

MINUTES OF THE COMMISSION MEETING HELD OCTOBER 2, 2012

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:36 a.m., October 2, 2012 at the Central Office located in Highspire, Pennsylvania. Available via phone for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esquire, Vice Chairman; J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Barry J. Schoch, P.E., Secretary of Transportation.

Present for the meeting were Roger E. Nutt, Chief Executive Officer; 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; Todd S. Garrison, Director of Maintenance; David Gentile, Chief Compliance Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Stacia A. Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance John Christensen, Director of Facilities & Energy Management Operations; Donald S. Klingensmith, P.E., Director of Contracts Administration; Donna Lapano, Executive Office Assistant; Gina Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations and Robert H. Rosell, Technician of PC/LAN Systems.

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Ms. Edmunds led the Commissioners and staff in the Pledge of Allegiance.

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The Assistant Secretary Treasurer, Ann Louise Edmunds, called the roll and declared a quorum available.

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SUNSHINE ANNOUNCEMENT

MS. EDMUNDS: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED A RECLASSIFICATION, TERMINATIONS, NEW HIRES, VACANCIES AND A REQUEST TO POST AND FILL A POSITION IN THE INFORMATION TECHNOLOGY DEPARTMENT.

THE COMMISSIONERS ALSO 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

MS. EDMUNDS: FOR THE RECORD WE DO NOT HAVE ANY VISITORS PRESENT FOR THE MEETING TODAY.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held September 20, 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 memo received from the Chief Counsel-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS

OPEB TRUST BOARD

Motion-That the Commission approves the ratification of the September 20, 2012 appointment of the Commission's Chairman, William K. Lieberman, to the Commission's Retiree Medical Trust Board-was made by Commissioner Schoch, seconded by Commissioner Lincoln; Chairman Lieberman abstained.

CHAIRMAN LIEBERMAN: I ABSTAIN ON THIS ITEM BECAUSE IT INVOLVES MY APPOINTMENT TO THE BOARD.

The motion passed.

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements, Amendments and Release for the items listed in memos "a" through "i":

- a. Reimbursement Agreement with North Penn Water Authority for the Authority to reimburse the Commission the full costs associated with the installation of a waterline as part of the replacement of Bridge NB-177 (Ridge Road) at MP A37.44;
- b. Listing Agreement with Coldwell Banker Real Estate Services, for Coldwell Banker to list a residential property the Commission purchased as part of the construction of the Mon/Fayette Expressway; and authorize the negotiation and execution of the Sales Agreement and deed by the appropriate Commission staff;
- c. Amendment to our Lease Agreement with AT&T Wireless (now New Cingular Wireless) for the Allegheny Tunnel tower, for additional infrastructure to the tower, removal of undocumented

dishes, an increase in the monthly rent of \$325.00 with an annual increase of 3%, and payment in back rent of \$30,000.00 for the undocumented dishes;

- d. Agreement with Test Boring Services, Inc. for sub-surface drilling from MP 0.00 to MP 247.30, the Greensburg Bypass, Beaver Valley Expressway, Mon/Fayette Expressway and the Southern Beltway; at a not-to-exceed amount of \$600,000.00 or three (3) years, whichever occurs first;
- e. Amendment to our Agreement with PNC Merchant Services for E-ZPass credit card processing services, to reduce the “per item” fee from \$0.07 to \$0.065 for each authorization and credit processed; and authorize the CFO to execute the Amendment;
- f. Amendment to our Agreement with TransCore for the installation of a weight classification system and electronic fare collection equipment at the SR 29 Interchange, for an additional \$17,330.04 for equipment and labor for the scale placement;
- g. Release, executed by the Chief Financial Officer, in exchange for payment of approximately \$54,915.49 as part of the settlement of the *UBS AG Municipal Bond Derivative* litigation;
- h. Amendment to our Agreement with IBM for disaster recovery services, to extend the agreement for an additional 6 months (through April 30, 2013);
- i. Assignment Agreement with Voicenet to assign active contracts#4400002072 and #4400003331 to Information Logistics, Inc. due to restructuring and a change in ownership.

