

MINUTES OF THE COMMISSION MEETING HELD AUGUST 14, 2012

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:58 a.m., August 14, 2012 at the Central Office located in Highspire, Pennsylvania. Available via phone for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esq., Vice Chairman; Pasquale T. Deon, Sr., Commissioner and Barry J. Schoch, P.E., Secretary of Transportation.

Present for the meeting were Craig R. Shuey, Chief Operating Officer; Larry Bankert, P.E., Chief Engineer, Michael Baker Jr., Inc.; William J. Capone, Director of Communications/Public Relations; Scott Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Director of Government Affairs and Jeffrey A. Naugle, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Susan Carson-Casoni, Cash Manager; John Christensen, Director of FEMO; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Gina M. Murray, Engineering Contracts Supervisor; Bob Rosell, Technician of PC/LAN Systems; Albert Peters II, General Litigation & Contracts Counsel; Thomas Harding, Auditor General's Office; Marco Levoyer, Hatch Mott MacDonald and Blair Stocker, Hatch Mott MacDonald.

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Mr. Naugle led the Commissioners and staff in the Pledge of Allegiance.

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The Assistant Secretary Treasurer, Jeffrey Naugle, called the roll and declared a quorum present.

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SUNSHINE ANNOUNCEMENT

MR. NAUGLE: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED A PROMOTION, A REORGANIZATION, TERMINATIONS, NEW HIRES, RECLASSIFICATIONS, EQUITY ADJUSTMENTS, VACANCIES AND REQUESTS TO ABOLISH AND TO POST AND FILL POSITIONS IN THE MAINTENANCE, FINANCE AND ADMINISTRATION, COMMUNICATIONS AND PUBLIC RELATIONS AND FACILITIES AND ENERGY MANAGEMENT OPERATIONS DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED CASE NOS. 4400001178 AND 4100003213 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

MR. NAUGLE: 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, EFFICIENT, EFFECTIVE AND DIGNIFIED MEETING, ALL PERSONS WISHING TO ADDRESS THE COMMISSION SHOULD HAVE SIGNED IN AND REQUESTED TIME TO SPEAK. IF YOU HAVE NOT DONE SO, YOU ARE INVITED TO DO SO.

COMMISSIONERS, WE HAVE NO REQUESTS TO ADDRESS THE COMMISSION. AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF.
THOMAS HARDING, AUDITOR GENERAL'S OFFICE
MARCO LEVOYER, HATCH MOTT MACDONALD
BLAIR STOCKER, HATCH MOTT MACDONALD

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held July 18, 2012 be approved and filed as submitted-was made by Commissioner Lincoln, seconded by Commissioner Schoch; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memos received from the Chief Counsel and the Manager of Strategic Sourcing and Asset Management-was made by Commissioner Schoch, seconded by Commissioner Pratt; and passed unanimously.

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PERSONNEL

Motion-That the Commission approves the Personnel as amended-was made by Commissioner Lincoln, seconded by Commissioner Schoch; and passed unanimously.

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NEW BUSINESS

REAL ESTATE APPRAISERS

Motion-That the Commission approves amending the pool of qualified real estate appraisers for real estate appraisal services to include Indian Valley Appraisal Company to the qualified pool-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements, an Amendment, a Supplement, a Release and a Work Order for the items listed in memos “a” through “h”:

- a. Amendment to our agreement with Lewis Environmental Group for spill response, to exercise our option to extend the agreement for an additional two (2) years;
- b. Gift Agreement with Robert & Alice Miller for their donation of *America’s Dream Highway* memorabilia;
- c. Work Order #31 with TransCore to remove and reinstall Fare Collection System island and booth equipment systems at the Pittsburgh Interchange; at a not-to-exceed amount of \$1,184,287.00;
- d. Drainage Easement with Venango Trails Partners (VTP) to convey stormwater from a retention pond along Mount Pleasant Road to a small stream located on Commission property (near MP 30.70);
- e. Supplemental Agreement with CSI for professional services, for an additional not-to-exceed amount of \$100,000.00 for ongoing services;
- f. Releases (executed by the CFO) as part of the settlement of the JP Morgan Chase Municipal Bond Derivative litigation and accept settlement payment in the approximate amount of \$228,500.00;
- g. Settlement Agreement and release with Astorino as part of the Underground Thermal Storage Tank specification for the Turnpike Industrial Park Building project;
- h. Settlement Agreement and release with STV Incorporated as part of the Underground Thermal Storage Tank specification for the Turnpike Industrial Park Building project.

