

MINUTES OF THE COMMISSION MEETING HELD MAY 24, 2011

A special meeting of the Pennsylvania Turnpike Commission convened at 11:41 a.m., May 24, 2011 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were William K. Lieberman, Chairman; J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Barry J. Schoch, P.E., 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; Doreen McCall, Chief Counsel; Joe Suess, Acting Chief Informational Officer and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Michael D. Begler, Director of Operations Review; William J. Capone, Director of Communications/Public Relations; Susan Carson-Casoni, Cash Manager; Jason Falchek, Technician of PC/LAN Systems; Gary L. Graham, Assistant Chief Engineer/Design; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Assistant; 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; Lynn Stakem, General Accountant 2; Kathy Thomas, Administrative Secretary; Kim D. Tosh, Treasury Analyst and Captain Kathy Jo Winterbottom, PSP.

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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 RECLASSIFICATION, NEW HIRES, PROMOTIONS, VACANCIES, AND A REQUEST TO POST AND FILL A POSITION IN THE HUMAN RESOURCES DEPARTMENT.

THE COMMISSIONERS ALSO DISCUSSED DOCKET NOS, 1:10-CV-2092 and CP-02-MD-1124-2009 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: FOR THE RECORD, WE DO NOT HAVE ANY VISITORS TODAY.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held May 10, 2011 be approved and filed-was made by Commissioner Lincoln, seconded by Commissioner Deon; 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 submitted-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 approval of 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, Lincoln, Deon and Schoch; the motion passed unanimously.

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AGREEMENTS AND AN AMENDMENT

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

- a. Agreement with Ganassi Racing to pay tolls in advance, in accordance to the agreement;
- b. Amendment #1 to Work Order #25 with TransCore for the Certificate of Passage upgrade to include additional hardware installation and software enhancements for lane, plaza and Toll Host systems;
- c. Agreement with Wegmans Food Markets, Inc. for the purpose of distributing E-ZPass in their Pennsylvania stores;
- d. Reimbursement Agreement with the PA Dept. of Public Welfare (DPW) for the DPW to reimburse the Commission the cost of delivery and placing fill on a site owned by the DPW.

-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 Plans entitled, “Drawings for Contract No. T-355.00P001-3-06 for Authorizing Acquisition of Right-of-Way for Replacement of Bridge DB-229 (SS04) carrying S.R. 2035 (Richlieu Rd.) over the Pa Turnpike at MP 352.36 in Bucks County”, as prepared by the Engineering department for the replacement of Bridge DB-229-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 an authorized service provider on Toll 576 (Findlay Connector) from PA Rt. 60 to US Rt. 22, exits 1 through 6 including ramps, toll plazas and structures-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids and the Issuance of Purchase Orders for the items listed in memos “a” through “c” as amended:

- a. Unleaded gasoline and ethanol (June 2011-May 2012); to the lowest responsive and responsible bidders:

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| Petroleum Traders | \$2,700,000.00 |
| Mansfield Oil Co. | 800,000.00 |
| Export Fuel | 250,000.00 |
| Bedford Valley Petroleum | 135,000.00 |

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|------------------|-------------------|
| Talley Petroleum | <u>165,000.00</u> |
| TOTAL AWARD: | \$4,050,000.00 |

- b. Septic tank cleaning (June 2011-May 2012), to the lowest responsive and responsible bidders:

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|----------------------------------|------------------|
| Dillsburg Excavating & Septic | \$ 4,500.00 |
| Dalton Sanitary Services | 19,000.00 |
| Burns Septic Service | 16,000.00 |
| A-Septic Tank Service | 16,500.00 |
| Mr. John of Pittsburgh | 2,000.00 |
| Associated Products Services | 4,000.00 |
| Aqua Wastewater Management | 7,500.00 |
| Rural Wastewater Management Inc. | <u>49,000.00</u> |
| TOTAL AWARD: | \$119,400.00 |

- c. Magnetic stripe toll tickets (April 2011-March 2012), to the lowest responsive and responsible bidder, Electronic Data Magnetics; at a total award of \$325,000.00.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; 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 #T-122.18S008-3-02 for rehabilitation of the Allegheny Tunnel from MP 122.18 to MP 123.34, to the lowest responsive and responsible bidder, Mosites Construction Company; at a not-to-exceed award of \$4,127,717.60 and a contingency of \$200,000.00;
- b. Contract #EN-00097-03-09 for bituminous resurfacing between MP 9.37 and MP 10.07 and Beaver Valley Interchange Ramps MP 12.87, to the lowest responsive and responsible bidder, Lindy Paving, Inc.; at a not-to-exceed amount of \$1,223,811.70 and a contingency of \$50,000.00;
- c. Contract #T-109.00R001-3-02 for micro surfacing between MP 108.95 and MP 121.83, to the lowest responsive and responsible bidder, Strawser Construction, Inc.; at a not-to-exceed amount of \$2,076,895.35 and a contingency of \$75,000.00.

