP 333.20 with Kuharchik Construction, Inc., for a decrease of \$74,243.56 to balance items to actual work completed, elimination of 2 junction boxes and rework of bridge conduit due to field conditions, a 12-day time extension for approval of the bridge end connections, additional conduit and the Thanksgiving holiday restrictions; for a final contract value of \$497,384.84 and final amount due to the contractor of \$25,831.44;
- b. Change Order #8 and Final Payment for Contract #T-040.00T001-3-06 for the replacement of Bridge WB-427 at MP 42.65 with The Lane Construction Company, for an additional \$1,196,781.16 to balance items to actual work completed, additional costs for anti-graffiti coating, drainage, concrete barrier, a Settlement Agreement and a 19-day time extension; for a final contract value of \$13,039,210.47 and final amount due to the contractor of \$2,137,398.08.

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



SUPPLEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #1 for construction management/construction inspection (CM/CI) services for Accelerated Bridge Construction (ABC) with STV Incorporated for an additional \$750,000.00 to incorporate the CM/CI

services for the replacement of Bridge WB-224B at MP 20.47; for a revised not-to-exceed amount of \$3,750,000.00-was made by Commissioner Drew, seconded by Commissioner Richards, and passed unanimously.



NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, May 17, 2016 beginning at 2:00 p.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:59 a.m. in memory of the 35 Turnpike employees who lost their lives while performing their duties -was made by Commissioner Logan, seconded by Commissioner Lieberman, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.
Secretary Treasurer