-was made by Commissioner Pratt, seconded by Commissioner Schoch; and passed unanimously.

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RIGHT-OF-WAY REQUEST

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

- a. Approve the plans entitled, “Drawings for Establishing and Reestablishing Limited Access Highway and Authorizing Acquisition of Right-of-Way for Roadway and Bridge Reconstruction on the Pennsylvania Turnpike S. R. 0076 and also Authorizing Acquisition of Right-of-Way on State Route 1003 (Old York Road) in York County, Contract No. T-242.00T002-3-04, Pennsylvania Turnpike from Sta 193+17.82 to Sta 206+45.36 = 1327.54 Ft = 0.251 Miles, M. P. 242.94 to M. P. 243.19 SR 1003 (Old York Road) from Sta 12+10.00 to Sta 17+50.00 = 540.00 Ft = 0.102 Miles.”, as prepared by the Engineering Department for the improvements from MP 242.94 to MP 243.19;

- b. Approve the acquisition of Right-of-Way #17657, a partial take parcel, necessary for construction of the Southern Beltway, by authorizing the payment of fair market value, pro-rated taxes and recording fees of \$28,796.19 payable to Fayette Professional Services; authorize the appropriate Commission officials to execute the agreement of sale and other documents as 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 their delivery of a deed as prepared by the Legal Department;
- c. Approve the acquisition of Right-of-Way #2003-5, a partial take parcel, necessary for the replacement of Bridge B-404, by authorizing the payment of fair market value, pro-rates taxes and recording fees of \$10,069.84 to Puzak Law Offices, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as 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 their delivery of a deed as prepared by the Legal Department;
- d. Approve the acquisition of Right-of-Way #14079-Q, a total take parcel, necessary for the reconstruction of Bridge WB-451, by authorizing the payment of fair market value, pro-rated taxes and recording fees of \$82,278.36 to James J. Pecora, Esquire, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as 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 their delivery of a deed as prepared by the Legal Department;
- e. Approve the acquisition of Right-of-Way #3379-A, a partial take parcel, necessary for the replacement of Bridge EB-210, by authorizing the payment of fair market value and pro-rated taxes in the amount of \$7,393.00 to Hempt Bros., Inc.; authorize the appropriate Commission officials to execute the agreement of sale and other necessary documents required for closing; payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;
- f. Approve the acquisition of Right-of-Way #3381-C, a partial take parcel, necessary for the replacement of Bridge EB-210, by authorizing the payment of fair market value in the amount of \$500.00 to John J. Semones; authorize the appropriate Commission officials to execute the temporary construction easement and other necessary documents required for closing; payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of the fair market value to the property owner is contingent upon the delivery of a temporary construction easement as prepared by the Legal Department;
- g. Approve the acquisition of Right-of-Way #16454, a partial take parcel, necessary for construction of the Mon/Fayette Expressway, by authorizing the payment of fair market value in the amount of \$1,500.00 to Gary Nobel; authorize the appropriate Commission officials to execute the agreement of sale and other necessary documents required for closing; payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by

the Chief Counsel; and payment of the fair market value to the property owner is contingent upon the delivery of a deed of easement as prepared by the Legal Department;

- h. Approve the acquisition of Right-of-Way #14138, a total take parcel, necessary for construction of the Southern Beltway, by authorizing the payment of fair market value, pro-rated taxes and recording fee of \$243,020.13 payable to Coon and Company, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as 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 their delivery of a deed as prepared by the Legal Department;
- i. Approve the acquisition of Right-of-Way #6059-A1, a partial take parcel, necessary for the total reconstruction project from MP 320.00 to MP 326.00, by authorizing reimbursement of Section 710 statutory damages for engineering fees in the amount of \$3,900.00 to Stephen W. & Suzanne E. Kline;
- j. Approve the acquisition of Right-of-Way #14022-E1, a total take parcel, necessary for the total reconstruction project from MP 31.00 to MP 38.00, by authorizing the payment of fair market value, pro-rated taxes and recording fees of \$221,305.29 payable to James J. Pecora, Esquire, 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;
- k. Approve the acquisition of Right-of-Way #6050-C1, a total take parcel, necessary for the Yellow Springs Road Bridge replacement project, by authorizing the payment of fair market value, pro-rated taxes, recording fees and closing costs of \$326,819.93 payable to City Line Abstract, Escrow Agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents that may be required at closing; authorize the payment of additional statutory damages a 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 prepared by the Legal Department.

