

MINUTES OF THE COMMISSION MEETING HELD JULY 6, 2021

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 11:05 a.m. on Tuesday, July 6, 2021 at the Central Office located in Highspire, Pennsylvania. Available in person was John Wozniak, Secretary Treasurer. Available via telephone for the meeting were Yassmin Gramian, P.E., Chair; William K. Lieberman, Vice Chair; Pasquale T. Deon, Sr., Commissioner and Wadud Ahmad, Commissioner.

Available for the meeting were Mark P. Compton, Chief Executive Officer (via telephone); Craig R. Shuey, Chief Operating Officer; Bradley J. Heigel, P.E., Chief Engineer (via telephone); Carl DeFebo, Jr., Director of Public Relations & Marketing; Charles Duncan III, Esquire, Chief Compliance, Legis. & Cultural Affairs; Doreen McCall, Chief Counsel; Kelli Roberts, Director of Policy and External Affairs (via telephone); Myneca Ojo, Director of Diversity and Inclusion (via telephone); Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via telephone); Stacia Ritter, Asst. Chief Operating Officer-Toll Collection and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Don Klingensmith, Asst. Chief Fin. Officer for Financial Administration (in person); Jeff Naugle, Manager of Treasury Operations (in person); Jesse Ream, Communication Systems Program Manager (in person); Kelly Horvath, Executive Administrative Assistant; Joe Suess, Director of Technology Infrastructure; Shawn Laudenslager, End User Support Supervisor (in person); Cooper Duffie, CEO Intern; nSteve Barber, Michael Baker (in person); Tom Porter, Michael Baker (in person); Bryan Olexy; Dan O'Brien, RBC Capital Markets; David Snively, CDR Maguire; Ed Reese, GPD Group; Eric Madden, JMT; George Settelmaier, KS Engineers; Jeff Hans, HDR; Jock Rowe, Teamsters; John Smith, Info-Matrix Corp.; Jon Livingston, Jacobs; Joseph DiFiore, Wallace Pancher Group; Karen Gabel, Erdman Anthony; Ken Utsick, ATCS; Patrick Kane, GPI; Paul McNamee, KCI; Pete Capizzi, Quality Engineering; Scott Shimko, KCI; Shane L. Reid, Navarro & Wright; and Vico Innocenti, Fisher Associates.



Chair Gramian 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 available. Mrs. Edwards welcomed the Commissioners, employees and guests on the WebEx and made the following statement:

Due to COVID-19, the Pennsylvania Turnpike Commission Administration Building remains closed to visitors. Accordingly, the Commission Meetings will be held via telephone (through June 2020 or until further notice). The Commission will continue to post call-in/WebEx information for those who wish to attend the meeting via telephone/WebEx. WebEx information should be posted at least 48 hours in advance of the meeting. The Commission will continue to closely monitor the CDC's and other government websites for up-to-date information regarding COVID-19, risk assessment and guidance to business. This meeting is being recorded and the Commission will post the recording on its website.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included a reclassification, termination, new hires, vacancies, incentive awards and requests to post and fill positions in the Information Technology and Engineering 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

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 requested time to speak at least 48 hours in advance of this meeting.

No requests to address the Commission



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held June 15, 2021 be approved and filed as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



CHANGE ORDERS

Motion-That the Commission approves the Change Orders and Final Payments for items listed in memos "a" and "h":

- a. Change Order #2 and Final Payment for Contract #T-002.30R001-3-02 for bituminous resurfacing between MP 2.22 and MP 9.29 with Lindy Paving, Inc., for a decrease of \$242,820.14 to balance items to actual work completed, and changes for asphalt mixtures, milling, pavement patching, inlet adjustments, barrier, sealing guiderail posts and delineation; for a final contract value of \$15,421,288.94 and final amount due to the contractor of \$1,179,530.77;
- h. Change Order #7 and Final Payment for Contract #T-099.00R001-3-02 for bituminous resurfacing between MP 9.26 and MP 19.47 with Lindy Paving, Inc., for a decrease of \$3,156,324.28 to balance items to actual work completed, and changes for drainage and rock lining; for a final contract value of \$34,124,903.96 and final amount due to the contractor of \$920,692.36.

- was made by Commissioner Wozniak, seconded by Commissioner Deon; Commissioner Lieberman abstained.

VICE CHAIR LIEBERMAN: I abstain on this item because Lindy Paving, Inc. is a client of my firm.