-was made by Commissioner Schoch, seconded by Commissioner Lincoln; 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 “i”:

- a. Approve the plans entitled, “*Drawings Authorizing Acquisition of Right-of-Way for WBS No. T-109.91R001-4, Somerset Interchange, Five Points Intersection Modifications, Milepost 109.91 in Somerset County, Laurel Crest Road, from Sta. 11+50.00 to Sta. 20+23 – Length = 873 Ft = 0.165 Mi. (Somerset Township) relocated Laurel Crest Road (Tollgate Rd.) from Sta. 0+18.00 to Sta. 10+61 – length = 1,043 Ft. = 0.198 Mi. (Somerset Township) from Sta. 10+61 to Sta. 20+88 – length = 1,027 Ft. = 0.194 Mi. (Somerset Borough), Lewis Drive, from Sta. 10+18.00 to Sta. 11+87 – length = 169 Ft. = 0.032 Mi. (Somerset Township) from Sta. 11+87 to Sta. 17+55-length = 568 ft. = 0.0108 Mi. (Somerset Borough), Water Works Road Connector (Marsh Road) from Sta. 0+50 to Sta. 5+98 – length = 548 ft. = 0.104 Mi. (Somerset Borough)*”, as prepared by the Engineering Department for the Five Points Intersection Improvement project;
- b. Approve the plans entitled, “*Drawings for WBS No. A-087.00P001-3-03 Establishing and Re-establishing Limited Access Highway and Authorizing Acquisition of Right-of-Way for Pennsylvania Turnpike, I-476 and Authorizing Acquisition of Right-of-Way for S. R. 0903, Carbon County, Pennsylvania*”, as prepared by the Engineering Department for the replacement of Bridge NB-605;

- c. Acquisition of Right-of-Way #6058-KR1, a partial take parcel, necessary for the total reconstruction project from MP 320.00 to MP 326.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$7,496.00 payable to Anthony Belmont; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; approve the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of statutory damages is contingent upon the delivery of a deed as prepared by the Legal Department;
- d. Acquisition of Right-of-Way #3381-R1, a partial take parcel, necessary the replacement of Bridge EB-210, by authorizing payment of fair market value and pro-rated taxes in the amount of \$609.00 payable to Kenneth E. & Elaine W. Beinhower; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; approve the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of statutory damages is contingent upon the delivery of a deed as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #6078-C, a partial take parcel, necessary for the total reconstruction project from MP 320.00 to MP 326.00, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$34,067.50 payable to Diversified Settlement Services, Inc., escrow agent; authorize the appropriate Commission officials to execute the agreement of sale and other documents as may be required for closing; approve the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of statutory damages is contingent upon the delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #17620, a partial take parcel, necessary for construction of the Southern Beltway, by authorizing payment of fair market value, pro-rated taxes and recording fees in the amount of \$11,810.57 payable to Karen Coon & 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 Acquisition group 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;
- g. Settlement of Right-of-Way #16682, a partial take parcel, necessary for construction of the Mon/Fayette Expressway, by authorizing settlement payment in the amount of \$24,508.28 payable to Simon B. John, Attorney for Theodore Paul Antoon and issue payment in the amount of \$500.00 payable to Simon B. John, Esq., representing statutory attorney's fees; authorize the appropriate Commission officials to execute the post condemnation settlement agreement; and payment of the settlement amount to the property owner is contingent upon the delivery of a full and final release and settlement agreement as approved by the Legal Department;
- h. Acquisition of Right-of-Way #12035-RC-2, a total take parcel, necessary for the Beaver River Bridge replacement project, by authorizing payment of fair market value, pro-rated taxes and recording fees of \$95,666.91 to McClain, Young & Patterson, 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 Acquisition group 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;

- i. Acquisition of Right-of-Way #12027-A, a total take parcel, necessary for the Beaver River Bridge replacement project, by authorizing payment of fair market value, pro-rated taxes and recording fees of \$80,895.82 to McClain, Young & Patterson, 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 Acquisition group 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.

