

MINUTES OF THE COMMISSION MEETING HELD JUNE 4, 2019

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:26 a.m. on Tuesday, June 4, 2019 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Pasquale T. Deon Sr., Commissioner and John Wozniak, Commissioner; available via telephone were Leslie S. Richards, Chair and William K. Lieberman, Vice Chair.

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 International; 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; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Stacia A. Ritter, Esquire, Director of Policy and Fare Collection; Robert Taylor, Chief Technology Officer and Ann Louise Edwards, Assistant Secretary Treasurer.

Others present were Rich S. DiPiero, Senior Fare Collection Operations Manager; Rick Dreher, Asst. CFO/Financial Management; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Shawn Laudenslager, End User Support Technician; Jeffrey A. Naugle, Manager of Treasury Operations; Randy Oswald, Summer employee; Cindy Smith, ETC Customer Service Operations Analyst; Eric Madden, JMT; Paul McNamee, KCI; Jill Bolt, T.Y. Lin; David Lowdermilk, WSP; John Caperilla, CEG; and Sean Connolly, Bravo Group.



Mrs. Edwards led the Commissioners, staff and visitors in the Pledge of Allegiance.



The Assistant Secretary Treasurer, Ann Louise Edwards, 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 termination, salary matrix, new hires and vacancies.

The Commissioners also engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Mrs. Edwards: 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 May 20, 2019 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Wozniak, and passed unanimously.

COMMUNICATIONS

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



PERSONNEL

Motion-That the Commission approves the Personnel as submitted-was made by Commissioner Deon, 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 #1 for construction management/construction inspection (CM/CI) services for the Tuscarora Tunnel rehabilitation with Johnson, Mirmiran & Thompson, Inc. (JMT), for an increase of \$5,900,000.00 to complete all CM/CI services; for a revised not-to-exceed amount of \$12,400,000.00 -was made by Commissioner Deon, seconded by Commissioner Wozniak, and approved unanimously.



AGREEMENTS

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

- a. Four (4) agreements for fabricated structural steel inspections systemwide for calendar years 2020 – 2024, with the same selected consultants negotiated by PennDOT; for a total combined not-to-exceed amount of \$7,000,000.00;
- b. Amendment to our agreement with Nelson & Campbell, LLC for E-ZPass distribution, exercising the option to renew the agreement for an additional year;
- c. Memorandum of Understanding with Worcester Township for payment to the Township for the planting of trees adjacent to an area where vegetation was removed as part of the total reconstruction project from MP A26.00 to MP A31.00; at an amount of \$25,000.00;
- d. Reimbursement Agreement with the Borough of Dravosburg to reimburse the Borough the cost for the design and construction of Maple Avenue which is necessary for construction of the Mon/Fayette Expressway; at a not-to-exceed amount of \$2,000,000.00.

-was made by Commissioner Deon, 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 “n”:

- a. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S010 (Keith & Migdalia Frazier), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$12,100.00 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;
- b. Authorize payment of \$2,977.50 to Lebanon Village Condominium Association, as all units are being taken as part of the Mon/Fayette Expressway, Rt. 51 to I-376; authorize payment of \$508.00 to Dornish Law Offices, P.C.; and approve payment of Section 710 statutory damages of up to \$4,000.00;
- c. Acquisition of Right-of-Way #15000-C1 (Paul T. & Christine M. Hudak, Jr.), a partial take parcel necessary for the total reconstruction project from MP 57.00 to MP 67.00 by authorizing payment of \$5,075.00 representing fair market value and pro-rated taxes to Paul T. & Christine M. Hudak, 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 fair market value to the property owners is contingent upon the delivery of a deed as prepared by the Legal Department;