Motion-That the Commission approves the Change Orders and Final Payments for items listed in memos "b" through "g" and "i":

- b. Change Order #2 and Final Payment for Contract #T-057.00T001-3-07 for shoulder and slope repair between MP 64.34 and MP 64.60 with Mosites Construction Company, for a decrease of \$201,901.75 to balance items to actual work completed, Toll-By-Plate charges, asphalt mix designs, tack coat, 2A stone, subbase, milling, drainage, guiderail items, S.N.A.P.s, pavement markings, rock, signage and flowable fill; for a final contract value of \$1,455,123.38 and final amount due to the contractor of \$29,048.96;
- c. Change Order #4 and Final Payment for Contract #A-099.00S001-3-02 for rehabilitation of eight structures between MP A105.00 and MP 119.53 with Nyleve Bridge Corp., for a decrease of \$87,056.34 to balance items to actual work completed, changes for deck repairs, rust treatment, repairs to impact attenuator, E & S control, joint seal replacement, concrete repairs,

beam repairs, and a 26-day time extension; for a final contract value of \$4,586,995.37 and final amount due to the contractor of \$526,329.92;

- d. Change Order #3 for Contract #S-006.00X002-3-17 for electrical work for the Southern Beltway maintenance facility at MP S15.30EB with Schultheis Electric, Inc., for a 56-day time extension due to a delay in establishing permanent power to the facility by West Penn Power;
- e. Change Order #2 for Contract #S-006.00X002-3-18 for heating, ventilation, and air conditioning work for the Southern Beltway maintenance facility at MP S15.30EB with McKamish, Inc., for a 56-day time extension due to delay in establishing permanent power to the facility;
- f. Change Order #4 for Contract #S-006.00X002-3-15 for construction of the Southern Beltway maintenance facility at MP S15.30EB with Gito, Inc. d/b/a Nello Construction Company, for an increase of \$10,748.97 for a 56-day time extension due to a delay in establishing permanent power to the facility and changes for phenolic panel revisions, flashing, emergency fuel cut-off and door hardware; for a revised not-to-exceed amount of \$14,329,034.63;
- g. Change Order #6 and Final Payment for Contract #T-057.00R002-3-02 for bituminous resurfacing between MP 56.37 and MP 61.80 with Eurovia Atlantic Coast, LLC, for a decrease of \$1,472,648.19 to balance items to actual work completed, and changes for terminal end sections; for a final contract value of \$13,936,693.04 and final amount due to the contractor of \$298,014.32;
- i. Change Order #3 for Contract #EN-00165-03-03 for installation of signs between MP 245.75 and MP 359.00 and between MP A20.00 and MP A131.00 with Allison Park Contractors, Inc., for a 16-day time extension for work added to work authorization #5.

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



AGREEMENTS

Motion-That the Commission approve the negotiation and execution of the Agreements and a Supplemental Agreement for the items listed in memos "a" through "c":

- a. Settlement and Agreement in Piatelli v. PTC; and authorize payment of the settled amount;
- b. Settlement and Agreement in Vance v. PTC; and authorize payment of the settled amount;
- c. Supplemental Agreements for Infrastructure and Security Work Order contracts with our pool of qualified vendors (Appalachia, Deloitte, Skyline, World Wide Technologies and Unisys), for an additional \$1,000,000.00 due to unexpected needs associated with escalating cybersecurity threats; for a revised not-to-exceed amount of \$6,000,000.00.

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



RIGHT-OF-WAY REQUESTS

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

- a. Acquisition of Right-of-Way #6041-A (Gary W. Gray, Brian E. Gray, Karen Gray Nilson), a partial take parcel necessary for the total reconstruction from MP 312.00 to MP 316.00 by authorizing payment of \$30,450.00 representing fair market value and pro-rated taxes as follows: \$15,450.00 to Gary W. Gray, \$5,000.00 to Brian E. Gray, and \$10,000.00 to Karen Gray Nilson; 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- b. Settlement of Right-of-Way #14S267 (James E. & Jane F. Skiff), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$13,918.86 representing settlement funds, pro-rated taxes and Section 710 damages as follows: \$9,918.86 to James E. & Jane F. Skiff and \$4,000.00 to Faherty Law Firm; authorize the appropriate Commission officials to execute the Full and Final Settlement and Release agreement as approved by the Legal Department; and payment of the settlement funds;
- c. Acquisition of Right-of-Way #14S362 (Meera Hospitality, LLC), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$2,736.00 representing fair market value and pro-rated taxes to Meera Hospitality, LLC; 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;
- d. Settlement of Right-of-Way #17654 (Robert J. Galbraith, Jr.; Paul D. Galbraith; Mark Galbraith; G&G Auto Sales; Dale Property Services Penn, L.P.), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$64,800.00 representing settlement funds to Bernard Rubb, Esquire, escrow agent; authorize the appropriate Commission officials to execute the Settlement Agreement as approved by the Legal Department; payment of the settlement funds is contingent upon the Condemnees’ execution and delivery of a Settlement Agreement as approved by the Legal Department; and payment of the settlement funds;
- e. Settlement of Right-of-Way #17664 (G&G Auto Sales; Benjamin & Inez Davis; Range Resources – Appalachia, LLC), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$467,700.00 representing settlement funds to Bernard Rubb, Esquire, escrow agent; authorize the appropriate Commission officials to execute the

Settlement Agreement as approved by the Legal Department; payment of the settlement funds is contingent upon the Condemnees' execution and delivery of a Settlement Agreement as approved by the Legal Department;