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

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POLICY LETTERS

Motion-That the Commission adopts the revised Policy Letters to reflect the changes in the purpose policy section and to reassign the responsibilities to the Office of Diversity and Inclusion:

- Policy Letter 2.1, American with Disabilities Act Amendments Act
- Policy Letter 2.2, Equal Employment Opportunity
- Policy Letter 3.3, Sexual Harassment and Sexual Discrimination

-was made by Commissioner Pratt, seconded by Commissioner Schoch; 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 "f":

- a. Two (2) roadway sweepers, utilizing the Commonwealth's contract with Bortek Industries, Inc.; at a total award of \$468,262.24;
- b. Solar salt (evaporated crystal sodium chloride), to the lowest responsive and responsible bidder, International Salt Co. LLC; at a total award of \$300,000.00;
- c. Promotional items and corporate apparel, exercising our option to renew the contract for additional 2-years with Apex Advertising, Inc.; at an additional cost of \$77,500.00;
- d. Fuel storage tank cleaning (August 1, 2012-July 31, 2013), utilizing the Commonwealth's contract with Clean Fuels Associates, Inc.; at a total award of \$115,000.00;
- e. Six (6) tow plows, utilizing the Commonwealth's contract with Lancaster Truck Bodies; at a total award of \$720,372.00;
- f. Two (2) telescoping boom lifts, utilizing the Commonwealth's contract with Equipment Depot; at a total award of \$126,523.40.

-was made by Commissioner Pratt, seconded by Commissioner Schoch; 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-135.30S001-3-02 for the painting of Bridge B-491 at MP 135.30, to the lowest responsive and responsible bidder, Mosites Construction Company; at a not-to-exceed amount of \$396,172.00 and a contingency amount of \$25,000.00;
- b. Contract #EN-00124-03-03 for sinkhole repairs between MP 199.26 and MP 312.03, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$500,000.00;
- c. Contract #T-149.50T002-3-03 for the replacement of Bridge B-552 at MP 153.06, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$5,704,603.20 and a contingency amount of \$200,000.00.

-was made by Commissioner Pratt, seconded by Commissioner Schoch; and passed unanimously.

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SUPPLEMENTAL AGREEMENTS

Motion-That the Commission approves the Supplemental Agreements for the items listed in memos “a” through “c”:

- a. Supplemental Agreement #3 with Urban Engineers, Inc. for design management for the total reconstruction projects MP 0-10, 40-48, 99-109, 312-319 and MP 320-326, for an increase of \$6,600,000.00 to complete the design management services for these projects;
- b. Supplemental Agreement #1 with GAI Consultants, Inc. for preliminary and final design of the total reconstruction project from MP 149.50 to MP 155.50, for an increase of \$6,300,000.00 for the changes in design and changes in regulatory requirement since this contract was initiated in 2006;
- c. Supplemental Agreement #1 with CDM Smith, Inc. for preliminary and final design of the total reconstruction project from MP 242.00-245.00, for an increase of \$1,300,000.00 for the changes in design and changes in regulatory requirement since this contract was initiated in 2005.

-was made by Commissioner Pratt, seconded by Commissioner Schoch; and passed unanimously.