- d. Acquisition of Right-of-Way #14S293 (Sheena Evangeline Berkley), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$111,614.18 representing fair market value, pro-rated taxes and recording fees to Arrow Land Solutions, LLC, 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 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;
- e. Acquisition of Right-of-Way #12027-C (Allison Park Contractors, Inc.), a total take parcel necessary for Beaver River Bridge reconstruction by authorizing payment of \$235,873.28 representing fair market value, pro-rated taxes and recording fees to Tri-State Paralegal Service, LLC, 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 the 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;
- f. Acquisition of Right-of-Way #14S383 (Lois M. Brier), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$138,662.35 representing fair market value, pro-rated taxes and recording fees to Closure Settlement LLC, 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 the Chief Counsel; and payment of fair market value to the property owner is contingent upon her delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #14S419 (Richard W. Kosko), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$60,615.67 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, 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 the Chief Counsel; and payment of fair market value to the property owner is contingent upon his delivery of a deed as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #14S296 (Estate of Stephen Karas), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$14,737.04 representing fair market value, pro-rated taxes and recording fees to Arrow Land Solutions, LLC, 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 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. Acquisition of Right-of-Way #14S265 (Estate of John Durik, Jr.), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$34,952.17 representing fair market value, pro-rated taxes and recording fees to Arrow Land Solutions, LLC, 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 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;
- j. Acquisition of Right-of-Way #14S335 (William C. & Jeanne Y. Devey), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$63,581.51 representing fair market value, pro-rated taxes and recording fees to Closure Settlement LLC, escrow agent; authorize payment of \$34,688.65 representing housing supplement and reasonable closing costs to William C. & Jeanne Y. Devey; authorize payment of \$580.00 representing direct payment of reasonable closing costs to Hometeam Inspection Service; 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;
- k. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S063 (Charles Nehila and Nancy Nehila, their heirs, successors and assigns, Dennis P. Nehila, Deborah L. Norris, Charles E. Nehila, Candace Ciminnisi, Mark White, Deborah Lessard, Toni M. Nehila, Ashley Nehila, and Robert Lipnicky), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$17,000.00 representing estimated just compensation to Bresnahan, Nixon & Finnegan, P.C., escrow agent; and approve payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- l. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S013 (William H. & Jennie Harrison), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$29,000.00 representing estimated just compensation to Wratcher Law LLC, escrow agent; and approve payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- m. Acquisition of Right-of-Way #14S366 and #14S366-01 (Majik Property 3, LLC; William R. Majernik), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$136,642.49 representing fair market value, pro-rated taxes and recording fees to Arrow Land Solutions, LLC, escrow agent; also authorize payment of \$15,010.00 representing rent supplement and moving costs to William R. Majernik; 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;

- n. Settlement of Right-of-Way #14S218-1 (Lebanon Village Condominium; Gary L. Dora; Jodie Dora; Kellie Wardman), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$1,000.00 representing balance of settlement funds owed to Babst Calland Clements & Zomir, PC, escrow agent; also authorize payment of \$3,776.25 representing Section 710 damages to Jenco Law Group, PC; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release as reviewed and approved by the Legal Department; and payment of the settlement funds to the property owner is contingent upon the execution and delivery of the Settlement Agreement and General Release.

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



ADVERTISING

Motion-That the Commission approves advertising for three (3) engineering design-related services open-end agreements -was made by Commissioner Deon, seconded by Commissioner Wozniak, and passed unanimously.



PURCHASE ORDER

Motion-That the Commission approves the Change Order and Issue a Purchase Order for DataAdvantage Azure Perpetual software license and maintenance agreement with ePlus Technology, Inc.; for an additional DataAdvantage module, at a cost of \$79,440.00-was made by Commissioner Deon, seconded by Commissioner Wozniak, and passed unanimously.



CHANGE ORDERS

Motion-That the Commission approves the Change Orders for the items listed in memos "a" through "d":

- a. Change Order #1 for Contract #T-326.00R001-3-02 for bituminous resurfacing between MP 326.34 and MP 334.08 with Allan Myers, L.P., for a 42-day time extension due to weather delays;
- b. Change Order #2 for Contract #T-075.00R001-3-02 for bituminous resurfacing between MP 75.69 and MP 84.99 with New Enterprise Stone & Lime Co., Inc., for a 44-day time extension due to weather delays;
- c. Change Order #7 for Contract #T-355.00P001-3-14 for widening and reconstruction of S.R. 95, Section D20, with James D. Morrissey, Inc., for a decrease of \$511,389.89 to balance items to actual work completed to date, changes for deletion of a planned slope wall, delineation, toe wall extension, Class A concrete, conduit, barrier, drainage, fiber optics relocation, guiderail, TFDS pole, elevation adjustments, wingwall retrofit and bridge deck reinforcement adjustments, and a 15-day time extension due to weather delays; for a revised not-to-exceed amount of \$122,688,655.85;

- d. Change Order #1 for Contract #EN-00115-03-05 for installation of signs between MP G0.00 and MP G13.30 with Collinson, Inc., for a 182-day time extension due to engineering design changes to the conversion date.

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



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, June 18, 2019 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:31 a.m. -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

Barry Drew
Secretary Treasurer