- f. Adopt the proposed Property Acquisition Resolution for Right-of-Way #1026-B (United Mobile Homes of PA, Inc.; UMH PA Somerset Estates, LLC), a partial take parcel necessary for the total reconstruction and widening project from MP 99.00 to MP 109.00 and authorize execution of the necessary documents;
- g. Acquisition of Right-of-Way #14S618 (Festival Fun Parks, LLC), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$349,882.50 representing fair market value and pro-rated taxes to Festival Fun Parks, LLC; 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. Settlement of Right-of-Way #6547-B (John M. & Debora L. Phillips), a partial take parcel necessary for the total reconstruction and widening project from MP A38.00 to MP A4.00 by authorizing payment of \$3,750.00 representing fair market value and pro-rated taxes to John M. & Debora L. Phillips; 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 is contingent upon the delivery of a deed as prepared by the Legal Department;
- i. Acquisition of Right-of-Way #7213-A (Sean E. & Stacey L. DeLong), a partial take parcel necessary for the total reconstruction and widening project from MP A38.00 to MP A44.00 by authorizing payment of \$7,473.50 representing fair market value and pro-rated taxes to Sean E. & Stacey L. DeLong; 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 is contingent upon the delivery of a deed as prepared by the Legal Department;
- j. Acquisition of Right-of-Way #7212-A (Sean E. DeLong), a partial take parcel necessary for the total reconstruction and widening project from MP A38.00 to MP A44.00 by authorizing payment of \$20,022.32 representing fair market value and pro-rated taxes to Sean E. DeLong; 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 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 #8213-D (Ash Tree Farms, LLC), a partial take parcel necessary for the total reconstruction and widening project from MP A44.00 to MP A48.00 by authorizing payment of \$1,100.00 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;
- l. Adopt the proposed Property Acquisition Resolution for Right-of-Way #8213-C (Michael C. & Lisa A. Urfffer), a partial take parcel necessary for the total reconstruction and widening project from MP A44.00 to MP A48.00 by authorizing payment of \$2,300.00 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 Wozniak, seconded by Commissioner Deon, and passed unanimously.



ADVERTISING

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

- a. Open-end contract for coating consultation services;
- b. Open-end contract for construction inspection services for the Mon/Fayette Expressway, Turnpike 43, Rt. 51 to Rt. 837;
- c. Unified Back Office System for use in the Customer Service Center;
- d. IT Infrastructure and Security Work Order services contracts.

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



PURCHASE ORDERS

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

- a. Service contract for underground storage tank compliance (August 2021 – July 2024), with Synergy Environmental, Inc.; at a total award of \$208,260.00;
- b. Central Office Building TILT lighting project, utilizing the Commonwealth's contract with Schaedler Yesco Distribution, Inc.; for a total award of \$104,281.25;
- c. LED replacements for District 1 interchanges, utilizing the Commonwealth's contract with Schaedler Yesco Distribution, Inc.; at a total award of \$168,130.00;

- d. Daktronics service agreement, exercising the option to renew the agreement for an additional year (August 2021 – July 2022) with Daktronics, Inc.; at a cost of \$99,100.00;
- e. Fuel additives, exercising the option to renew the agreement for an additional year (June 2021 – May 2022) with Penn Diesel Service Co.; at a cost of \$65,000.00;
- f. Five (5) CAT forklifts, utilizing the Commonwealth’s contract with Equipment Depot PA, Inc./EDPA; at a total award of \$129,878.05;
- g. Managed print contract, exercising the option to renew the agreement for an additional year (July 2021 – June 2022) with Fraser Advanced Information Systems; at a cost of \$143,552.92;
- h. Ten (10) John Deere tractor mowers and ten (10) John Deere rear and side flail mowers, utilizing the Commonwealth’s contract with John Deere Ag & Turf CBD & Govt. Sales/Deere & Co., at a total award of \$789,773.00;
- i. Five (5) Ford F-150 trucks, utilizing the Commonwealth’s contract with Apple Ford of Red Lion/Apple Automotive Group, Inc.; at an award of \$210,470.00;
- j. Environmental Systems Research Institute (ESRI) GIS software maintenance, exercising the option to renew the agreement, which is conditioned upon renewal or extension of the Commonwealth’s contract, for an additional year (July 2021 – June 2022) with ESRI, Inc.; at a cost of \$113,010.67;
- k. Five (5) Chevrolet Silverado 1500 trucks, utilizing the Commonwealth’s contract with Apple Chevrolet/Westgate Chevrolet, Inc.; at an award of \$163,880.00;
- l. Splunk Enterprise Security Incident Event Monitoring, exercising the option to renew the agreement, which is conditioned upon renewal or extension of the Commonwealth’s contract, for an additional year (July 2021 – June 2022) with CDW Government LLC/CDW, LLC; at a cost of \$117,446.81.

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



TOLL INCREASE

Motion-That the Commission approve the proposed 2022 annual toll increase of 5% across the entire Turnpike System effective January 2022, with the exception of the Southern Beltway. E-ZPass and Toll-By-Plate (TBP) rates for passenger and commercial vehicles will round up to the nearest dime. Adopt a rate schedule for the Southern Beltway, including the Findlay Connector, to be effective in October 2021 upon the roadway opening-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held virtually on Tuesday, July 20, 2021 beginning at 11:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:12 a.m.-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

John Wozniak
Secretary Treasurer