

MINUTES OF THE COMMISSION MEETING HELD OCTOBER 6, 2015

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:48 a.m. on October 6, 2015 at the Central Office located in Highspire, Pennsylvania. Available via telephone for the meeting were Sean Logan, Chairman; William K. Lieberman, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer and Leslie Richards, Secretary of Transportation.

Present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Michael Baker Jr., Inc.; Charles L. Duncan III, Esquire, Director of Legislative Affairs; Nikolaus Grieshaber, Chief Financial Officer; Brad Heigel, P.E. , Chief Engineer; Jeffrey L Hess, Director of Fare Collection & Field Operations; Doreen A. McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity and Inclusion and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Carl E. Defebo, Jr., Director of Public Relations & Marketing; Richard C. Dreher, Assistant CFO/Financial Management; Jason Falchek, Technician of PC/LAN Systems; Donald S. Klingensmith, Director of Procurement and Logistics; Donna Lapano, Executive Office Assistant; Anthony Q. Maun, Assistant CFO/Accounting & Budgeting; Jeffrey A. Naugle, Manager of Treasury Operations; Cindy Smith, General Accountant 2; Lynn Stakem, Senior General Accountant; Paul McNamee, KCI; John Smith, Parsons Brinckerhoff; Glenn Deppert, Arora & Associates; Kristi Reichard, Raudenbush Engineering and Troy Holloway, Century 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 termination, equity adjustment, reclassification, promotions, new hires, vacancies, and requests to reclass; to post and fill; and to create, post and fill positions in

the Information Technology; Communications and Public Relations; Traffic Engineering and Operations; and Finance and Administration departments.

The Commissioners also discussed Docket Numbers 4116, 265 MD 2009, and 2:14 CV 00933 NIQA, 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; all visitors stood and introduced themselves.



### MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held September 15, 2015 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



### COMMUNICATIONS

Motion-That the Commission approves the memos received from the Chief Counsel and the Director of Procurement & Logistics-was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



### PERSONNEL

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



NEW BUSINESS

POOL OF UNDERWRITERS

Motion-That the Commission approves amending the pool of qualified underwriters for bond and underwriter services, to remove Edward Jones as a co-underwriter based on the SEC's recent enforcement case against the firm-was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously.



AGREEMENTS

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

- a. Reimbursement Agreement with West Penn Power Company (WPPC) to reimburse WPPC for the engineering and facility relocation work necessary for construction of the Southern Beltway, Section 55-A1; at a not-to-exceed amount of \$1,328,087.33;
- b. Supplemental Agreement with Middlesex Township Municipal Authority to reimburse the Authority for the engineering and facility relocation work necessary for the total reconstruction project from MP 220.00 to MP 227.00, for an additional \$16,062.83 due to increased material and labor costs; increasing the not-to-exceed amount to \$103,812.83;
- c. Reimbursement Agreement with PECO Energy Company to reimburse PECO for the engineering and facility relocation work necessary for the roadway widening project from MP A26.00 to MP A31.00 (MP A29.24); at a not-to-exceed amount of \$250,000.00;
- d. Agreement with First Pennsylvania Resources, LLC (FPR) for FPR to supply the necessary stream mitigation on the Southern Beltway, US 22 to I-79, including obtaining property rights, design and construction for the mitigation measures and conducting post-construction monitoring and maintenance; at a not-to-exceed amount of \$13,500,000.00;

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

Motion-That the Commission approves the negotiation and execution of a Memorandum of Understanding for the item listed in memo "e":

- e. Memorandum of Understanding with Allan A. Myers, LP for Allan A. Myers, LP to implement and remove an interim traffic control stage required by the roadway and bridge reconstruction project from MP A25.67 to MP A31.34, to address project impacts due to alleged differing site conditions; at a not-to-exceed amount of \$6,550,000.00.

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

SECRETARY RICHARDS: I abstain on this item because Allan A. Myers, LP was a former political donor.



### RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Request for the item listed in memo "a":

- a. Settlement of Right-of-Way #14202-A (William P. & Sarah F. Getty), a partial take parcel necessary for the total reconstruction from MP 40.00 to MP 48.00 by authorizing payment of \$35,664.71 representing fair market value and pro-rated taxes, payable to William P. & Sarah F. Getty; 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 the delivery of a deed as prepared by the Legal Department;

-was made by Commissioner Deon, seconded by Commissioner Logan; Commissioner Lieberman abstained.

VICE CHAIRMAN LIEBERMAN: I abstained on this item because Mr. and Mrs. William Getty are friends of the family.

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos "b" through "o":

- b. Acquisition of Right-of-Way #2106-B (Melinda S. Rose n/k/a Melinda S. Bryson and Ronald L. Bryson), a partial take parcel necessary for the total reconstruction from MP 149.50 to MP 155.50 by authorizing payment of \$913.50 representing fair market value and pro-rated taxes to Melinda S & Ronald L. Bryson; 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 delivery of deed prepared by the Legal Department;
- c. Acquisition of Right-of-Way #1016-B (Anne M. Polakoski), a partial take parcel necessary for the total reconstruction project from MP 99.00 to MP 109.00 by authorizing payment of \$5,379.50 representing fair market value and pro-rated taxes to Anne M. Polakoski; 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 her delivery of a deed prepared by the Legal Department;
- d. Acquisition of Right-of-Way #12024-B (James H. Gasser, Jr.), a total take parcel necessary for the Beaver River Bridge reconstruction project by authorizing payment of \$95,813.89 representing fair market value, pro-rated taxes and recording fees to McClain, Young & Patterson, 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;