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

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SUPPLEMENT

Motion-That the Commission approves the execution of Supplemental Agreement #4 with KCI Technologies for public outreach services for the total reconstruction projects from MP 320.00 to MP 326.00 and MP A20.00 to MP A30.00 for an additional \$710,000.00, necessary for continued public outreach- was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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OPERATING BUDGET AND CAPITAL PLAN

Motion-That the Commission adopts the Commission's Annual Operating Expense Budget for FY2011-2012 and approves the proposed FY2012 Ten Year Capital Plan as listed in memos "a" and "b":

- a. Adopt the Resolution approving The Pennsylvania Turnpike Commission's Annual Operating Expense Budget for the 2011-2012 fiscal year in the amount of \$315,650,000.00;
- b. Approve the Proposed FY2012 Ten Year Capital Plan and grant approval for staff to advertise for the use of consultants, contractors and other necessary professional services of all phases of projects within the first two years of the adopted plan.

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

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CHANGE ORDERS AND 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 #5 and Final Payment for Contract #T-123.00T002-3 with New Enterprise Stone and Lime Company for design/build for roadway and bridge reconstruction between MP 123.34 and MP 128.93; for an increase of \$21,968.76; making the final contract value \$41,426,809.03 and a final amount due of \$275,473.76;
- b. Change Order #1 and Final Payment for Contract #EN-00088-03-04 with Road-Con, Inc. for roadway and miscellaneous repairs between MP A20.00 and MP A130.30; for a decrease of \$68,437.39; making the final contract value \$1,431,562.61 and a final amount due of \$71,523.47.

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

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PTRC RECOMMENDATIONS

Motion-That the Commission approves the vendor selection recommendations from the Procurement Technical Review Committee and authorizes the negotiation and execution of the agreements with the vendors listed in memos "a" through "d":

- a. Infrastructure cabling for the Uniontown/Brownsville Searights Maintenance Facility to Henkels and McCoy, Inc.;
- b. Infrastructure cabling and communication systems installation at all PTC locations to I. B. Abel, Inc.;
- c. Workers' Compensation Third Party Administrator (TPA) for the Self-Insured Workers' Compensation program to CompServices, Inc.;

- d. Actuarial Advisory services related to automobile and general tort self-insurance liability to Pinnacle Actuarial Resources, Inc.

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

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CHAIRMAN LIEBERMAN: I HAVE TWO ITEMS; FIRST, I WOULD LIKE TO WELCOME CAPTAIN KATHY JO WINTERBOTTOM OUR LIAISON FOR THE STATE POLICE. WELCOME CAPTAIN, WE ARE SO GLAD TO HAVE YOU. THE OTHER ITEM IS THAT DURING THIS PAST WEEK, THE BROTHER OF VICE CHAIRMAN PRATT PASSED AWAY, I WOULD LIKE A MOTION TO ADJOURN THIS MEETING IN HIS MEMORY AND A NOTE TO GO OUT TO COMMISSIONER PRATT FROM THE CHAIRMAN THAT WE RECOGNIZE THIS SAD EVENT AND OUR PRAYERS AND THOUGHTS ARE WITH HIM AND HIS FAMILY-WAS MADE BY COMMISSIONER LINCOLN AND SECONDED BY COMMISSIONER DEON; AND PASSED UNANIMOUSLY.

NEXT MEETING

MS. EDMUNDS: WE HAVE NO POST-FORMAL MEETING TODAY. THE NEXT FORMAL COMMISSION MEETING WILL BE TUESDAY, JUNE 21, 2011 BEGINNING AT 9:00 A.M. COMMISSIONERS, I HAVE NO ADDITIONAL ITEMS FOR CONSIDERATION. I REQUEST A MOTION FOR ADJOURNMENT.

ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 11:47 a.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

05-24-11

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL