

MINUTES OF THE COMMISSION MEETING HELD JULY 5, 2016

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:56 a.m. on July 5, 2016 at the Central Office located in Highspire, Pennsylvania. Present for the meeting was Barry Drew, Commissioner. Available via telephone were Sean Logan, Chairman; William K. Lieberman, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer and Leslie S. Richards, Secretary of Transportation.

Present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Jeffrey L. Hess, Assistant Director of Toll Collection-Fares; Doreen A. McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Jack Christensen, Director of FEMO; Richard C. Dreher, Assistant CFO/Financial Management; Kelly Horvath, Executive Administrative Assistant; Jeffrey A. Naugle, Manager of Treasury Operations; Sheri Norris, Director of Human Resources; Sean Laudenslager, Technician of PC/LAN Systems; Paul McNamee, KCI; John Smith, Parsons Brinckerhoff; Gregory Bitsko, Cherry, Weber & Associates; James Hickey, Sovereign Enterprise; Steve Barber, Michael Baker, Inc.; and Mike Shubert, Consultant.



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 available.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of personnel, which included a voluntary downgrade, promotions, new hires, vacancies, and requests to post and fill positions in the Facilities and Energy Management Operations; Information Technology and Fare Collection Departments.

The Commissioners also discussed Case No. PTC-17653 and 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 June 21, 2016 be approved and filed as submitted-were made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No unfinished business to discuss.



NEW BUSINESS

BOND RESOLUTION

Motion-That the Commission approves amending the pool of qualified underwriters to include FTN Financial Capital Markets to the co-manager pool-was made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously



AGREEMENTS

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

- a. Reimbursement Agreement with West Mifflin Sanitary Sewer Municipal Authority to reimburse the Authority the cost for the design studies and engineering for the relocation of utility lines, building and pump stations necessary for construction of the Mon/Fayette Expressway, Section 53B; at a not-to-exceed amount of \$37,500.00;
- b. Eight (8) Reimbursement Agreements with West Penn Power Company to reimburse West Penn Power the cost to perform the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55B; at a combined not-to-exceed amount of \$1,000,000.00;
- c. Reimbursement Agreement with New Century Energy to reimburse New Century the cost to perform the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55B; at a not-to-exceed amount of \$150,000.00;
- d. Reimbursement Agreement with Verizon to reimburse Verizon the cost to perform the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55B; at a not-to-exceed amount of \$200,000.00.

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



RIGHT-OF-WAY REQUESTS

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

- a. Adopt the proposed Property Acquisition Resolution for Right-of-Way #3312-B (Icon Owner Pool 4 Northeast/Midwest LLC), a partial take parcel necessary for the replacement of Bridge EB-103 at MP 228.54, by authorizing payment of estimated just compensation of \$8,000.00 to counsel 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;

- b. Adopt the proposed Property Acquisition Resolution for Right-of-Way #6451-D (David S. Ellwagner), a partial take parcel necessary for the installation of the ITS message board at MP A42.00, by authorizing payment of estimated just compensation of \$500.00 to counsel 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;
- c. Settlement of Right-of-Way #17658 (Roy & Sandy Daniels-owner; Penneco Pipeline Corp-natural gas well owner), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing settlement of \$200,000.00 to Penneco Pipeline Corp. and payment of settlement funds is contingent upon its execution of the Settlement and Mutual Release Agreement as approved by the Legal Department;
- d. Acquisition of Right-of-Way #2060-B (Earl W. & D. Joyce Kimble, and Scott W Kimble, JTWRS-Owners), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$3,792.75 representing fair market value and pro-rated taxes to Earl W. & D. Joyce Kimble; also authorize payment of \$3,792.75 representing fair market value and pro-rated taxes to Scott W. Kimble; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents 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 owners is contingent upon their delivery of a deed prepared by the Legal Department;
- e. Acquisition of Right-of-Way #6523-A (William E. & Sarabeth Gadd), a partial take parcel necessary for the total reconstruction from MP A31.00 to MP A38.00 by authorizing payment of \$39,048.58 of fair market value, pro-rated taxes and Section 710 statutory damages for reimbursement of appraisal fees to William E. & Sarabeth Gadd; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents 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 owners is contingent upon their delivery of a deed prepared by the Legal Department;
- f. Settlement of Right-of-Way #17678 (Jon S. & Laura K. Rutkauskus), a partial take parcel necessary for construction of the Southern Beltway by authorizing payment of \$6,400.00 representing settlement funds to Goldberg, Kamin & Garvin, LLP, escrow agent; and payment of the settlement funds to the claimant is contingent upon condemnee's execution of the Settlement and Mutual Release Agreement;
- g. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14198 (Gary A. & Roxanne M. Shute-owners; Great Lakes Energy Partners, LLC-lessee), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$133,000.00 to counsel 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;

- h. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14199 (Donald & Janet Fuchs), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$30,300.00 to counsel 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;
- i. Adopt the proposed Property Acquisition Resolution for Right-of-Way #17389 (James Allen & Diane Lee Bednar), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$10,600.00 to counsel 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;
- j. Adopt the proposed Property Acquisition Resolution for Right-of-Way #17397 (Andrew & Tracy L. Zottola), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$360,000.00 to counsel 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;
- k. Acquisition of Right-of-Way #17621 (Kelly Ambrecht, f/k/a Kelly Macock and Leo Macock), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$276,244.18 of 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 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 owners is contingent upon their delivery of a deed prepared by the Legal Department;
- l. Adopt the proposed Property Acquisition Resolution for Right-of-Way #17624 (Thomas R. & Sharon A. Hallam-owners; and Range Resources-Appalachia-lessee), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$43,900.00 to counsel 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;
- m. Adopt the proposed Property Acquisition Resolution for Right-of-Way #17637 (Richard C. & Graciela Burton), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$18,000.00 to counsel 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;
- n. Adopt the proposed Property Acquisition Resolution for Right-of-Way #17629 (Mildred M. Kemp), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$41,900.00 to counsel 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;

