

MINUTES OF THE COMMISSION MEETING HELD JUNE 15, 2010

A formal meeting of The Pennsylvania Turnpike Commission convened at 12:03 p.m. June 15, 2010 at the Central Office, Pennsylvania Turnpike Commission located in Highspire, Pennsylvania. Present for the meeting were Allen D. Biehler, P.E., Chairman/Secretary of Transportation; J. William Lincoln, Secretary Treasurer, Pasquale T. Deon, Sr., Commissioner and A. Michael Pratt, Commissioner.

Others present for the meeting were Joseph G. Brimmeier, Chief Executive Officer; George M. Hatalowich, Chief Operating Officer; Robert F. Brady, Director of Operations/Projects-East; Rich DiPiero, Director of Fare Collection; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Nikolaus Grieshaber, Chief Financial Officer; Michael P. Haney, Director of Maintenance; Jeffrey L. Hess, Director of Operations/Project-West; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; Jeffrey J. Mesaric, Chief Information Officer; Valerie J. Payne, Director of Administration; Craig R. Shuey, Director of Government Affairs 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; Carl E. Defebo, Jr., Manager of Public Information-East; Derek S. Hansel, Assistant Chief Financial Officer; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Assistant; Anthony L. Maniscola, Special Investigator; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN; Patricia F. Schlegel, Director of Human Resources; Brenda Szeles-Bratina, Director of Toll Revenue Audit and Kathy Thomas, Administrative Secretary.



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



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



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, VACANIES, AND A REQUEST TO APPROVE A REORGANIZATION WITHIN THE FINANCE AND ADMINISTRATION DEPARTMENT.

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: FOR THE RECORDS, WE HAVE NO VISITORS PRESENT TODAY



MINUTES OF MEETING

Motion - That the Minutes of the meeting held June 1, 2010 be approved and filed – was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



COMMUNICATIONS

Motion – That the Commission accepts and files the memos received from the Chief Counsel and the Manager of Procurement and Materials Management– was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



PERSONNEL

Motion – That the Commission approves the Personnel as amended – was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



UNFINISHED BUSINESS

There was no Unfinished Business to discuss.



NEW BUSINESS

Reinvestments, Liquidations and Purchase of Securities

Upon the motion by Mr. Lincoln, seconded by Mr. Pratt, 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 the approval of the Chief Executive Officer and 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 and 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 Biehler, Lincoln, Deon and Pratt. The motion passed unanimously.



AGREEMENTS

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

- a. Supplemental Agreements with Verizon increasing the reimbursement amount for relocation costs for the Uniontown to Brownsville section of the Mon/Fayette Expressway, Sections 51A2-51D:

<u>Section</u>	<u>Agreement Number</u>	<u>Previously Approved Amount</u>	<u>SUPPLEMENT</u>	<u>Revised Not-to-Exceed Amount</u>
51A2	01-002FUVW	\$108,000.00	\$ 81,478.44	\$189,478.44
51B	01-002-FUVY	\$ 41,000.00	\$ 38,509.20	\$ 79,509.20
51C	01-002-VUVX	\$164,500.00	\$129,574.24	\$294,074.24
51D	01-002-FUXR	\$ 28,000.00	\$ <u>26,272.64</u>	\$ 54,272.64

SUPPLEMENTAL AMOUNT: \$275,834.52

- c. Agreement with TransCore for the labor, material equipment and project management for replacement of static signs with new and re-messaged Dambach signs, installation of cash drawer cabinets, booth security cameras and software modifications on Toll 43 plazas, Toll 60 North and South Barriers and Toll 66 plazas; at a not-to-exceed amount of \$1,159,874.00;
- d. Supplemental Agreement with Allegheny Valley Railroad increasing the reimbursement amount for engineering and protective services necessary for the replacement of the Allegheny River Bridge; for an increase of \$80,056.00; for a not-to-exceed amount of \$421,306.00;
- e. Reimbursement Agreement with Bedford Rural Electric Cooperative, Inc. to reimburse it the cost for the engineering and facility relocation work necessary for the replacement of Bridge B-553 at MP 155.14; at a not-to-exceed amount of \$87,121.76;
- f. Amendment to our agreement with General Dynamics Information Technologies for the Electronic Bidding System (EBS), to exercise our option to renew the agreement for an additional year; at an additional cost of \$650,000.00.

-was made by Mr. Deon and seconded by Mr. Lincoln.