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CHANGE ORDERS AND FINAL PAYMENTS

Motion-That the Commissioner approves the Change Orders, Change Orders/Final Payments and Final Payment for the items listed in memos “a” through “h”:

- a. Change Order #4 and Final Payment for Contract #T-355.00P001-3-03 with James J. Anderson Construction Co., Inc., for the replacement of Bridge DB-234 and Bridge DB- 247, for a decrease of \$200,780.62 for normal quantity adjustments to balance items to the actual work completed and additional costs necessary for additional fencing, subbase and revised utility changes; for a final contract value of \$9,813,161.73 and the final amount due to the contractor of \$220,936.61;
- b. Change Order #1 for Contract #T-345.75R001-3-02 with Glasgow, Inc. for bituminous overlay between MP 345.75 and MP 351.79, for an increase of \$503,674.04 for additional bridge deck repairs;
- c. Change Order #2 for Contract #EN-00027-03-03 with William Orr and Sons, Inc. for installation of signs from MP 245.75 to MP 359.00 and MP A20.00 to A131.00, for a 90-day time extension necessary for fabrication and installation of signs for Work Authorizations #5 & #6, and extending the completion date to 9/28/12;
- d. Final Payment for Contract #T-247.38F005-3-03 with G.R. Sponaugle & Sons, Inc. for plumbing work for the Operations Center at the TIP Building; for a final contract value of \$286,517.39 and the final amount due to the contractor of \$16,764.89;
- e. Change Order #1 and Final Payment for Contract #EN-00111-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66; for a decrease of \$108,666.57 for normal quantity adjustments to balance items to the actual work completed;

for a final contract value of \$491,333.43 and the final amount due to the contractor of \$24,566.67;

- f. Change Order #1 and Final Payment for Contract #EN-00111-03-05 for bridge repairs between MP A20.00 and MP A130.64; for a decrease of \$8,691.16 for normal quantity adjustments to balance items to the actual work completed; for a final contract value of \$991,308.84 and the final amount due to the contractor of \$47,885.33;
- g. Change Order #15 and Final Payment for Contract #M-015.30X001-3 for construction of Section 51J of the Mon/Fayette Expressway; for a decrease of \$143,733.46 for normal quantity adjustments to balance items to the actual work completed and settlement costs for pavement replacement and guide rail relocation; for a final contract value of \$80,572,669.63 and the final amount due to the contractor of \$231,982.10;
- h. Change Order #2 for Contract #A-020.00T002-3-04 for wetland mitigation at the Norristown Farm Park; for an additional \$186,866.35 for milling and paving repairs to the haul road, re-grading basins and repairs to the erosion control devices caused by Hurricane Irene.

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

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LANDEX SYSTEM

Motion-That the Commissioner authorizes the Legal Department to establish a LANDEX land records account; the LANDEX system allows users to search land records in various counties in the Commonwealth electronically; and authorize the payment of costs associated with use of the system
-was made by Commissioner Pratt, seconded by Commissioner Schoch; and passed unanimously.

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AWARD OF SERVICES

Motion-That the Commission approves the award of services and authorize the negotiation and execution an agreement with the selected firm(s) for the items listed in memos "a" thorough "c":

- a. Ref #3-232. Open-end Commissioning Services for mechanical, electrical and plumbing design and construction phases/inspection systemwide:
 - 1. Reynolds Consulting Engineers, Inc. - AWARDED
 - 2. Allen & Shariff Engineering, LLC
 - 3. Johnson, Mirmiran & Thompson-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.
- b. Ref #3-236. Engineering firm for preliminary and final design services for the replacement of Bridge EB-306 at MP 248.19:

1. RETTEW Associates, Inc. - AWARDED
 2. NTM Engineering, Inc.
 3. Erdman Anthony Associates, Inc.
- was made by Commissioner Deon, seconded by Commissioner Pratt; and passed unanimously.
- c. RFP #3552. Installation of Intelligent Transportation Systems between MP 226.60 and MP 269.85:
1. Carr & Duff, Inc. - AWARDED
 2. Wellington Power Corporation
- was made by Commissioner Deon, seconded by Commissioner Schoch; and passed unanimously.

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NEXT COMMISSION MEETING

MR. NAUGLE: The next meeting of The Pennsylvania Turnpike Commission will be a formal telephone meeting on Tuesday, September 4, 2012 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 11:12 a.m. -was made by Commissioner Pratt, seconded by Commissioner Schoch; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

08-14-12

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL AND
THE MANAGER OF STRATEGIC SOURCING AND ASSET MANAGEMENT