

MINUTES OF THE COMMISSION MEETING HELD SEPTEMBER 5, 2017

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:18 a.m. on September 5, 2017 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Barry Drew, Secretary Treasurer and John Wozniak, Commissioner. Available via telephone were Leslie Richards, Chair; William K. Lieberman, Vice Chair and Pasquale T. Deon, Sr., Commissioner.

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, Inc.; 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; Jeffrey L. Hess, Assistant Director of Toll Collection-Fares; Doreen McCall, Chief Counsel (via telephone); Ray Morrow, Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire, Director of Policy and External Affairs; Robert Taylor, Chief Technology Officer and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others present 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; Cindy Smith, ETC Customer Service Operations Analyst; Mark Strause, Technician of PC/Lan Systems; Paul McNamee, KCI; Mike Gross, Wallace Montgomery and Kristi Reichard, Raudenbush Engineering.



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 reorganization, promotions, terminations, reclassifications, new hires, vacancies and a request to abolish and reclassify positions in the Engineering Department.

The Commissioners also discussed Docket No. 2009-CV-06747-CV 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 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 August 15, 2017 be approved and filed as submitted - were made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS

INVOICE PAYMENT

Motion-That the Commission approves payment of the invoices for the items listed in memos “a” and “b”:

- a. Employee Liability Self-Insurance Program (ELSIP) invoice from the PA Department of General Services, which represents the annual premium due for the period July 1, 2017 – June 30, 2018, in the amount of \$72,108.88;
- b. E-ZPass Interagency Group’s (IAG) invoice for expenses incurred in supporting the backup Virtual Private Network (VPN), from February - July 2017, in the amount of \$1,502.53.

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



AGREEMENTS

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

- a. Agreements for open-end drilling, to the lowest responsive and responsible bidders; at a not-to-exceed amount of \$500,000.00 each or two (2) years, whichever occurs first:
 - AWK Drilling, Inc.-MP 0.00 to MP 247.30, Greensburg Bypass, Beaver Valley Expressway, Mon/Fayette Expressway and the Southern Beltway;
 - TRC Engineers, Inc.-MP 247.00 to MP 359.00 and the Northeast Extension;
- b. Amendment to our agreement with State Farm Insurance for sponsorship of the Commission’s safety patrol, exercising the option to renew the agreement for an additional year (March 1, 2018 – February 28, 2019);
- c. Amendment to our agreement with PFM Asset Management, Inc. for financial advisory services to specifically include financial advice related to possible Forward Delivery Agreements (FDA), such agreements (FDA’s) would seek to capture additional financial benefits in our Debt Service Funds; for a not-to-exceed amount of \$99,000.00;
- d. Settlement Agreement and Release, Zwierzchowski v. PTC; and authorize issuance of the settlement amount;
- e. Supplemental Agreement with West Providence Township for the elimination of two Turnpike bridges (B-518 @ MP 154.42 & B-519 @ MP 154.56), for an increase of \$700,000.00 for increased design and construction costs for environmental permitting, geotechnical services, design of a culvert, earthwork, erosion control, storm drainage, traffic control and construction services; for a revised not-to-exceed amount of \$1,500,000.00;

- f. Settlement Agreement and Release with Bob Marnell, and authorize issuance of the Workers' Compensation settlement amount;
- g. Amendment to the Settlement Agreement and Mutual Release with Allan A. Myers PA, Inc. and Allan A. Myers, Co. trading as Allan Myers, L.P. to modify payment terms to reflect a credit to the Commission, release retainage, and issue payment in the settlement amount in exchange for full and final release of all claims against the Commission;
- h. Amendment to our agreement with Dering Consulting for Supervisory Leadership Academy Training-Level 2; to extend the term of the agreement for an additional 3-months.

-was made by Commissioner Drew, seconded by Commissioner Wozniak, 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 "i":

- a. Approve the plans entitled, "Authorizing Acquisition of Right-of-Way for the Replacement of Bridge EB-103 at Milepost 228.54 in Cumberland County", as prepared by the Engineering Department, necessary for the land acquisition for the project;
- b. Approve the plans entitled, "Acquisition of Right-of-Way for Contracts No. T-040.00T001-4, Roadway and Bridge Reconstruction Milepost 39.62 to Milepost 47.07, Allegheny County, STA 572+05.00 to STA 969+50.00, Length = 39,334 Feet + 7.45 Miles; SR 0910 – STA 10+50 to STA 27+31, STA 513+75 to STA 520+97, STA 412+76 to STA 425+75; Middle Road (C-2309/02), STA 15+00 to STA 25+75; Rich Hill Road (T-662), STA 303+00 to STA 313+50; McClellan Road (T-587), STA 66+90 to STA 67+75 LT, STA 74+97 to STA 76+25 LT"; as prepared by the Engineering Department, necessary for the land acquisition for the project;
- c. Acquisition of Right-of-Way #14239-A1 (Daniel C. & Sandra Butts), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$134,701.77 representing fair market value, pro-rated taxes, recording fees, housing supplement and closing costs 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 damages to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
- d. Acquisition of Right-of-Way #14079-RG (Timothy R. Malone), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$175,358.75 representing fair market value, pro-rated taxes, recording fees, housing supplement and closing costs 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 damages to the property owner is contingent upon his delivery of a deed prepared by the Legal Department;

- e. Settlement of Right-of-Way #17669 (Robert Geary Cummins, Alan Reed Cummins, Range Resources-Appalachia, LLC), a partial take parcel necessary for construction of the Southern Beltway by authorizing payment of \$22,500.00 representing balance of settlement funds and Section 710 damages to Robert Geary Cummins, and authorize payment of \$22,500.00 representing balance of settlement funds and Section 710 damages to Alan Reed Cummins; 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 owners is contingent upon the delivery of an executed Settlement Agreement and General Release;
- f. Acquisition of Right-of-Way #6021-A (James & Michelle Grubb), a partial take parcel necessary for the Milford Road bridge replacement project at MP 309.00 by authorizing payment of \$11,063.50 representing fair market value and pro-rated taxes to James and Michelle Grubb; 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 their deliver of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #12035-J4 (Conley-Beaver Corp.), a partial take parcel necessary for the Beaver River Bridge project by authorizing payment of \$500.00 representing fair market value to Conley-Beaver Corp.; authorize the appropriate Commission officials to execute the required Temporary Construction Easement 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 its delivery of an executed Temporary Construction Easement prepared by the Legal Department;
- h. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14129A (Range Resources-Appalachia, LLC, Patrick Scheider dba Scheider Plumbing, Kelly Priore), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$232,100.00 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;
- i. Settlement of Right-of-Way #1031-R25 (Ronald J. & Priscilla A. Dreiling, Ruby Tuesday, Inc.), partial take parcel necessary for the reconstruction of Bridge B-502 at MP 110.12 by authorizing payment of \$1,150.00 representing fair market value to Ronald J. Dreiling Revocable Trust, and authorizing payment of \$1,150.00 representing fair market value to Ruby Tuesday, Inc.; authorize the appropriate Commission officials to execute the required Temporary Construction Easement 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 their delivery of an executed Temporary Construction Easement prepared by the Legal Department.

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



ADVERTISING

Motion-That the Commission approves advertising for construction management services for the Mon/Fayette Expressway expansion projects, PA-51 to PA-837-was made by Commissioner Drew, seconded by Commissioner Wozniak 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” through “c”:

- a. Eight (8) flail mowers, utilizing the Commonwealth’s contract with Alamo Industrial; at a total award of \$145,658.81;
- b. Facilities contracts for capital replacement, upgrade and repair services, exercising the option to renew the agreements for an additional two (2) years (October 1, 2017 – September 30, 2019):

<u>ELECTRICAL:</u>	<u>Additional:</u>	<u>District:</u>
TSB, Shultheis Electric	\$1,110,000	1
Clark Contractors	205,000	2
Clark Contractors	20,000	3
Clark Contractors	50,000	4
Clark Contractors	5,000	5
<u>GENERAL:</u>		
Clark Contractors	1,725,000	1
Clark Contractors	1,515,000	2
Clark Contractors	180,000	3
Clark Contractors	350,000	4
Clark Contractors	550,000	5
<u>LANDSCAPING:</u>		
The U Company	500,000	1
Bailey Landscape/Maint.	220,000	2
Bailey Landscape/Maint.	220,000	3
Brightview Landscapes LLC	No renewal	4
Brightview Landscapes LLC	No renewal	5
<u>HVAC:</u>		
McKamish, Inc.	300,000	1
MARC Service, Inc.	315,000	2
eciService LLC	70,000	3
3B Services, Inc.	185,000	4

3B Services, Inc.	145,000	5
<u>PLUMBING:</u>		
Clark Contractors	700,000	1
Clark Contractors	300,000	2
Clark Contractors	130,000	3
Clark Contractors	300,000	4
Clark Contractors	<u>155,000</u>	5
TOTAL RENEWAL:	\$9,250,000	

- c. Network equipment for the Data Center, utilizing the Commonwealth’s contract with ePlus Technology, Inc.; at a total award of \$352,918.00.

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



AWARD OF CONTRACT

Motion-That the Commission approves the Award of Contract #EN-00115-03-04 for the installation of signs between MP A120.00 and MP A131.00, to the lowest responsive and responsible bidder, Wm Orr & Sons, Inc.; for a not-to-exceed amount of \$976,388.36 and a contingency of \$40,000.00-was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



CHANGE ORDERS AND FINAL PAYMENT

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

- a. Change Order #1 and Final Payment for Contract #EN-00161-03-06 for roadway and miscellaneous repairs between MP 299.98 and MP 358.11 and between MP A20.00 and MP A57.22 with Road-Con, Inc., for a decrease of \$572,116.62 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,427,883.38 and final amount due to the contractor of \$48,557.67;
- b. Change Order #2 and Final Payment for Contract #EN-00162-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with J.P.S. Construction Co., Inc., for a decrease of \$693,693.79 to reflect the actual cost of the completed work authorizations; for a final contract value of \$1,306,306.21 and final amount due to the contractor of \$26,126.12;
- c. Change Order #2 and Final Payment for Contract #EN-00161-03-02 for roadway and miscellaneous repairs on Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Lane Construction Corp., for a decrease of \$433,034.34 to reflect the actual cost of the completed work authorizations; for a final contract value of \$816,965.66 and final amount due to the contractor of \$40,848.28;

- d. Change Order #2 and Final Payment for Contract #EN-00161-03-04 for roadway and miscellaneous repairs between MP 122.18 and MP 201.58 with New Enterprise Stone & Lime Co., Inc., for a decrease of \$480,138.12 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,019,861.88 and final amount due to the contractor of \$119,861.88;
- e. Change Order #1 and Final Payment for Contract #EN-00162-03-05 for bridge repairs between MP A20.00 and MP A130.64 with J.P.S. Construction Co., Inc., for a decrease of \$212,592.44 to reflect the actual cost of the completed work authorizations; for a final contract value of \$1,787,407.56 and final amount due to the contractor of \$35,748.15;
- f. Change Order #6 and Final Payment for Contract #T-333.59F001-3-04 for electrical work for the Plymouth Meeting maintenance facility relocation with Boro Developers, Inc. dba Boro Construction, for a decrease of \$67,000.00 due to the elimination of the electrical utility charge and fees not required to complete the project; for a final contract value of \$3,358,928.41 and final amount due to the contractor of \$33,5289.28.

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



SUPPLEMENTS

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

- a. Supplemental Agreement #3 for construction inspection/project management services for the roadway and bridge reconstruction from MP 250.76 to MP 251.17 with Hill International, Inc., for an additional \$284,951.44 for punch list items beyond the construction completion date, additional consultation services provided by the project designer, work associated with the eradication of invasive species at the project wetland mitigation site, and FAR overhead rate adjustments; for a revised not-to-exceed amount of \$6,110,840.37;
- b. Supplemental Agreement #3 for design services for the Mon/Fayette Expressway, Rt. 51 to I-376, with McCormick Taylor, Inc., for an additional \$1,000,000.00 to expand limits of work with the area roadways access to railroad facilities, drainage feature accommodation and to complete the preliminary design; for a revised not-to-exceed amount of \$11,000,000.00. s

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



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, September 19, 2017 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:24 a.m. -was made by Commissioner Drew, seconded by Commissioner Wozniak, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Barry Drew
Secretary Treasurer