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

- b. Reimbursement Agreement with PECO Energy to reimburse PECO the cost for the engineering and facility relocation work necessary for the replacement of Bridge DB-324 at MP 352.98; at a not-to-exceed amount of \$665,000.00;

-was made by Mr. Deon, seconded by Mr. Lincoln; Mr. Pratt abstained.

MR. PRATT: MR. CHAIRMAN: I ABSTAIN ON THE BASIS THAT THE COMPANY SET FORTH IN THIS AGENDA ITEM IS A CLIENT OF THE FIRM OF WHICH I AM A PARTNER. I ASK THAT THE SECRETARY PLEASE HAVE THE MINUTES OF THE MEETING REFLECT MY ABSTENTION ON THIS VOTE.

The motions passed.



RIGHT-OF-WAY REQUESTS

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

- a. Approve the plans entitled, “Drawings Establishing and Reestablishing Limited Access Highway and Authorizing Acquisition of Right-of-Way for Pennsylvania Turnpike in Cumberland County, Contract No. 01-013-RRLX, from Sta. 140+01.34 to Sta. 183+00.00, Length 4,296.49 Ft., 0.814 Mi. Milepost 204.1 to Milepost 204.9 and Township Road 379 in Hopewell Township, Cumberland County from Sta. 47+50.00 to Sta. 60+50.00, Length 1,300.00 T.0.246 Mi. Milepost 204.3 and Township Road 374 in Hopewell Township, Cumberland County from Sta. 37+83.00 to Sta. 40+25.00 Length 242.00 Ft. 0.046 Mi. Milepost 204.9 and Relocated Old Sawmill Lane (Private) in Hopewell Township, Cumberland County from Sta. 10+27.00 to Sta. 21+06.08, Length 1,079.08 Ft. 0.204 Mi. Milepost 204.2”; as prepared by the Engineering Department;
- b. Authorize the acquisition of Right-of-Way #17756, a total take parcel, necessary for construction of the Southern Beltway, by issuing payment in the amount of \$36,208.65, payable to Urban Settlement Company, Escrow Agent, representing fair market value, prorated taxes and recording fees; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
- c. Authorize the acquisition of Right-of-Way #6416-K, a partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00, by issuing payment in the amount of \$9,000.00, payable to Adrian Curran, representing fair market value; authorize the appropriate Commission officials to execute the temporary construction easement, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
- d. Authorize the acquisition of Right-of-Way #6434-A, a partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00, by issuing payment in the amount of \$36,500.00, payable to Miguel and Nieves G. Decastro, representing fair market value and

Section 710 fees; authorize the appropriate Commission officials to execute the temporary construction easement, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon the delivery of a deed prepared by the Legal Department;

- e. Authorize the acquisition of Right-of-Way #6416-H, a partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00, by issuing payment in the amount of \$5,000.00, payable to David W. & Jane A. Stettler, representing fair market value; authorize the appropriate Commission officials to execute the temporary construction easement, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon the delivery of a deed prepared by the Legal Department;
- f. Authorize the acquisition of Right-of-Way #6416-L, a partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00, by issuing payment in the amount of \$9,000.00, payable to Patricia Curran, representing fair market value; authorize the appropriate Commission officials to execute the temporary construction easement, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
- g. Adopt the proposed Property Acquisition Resolution for Right-of-Way #6433-A, 6424-A and 6425-A, all partial take parcels, necessary for the total reconstruction project from MP A20.00 to MP A30.00; authorize payment of Estimated Just Compensation in the amount of \$260,100.00, payable to Buckley, Brion, McGuire, Morris & Sommer, LLP, Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;
- h. Authorize settlement of Right-of-Way #7135-RE, a total take parcel, necessary for the I-95 Interchange project, by issuing settlement payment in the amount of \$339,192.39, payable to Friedman, Schuman, Appelbaum, Nemeroff & McCafferty, P.C., Escrow Agent; authorize the appropriate Commission officials to execute the final stipulation as reviewed and approved by the Legal Department; payment of replacement housing supplement to the property owners will be in draws and payment of the replacement housing supplement to the property owners is contingent upon their execution of the stipulation.

-was made by Mr. Lincoln, seconded by Mr. Pratt; the motion passed unanimously.



ADVERTISING

Motion-That the Commission approves advertising of four (4) engineering or construction management firms to perform open-end inspection services (two construction inspection and two materials inspection -was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



AWARD OF BIDS AND THE ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids and the Issuance of Purchase Orders for the items in memo "a":

- a. Phase two microwave backbone upgrade, utilizing the Commonwealth's contract with Alcatel-Lucent USA Inc.; at a total award of \$1,809,965.00;

-was made by Mr. Lincoln and seconded by Mr. Deon;

Motion-That the Commission approves the Award of Bids and the Issuance of Purchase Orders for the items in memo "b":

- b. Two (2) Mack Truck tractors, utilizing the Commonwealth's contract with Mack Trucks, Inc.; at a total award of \$201,528.00.