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

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CHANGE ORDERS AND CHANGE ORDERS/FINAL PAYMENTS

Motion-That the Commission approves the Change Orders and Change Order/Final Payment for the items listed in memos "a" through "c":

- a. Change Order #1 for Contract #T-352.00R001-3-02 with Blooming Glen Contractors, Inc. for bituminous overlay between MP 353.40 and MP 358.00 and sign installation between MP 353.40 and MP 359.00, for an additional \$367,400.00 to repair bridge decks throughout the project;
- b. Change Order #5 and Final Payment for Contract #A-020.00T002-3-02 with Richard Pierson Construction Company, Inc., for the replacement of Bridge NB-106 and Bridge NB-115; for a decrease of \$375,226.26 for normal quantity adjustments to balance items to the actual work completed, steel cost adjustments, parapet work, adjacent property work, drainage, conduit relocation, curb and guiderail relocations, traffic signal modifications and signage; for a final contract value of \$12,212,581.09 and a final amount due to the contractor of \$96,106.70;
- c. Change Order #2 for Contract #T-247.38F005-3-02 with Lobar, Inc. for construction of the Operations Center at the TIP building, for an additional \$5,459.65 for repainting columns and the installation of a concrete pad to support the fire suppressant tanks.

-was made by Commissioner Schoch, seconded by Commissioner Lincoln; 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. One (1) boom arm mower, utilizing the Commonwealth's contract with Tiger Corporation; at a total award of \$112,187.71;
- b. HVAC and generator replacement at the Valley Forge Interchange, to the lowest responsive and responsible bidder, Clark Contractors, Inc.; at a total award of \$399,500.00;

- c. Ten (10) crew cab one-tone stake body trucks, utilizing the Commonwealth's contract with Apple Automotive Group; at a total award of \$405,230.00;
- d. Twelve (12) 2013 extended length cargo vans; utilizing the Commonwealth's contract with Apple Automotive Group; at a total award of \$401,520.00;
- e. Tree clearing and pruning from MP 334.00 to MP 340.00, to the lowest responsive and responsible bidder, Independence Constructors Corp.; at a total award of \$887,364.88;
- f. Alamo and Tiger mower parts, exercising our option to renew the agreements for an additional year:

<u>Vendor</u>	<u>Renewal Value</u>
Montage Enterprises	\$ 50,000.00
Cherry Valley Tractor Sales	\$ 70,000.00
Total Renewal	\$120,000.00

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

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AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contract #EN-00029-03-04 for median barrier replacement and retaining wall construction between MP 166.04 and MP 171.46, to the lowest responsive and responsible bidder, Joseph B. Fay Co.; at a not-to-exceed amount of \$6,598,684.70 and a contingency of \$250,000.00-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

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SUPPLEMENT

Motion-That the Commission approves Supplemental Agreement #1 with GeoMechanics, Inc. for geotechnical engineering services systemwide, for an additional \$250,000.00 to complete the rock cut remediation project on the Northeast Extension and to extend the contract expiration date to December 31, 2014-was made by Commissioner Schoch, seconded by Commissioner Lincoln; and passed unanimously.

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PSPC ITEM

Motion-That the Commission approves the award of services and authorize the negotiation and execution of an agreement with the selected firm for Ref #5-081; Replacement of Bridge NB-751 at MP A130.23;

- Gibson-Thomas Engineering Co., Inc.-AWARDED
- CHA Consulting, Inc.
- Borton-Lawson Engineering, Inc.

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

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be a formal meeting on Tuesday, October 16, 2012 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 10:44 a.m. -was made by Commissioner Lieberman, seconded by Commissioner Schoch; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

10-02-12

APPROVED BY:

J. William Lincoln
Secretary Treasurer

COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL