

MINUTES OF THE COMMISSION MEETING HELD SEPTEMBER 6, 2016

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:17 a.m. on September 6, 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 (via telephone); Larry Bankert, Chief Engineer, Michael Baker Inc.; Scott Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen A. 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 & External Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Jack Christensen, Director of FEMO; Jason Falchek, Technician of PC/LAN Systems; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Jeffrey A. Naugle, Manager of Treasury Operations; Cindy Smith, ETC Customer Service Operations Analyst; Paul McNamee, KCI; John Smith, Parsons Brinckerhoff; Tom Bice, Lochner; Mike Gross, Wallace Montgomery 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 new hires, vacancies, and requests to reclass; and post and fill positions in the IT and Finance and Administration departments.

The Commissioners also discussed Docket No. 2016-02238 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 August 23, 2016 be approved and filed as submitted-were made by Commissioner Drew, seconded by Commissioner Richards, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No unfinished business to discuss.



NEW BUSINESS

CHANGE ORDERS AND FINAL PAYMENTS

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

- a. Change Order #7 and Final Payment for Contract #T-013.21S001-3-02 for the replacement of Bridge WB-207 at MP 12.63 and Bridge WB-208 at MP 12.67 with Mosites Construction Company, for a decrease of \$6,000.00 for road user costs for delays; for a final contract value of \$13,138,390.37 and final amount due to the contractor of \$256,887.81;
- b. Change Order #2 for Contract #T-340.00R001-3-02 for bituminous overlay between MP 340.10 and MP 345.75 with Highway Materials, Inc., for a decrease of \$169,041.56 to balance items to actual work completed, changes for E & S control, milling, drainage, concrete pavement patching, pavement markings, excavation, concrete barrier, pothole repairs, crew downtime for accident, work cancellation from Plan X, additional MPT, a 53-day time extension for additional deck repairs, pothole repairs, rock excavation and work cancellations due to an accident; for a revised not-to-exceed amount of \$11,185,957.44;
- c. Change Order #1 for Contract #EN-00167-03-04 for installation of mile marker signs between MP 201.30 and MP 302.69 with J. Fletcher Creamer & Son, Inc., for an additional \$248,210.00 to repair tenth mile marker signs and posts damaged during Winter Storm Jonas; for a revised not-to-exceed amount of \$822,654.00;
- d. Change Order #1 for Contract #T-355.00P001-3-14 for widening and reconstruction of S.R. 95, Section D20 with James D. Morrissey, Inc., for an additional \$424,956.16 to balance items to actual work completed, changes for emergency pot hole repairs, relocation of fiber optic cable, removal of additional soil, mill and overlay, MPT, drainage and partnering; for a revised not-to-exceed amount of \$119,197,663.11;
- e. Change Order #4 and Final Payment for Contract #T-355.00P002-3-02 for the replacement of Bridge DB-239 at MP 355.08 with Neshaminy Constructors, Inc., for a decrease of \$287,322.81 to balance items to actual work completed, changes for bearing piles, erosion and sedimentation control, superpave mixture, milling, post mounted signs, pavement markers, remove and reset street light, patch driveway and asphalt and steel fluctuations; for a final contract value of \$5,708,392.37 and final amount due to the contractor of \$132,738.79.

-was made by Commissioner Drew, seconded by Commissioner Richards, and passed unanimously



AGREEMENTS

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

- a. Agreement with Allegheny County to permit the Commission to construct, inspect, monitor and, if necessary, perform maintenance during the monitoring period of a wetland mitigation site within

the limits of Hartwood Acres Park, necessary for the total reconstruction project from MP 40.00 to MP 44.00;

-was made by Commissioner Drew, seconded by Commissioner Richards; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on this item out of an abundance of caution to avoid controversy regarding this matter.

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

b. Settlement Agreement and Release in the case, *Walter Smith v. PTC*, and authorize issuance of the settlement amount.

-was made by Commissioner Drew, seconded by Commissioner Richards, 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 "f":

- a. Acquisition of Right-of-Way #2105-A (Joseph O. Ritchey), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50, by authorizing payment of \$16,303.84 representing fair market value and pro-rated taxes to Joseph O. Ritchey, also authorize payment of \$735.00 representing Section 710 damages to Koontz & Crabtree; 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 the fair market value to the property owner is contingent upon his delivery of a deed prepared by the Legal Department;
- b. Acquisition of Right-of-Way #2065-U (Bedford County Humane Society), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50, by authorizing payment of \$1,511.25 representing fair market value and pro-rated taxes to Bedford County Humane Society; 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 the fair market value to the property owner is contingent upon its delivery of a deed prepared by the Legal Department;
- c. Settlement of Right-of-Way #3314-A (Toigo Organic Farms, LLC), a partial take parcel necessary for the replacement of Bridge EB-103 at MP 228.54, by authorizing payment of \$15,674.00 representing fair market value and pro-rated taxes to Toigo Organic Farms, 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 the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;

- d. Acquisition of Right-of-Way #17633 (Terry D. & Sherry L. Tackett), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$33,684.22 representing 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 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;
- e. Acquisition of Right-of-Way #17535 (Pennsylvania American Water Company), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$1,824.50 representing 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 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 its delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #17758-A (Stephen & Sandra J. Vennare), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$3,500.00 representing fair market value to Stephen & Sandra J. Vennare; 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.

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



PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a-e” and ‘g’:

- a. Change Order to the contract for the installation of durable pavement markings in Districts 1, 2 and 3 with Parking Lot Painting Co., for an additional \$550,000.00 to fund additional projects;
- b. Toner/printer supplies (September 1, 2016 – August 31, 2017), to the lowest responsive and responsible bidder, The Office Pal; at a total award of \$110,000.00;
- c. Maintenance, replacement, testing, certifications and repairs to fuel pumps, dispensers and fuel storage tanks (September 1, 2016 – August 31, 2017), to the lowest responsive and responsible bidders:

L & A Construction Co., LLC	\$ 600,000.00	Districts 1, 2, 3
Clark Contractors, Inc.	<u>400,000.00</u>	Districts 4, 5
TOTAL AWARD:	\$1,000,000.00	

d. Ten (10) Case loaders and attachments, utilizing the Commonwealth's contract with Groff Tractor & Equipment, Inc.; at a total award of \$1,682,749.00;

e. Five (5) 2017 Chevrolet Equinox SUV's, utilizing the Commonwealth's contract with Apple Automotive Group; at a total award of \$136,995.00;

g. Janitorial supplies (September 1, 2016 – July 31, 2017), to the lowest responsive and responsible bidders:

Unique Source	\$ 13,000.00
DEDeavors Corp.	207,000.00
Grainger	27,000.00
Veritix (XPEDX)	24,000.00
Venus Supply Co.	46,000.00
Central Poly Corp.	<u>76,000.00</u>
TOTAL AWARD:	\$393,000.00

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

Motion-That the Commission approves the Issuance of a Purchase Order for the item listed in memo "f";

f. Accuweather license fee for forecasting services (October 1, 2016 – September 30, 2017), utilizing the Commonwealth's contract with Dell Marketing, LP; at a total award of \$124,170.43;

-was made by Commissioner Drew, seconded by Commissioner Richards; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstain on this item because I sit on a Board that does business with Dell.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, September 20, 2016 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:20 a.m. -was made by Commissioner Drew, seconded by Commissioner Richards, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.
Secretary Treasurer