-was made by Mr. Lincoln, seconded by Mr. Deon; Mr. Pratt abstained.

MR. PRATT: MR. CHAIRMAN: I ABSTAIN ON THE BASIS THAT THE COMPANY SET FORTH IN THIS AGENDA ITEM IS A CLIENT OF THE FIRM OF WHICH I AM A PARTNER. I ASK THAT THE SECRETARY PLEASE HAVE THE MINUTES OF THE MEETING REFLECT MY ABSTENTION ON THIS VOTE.

The motions passed.



AWARD OF CONTRACTS

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

- a. Contract #T-075.94R001-3-02 for bituminous resurfacing between MP 75.94 and MP 85.00, to the lowest responsive and responsible bidder, Tresco Paving Corporation; at a total award of \$3,167,123.31; with a contingency amount of \$150,000.00;
- b. Contract #EN-00088-03-09 for drainage repair at MP 234.50, to the lowest responsive and responsible bidder, Hempt Bros., Inc., at a total award of \$181,074.80, with a contingency amount of \$20,000.00.

-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PTRC RECOMMENDATION

Motion-That the Commission approves the vendor selection recommendation from the Procurement Technical Review Committee and authorize the negotiation and execution of a contract

for Everett Fares Warehouse/Office Infrastructure Cabling to Henkels & McCoy, Inc.-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



RETAINER FOR FIRE AND EMS

Motion-That the Commission approves the annual payment of \$1,000.00 per company, as additional compensation to the 95 fire companies and 64 emergency medical companies responding to PTC calls-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



Items Added to the Formal Agenda

CHANGE ORDER

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

- a. Change Order #1 for Contract #EN-00084-03-05 with Bi State Construction Company, Inc. for bridge repairs between MP A-20.0 and A-130.64, for an increase of \$295,214.33: increasing the not-to-exceed amount from \$400,000.00 to \$695,214.33;
- b. Change Order #1 for Contract #T-057.00R001-3-02 with The Lane Construction Corporation for bituminous overlay between MP 56.37 and MP 67.49, for an increase of \$587,683.80: increasing the not-to-exceed amount from \$9,636,779.25 to \$10,224,463.05.

-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



CHANGE ORDERS AND FINAL PAYMENTS

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

- a. Change Order #1 and Final Payment for Contract #EN-00049-03-03 with Eastern Industries, Inc. for roadway and miscellaneous repairs between MP 241.87 to MP 298.33, for a decrease of \$299,459.68; making the final contract value \$700,540.32, and the final amount due of \$35,027.02;
- b. Change Order #1 and Final Payment for Contract #EN-00049-03-04 with Eastern Industries, Inc. for roadway and miscellaneous repairs between MP A20.00 and MP A130.30, for a decrease of \$99,516.52; making the final contract value \$900,483.48, and the final amount due of \$45,024.17;
- c. Change Order #2 and Final Payment for Contract #EN-00049-03-05 with Lindy Paving, Inc. for roadway and miscellaneous repairs between MP 0.00 to MP 75.39, Turnpike 60, 66 and 43; for a decrease of \$222,567.59; making the final contract value \$2,977,432.41, and the final amount due of \$224,014.66.

-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PTRC RECOMMENDATION

Motion-That the Commission approves the selection recommendation from the Procurement Technical Review Committee and authorizes the negotiation and execution of an agreement for design of the 2010 Commission Map and Travel Guide to XNR Marketing, Inc.-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



AGREEMENT

Motion-That the Commission authorizes the execution of the Pennsylvania Department of Transportation's "Release of Fee Owner", necessary for Willow Mill Development LLC to construct a driveway across Commission property near the Willow Grove Interchange for the construction of a new Sonic Restaurant; and designate the authority to sign the form to the acting Property and Concessions Manager-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



NEXT MEETING

MS. EDMUNDS: The next Commission Meeting will be held Tuesday, July 13, 2010 beginning at 10:00 am.



ADJOURNMENT

MS. EDMUNDS: Commissioners, I have no other items for consideration, if you have nothing further, I request a motion for adjournment.

Motion – That this meeting of The Pennsylvania Turnpike Commission be adjourned at 12:03 p.m. - was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

06-15-10

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL AND
THE MANAGER OF PROCUREMENT AND MATERIALS MANAGEMENT