- o. Adopt the proposed Property Acquisition Resolution for Right-of-Way #17638 (Alan R. & Carolyn R. Rank), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of estimated just compensation of \$371,300.00 to counsel 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;
- p. Settlement of Right-of-Way #16530 (Richard & Barbara Novsek), a partial take parcel necessary for contraction of the Mon/Fayette Expressway, Uniontown to Brownsville, by authorizing payment of \$10,000.00 represent settlement payment to McDonald Snyder, P.C., escrow agent; and authorize the appropriate Commission officials to execute the Settlement Agreement and fee simple deed as approved by the Legal Department; and payment of the settlement funds and delivery of the deed is contingent upon the delivery of an executed Settlement Agreement.

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



ADVERTISING

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

- a. Contract #S-006.00X002-3-08 for construction of the Southern Beltway, SR 576, Section 55B from MP S11.17 to MP S14.31;
- b. Legal and Financial Advisory services to assist with the procurement and post-procurement phases for the Public-Private Partnership (P3) Fiber Optic Cable project.

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



PURCHASE ORDERS

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

- a. Sign Management System, Data Collection Services and Pavement Management System, utilizing the cooperative purchase agreement with the Texas Dept. of Informational Resources with AgileAssets Inc.; at a total award of \$3,144,330.80;
- b. Nine (9) 2016 Chevrolet Silverado 2500 crew cab pickup trucks (Responders), utilizing the Commonwealth's contract with Apple Automotive Group; at a total award of \$321,048.00.

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



AWARD OF CONTRACTS

Motion-That the Commission approves the Award of a Contract for the item listed in memo "a":

- a. Contract #T-355.00P002-3-04 for the replacement of Bridge DB-224 at MP 351.37, to the lowest responsive and responsible bidder, Allan A. Myers, L.P.; at a not-to-exceed amount of \$21,780,000.00 and a contingency of \$1,000,000.00;
-was made by Commissioner Drew, seconded by Commissioner Deon; Commissioner Richards abstained.

SECRETARY RICHARDS: I abstain on this item because the vendor listed was a former political donor.

Motion-That the Commission approves the Award of a Contract for the item listed in memo "b":

- b. Contract #T-056.44R002-3-02 for bituminous resurfacing of the Pittsburgh Interchange ramps, to the lowest responsive and responsible bidder, The Lane Construction Corp.; at a not-to-exceed amount of \$2,514,261.40 and a contingency of \$100,000.00.
-was made by Commissioner Drew, seconded by Commissioner Deon, 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, b, d & e":

- a. Change Order #1 for Contract #EN-00115-03-02 for installation of signs on Toll I-376, Turnpike 66 and Turnpike 43 with Green Acres Contracting Co., Inc., for a 258-day time extension to complete work authorizations 1 & 2 due to schedule changes for cashless tolling;
- b. Change Order #1 and Final Payment for Contract #EN-00153-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Gregori Construction Inc., for a decrease of \$1,611,353.43 to balance items to actual work completed; for a final contract value of \$388,646.57 and final amount due to the contractor of \$19,432.33;
- d. Change Order #2 for Contract #EN-00167-03-03 for installation of signs between MP 101.79 and MP 201.29 with Protection Services, Inc., for an additional \$197,772.43 for re-mobilization, MPT and the replacement of type B signs and posts that were damaged during the winter; for a revised not-to-exceed amount of \$905,150.42;
- e. Change Order #1 and Final Payment for Contract #EN-00190-03-02 for guiderail end treatment updates between MP 2.80 and MP 232.72 and Toll I-376 and Turnpike 66 with Green Acres Contracting Co., Inc., for a decrease of \$34,700.00 to balance items to actual work completed and deletion of the item for replacing the vehicle attenuating device; for a final contract value of \$628,737.50 and final amount due to the contractor of \$38,656.88.

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

Motion-That the Commission approves the Change Order for the item listed in memo "c":

- c. Change Order #1 and Final Payment for Contract #T-067.22R001-3-02 for bituminous resurfacing of the Irwin Interchange ramps with Lindy Paving, Inc., for a decrease of \$135,358.52 to balance items to actual work completed, pipe run repair in the employee parking lot and anti-graffiti coatings; for a final contract value of \$922,112.38 and final amount due to the contractor of \$78,369.98; -was made by Commissioner Drew, seconded by Commissioner Deon; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on the basis that the company set forth in this agenda item is a client of my firm.



SUPPLEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #1 for construction management/construction inspection services for the roadway and bridge reconstruction project from MP 215.00 to MP 227.00 with ALCM, LLC, to include construction management services for the replacement of Bridge EB-103 at MP 228.54-was made by Commissioner Drew, seconded by Commissioner Deon; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on this item because ALCM is a client of my firm.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, July 17, 2016 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:08 a.m. -was made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.
Secretary Treasurer