- e. Acquisition of Right-of-Way #6525-A (Ray W. & Barbara L. Moyer), a total take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$496,585.89 representing fair market value, pro-rated taxes, recording fees, replacement housing supplement and closing costs to Diversified Settlement Services, Inc., 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #1016-A (Maxine E. Stahl), a partial take parcel necessary for the total reconstruction project from MP 99.00 to MP 109.00 by authorizing payment of \$22,025.50 representing fair market value and pro-rated taxes to Maxine E. Stahl; 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;
- g. Acquisition of Right-of-Way #6071-D (Chesterbrook Parcel 19 Master Association), a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00 by authorizing payment of \$5,300.00 representing fair market value to Chesterbook Parcel 19 master Association; authorize the appropriate Commission officials to execute the Agreement of Sale, Conservation Easement, 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 Conservation Easement as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #2128-L (Randy Clark), a partial take necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$114,492.62 representing fair market value, pro-rated taxes and recording fees to David J. Puzak, Attorney at Law, 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 his delivery of deed prepared by the Legal Department;
- i. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6514-A (Michael S. & Clare Harris), a total take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$500,000.00 representing Estimated Just Compensation to Stevens and Lee, escrow agent; 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 #6035-A (Downtown Area School District and Hankin Eagleview East, L.P., as its interest may appear), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 319.00 by authorizing payment of \$354,300.00 representing Estimated Just Compensation; 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 #2134-E (Eric F. & Nathalie A. Imler), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$4,146.50 representing fair market value and pro-rated taxes to Eric F. & Nathalie A. Imler; 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 delivery of a deed prepared by the Legal Department;
- l. Acquisition of Right-of-Way #7090-RB (James E. Smith and Joan A. Wisniewski), a partial take parcel necessary for construction of the I-95 Interchange project by authorizing payment of \$58,856.36 representing fair market value and pro-rated taxes to James E. Smith and Joan A. Wisniewski; 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 is contingent upon the delivery of a deed as prepared by the Legal Department;
- m. Acquisition of Right-of-Way #2134-F (Everett Sportsmen's Association), a partial take parcel necessary for the total replacement project from MP 149.50 to MP 155.50 by authorizing payment of \$2,283.75 representing fair market value and pro-rated taxes to Everett Sportsmen's Association; 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 its delivery of deed prepared by the Legal Department;
- n. Acquisition of Right-of-Way #17676 (Terry D. & Linda Butya), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$3,439.00 representing fair market value and pro-rated taxes to Terry D. & Linda Butya; 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 its delivery of a deed prepared by the Legal Department;
- o. Acquisition of Right-of-Way #7091-A1 (Hucaluk Property Management, LLC), a partial take parcel necessary for construction of the I-95 Interchange project by authorizing payment of \$2,800.00 representing fair market value to Hucaluk Property Management, LLC; authorize the appropriate Commission officials to execute the required settlement documents; 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.

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



### SUPPLEMENTS

Motion-That the Commission approves the negotiation and execution of the Supplemental Agreements listed in memos “a” and “b”:

- a. Supplemental Agreement #2 for open-end aerial mapping services with T3 Global Strategies, for an increase of \$36,000.00 to complete aerial mapping for the Proof of Concept for the Sign Inventory and Pavement Distress Studies from MP 30.50 to MP 40.50; for a revised not-to-exceed amount of \$1,036,000.00;
- b. Supplemental Agreement #9 for design services for the total reconstruction project from MP 320.00 to MP 326.00 and the Route 29 Interchange project with STV, Inc., for an increase of \$1,500,000.00 to address permit application related comments and provide services through permit issuances through late 2015; for a revised not-to-exceed amount of \$39,500,000.00.

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



### 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” and “b”:

- a. Twelve (12) Chevrolet Silverado 2500HD crew cabs for use as responder vehicles, utilizing the Commonwealth’s contract with Apple Automotive Group; at a total award of \$484,080.00;
- b. Penn State Sports Properties marketing and sponsorship agreement 2015 – 2017, with Penn State Sports Properties, LLC; at a total award of \$228,984.00.

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



AWARD OF CONTRACTS

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

- a. Contract #EN-00162-03-03 for bridge repairs between MP 109.91 and MP 236.22, to the lowest responsive and responsible bidder, J.P.S. Construction Co., Inc.; at a not-to-exceed amount of \$2,000,000.00;
- b. Contract #EN-00162-03-05 for bridge repairs between MP A20.00 and MP A130.64, to the lowest responsive and responsible bidder, J.P.S. Construction Co., Inc.; at a not-to-exceed amount of \$2,000,000.00.

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



CHANGE ORDER and FINAL PAYMENTS

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

- a. Change Order #1 for Contract #EN-00125-03-02 for design/build for the installation of Intelligent Transportation Systems between MP 282.70 and MP 346.83 with Carr & Duff, Inc., for a 140-day time extension for the design, fabrication and construction of the steel column extensions for the four DMS signs for correct height clearance and operational test period;
- b. Change Order #7 for Contract #T-355.00P001-3-07 for construction of the I-95/I-276 Interchange project, Section B, with Road-Con, Inc., for an increase of \$307,580.00 to balance items to actual work completed, changes for transition between the median light pole and the bridge pier, two sign structures and a DMS structure; additional quantities for pavement markings, work to stabilize excavated pipe trenches, access gate operator, and MPT for stage 2 barrier reset, installation of new hardware at E-ZPass gantries, installation of a sign foundation for the NJTA, drainage and light pole foundations; for a revised not-to-exceed amount of \$64,162,262.76;
- c. Change Order #1 and Final Payment for Contract #EN-00027-03-04 for installation of signs between MP 0.00 and MP 245.75, Toll I-376, Turnpike 66, Turnpike 43 and Turnpike 576 with Power Contracting Company for a decrease of \$953,984.48 to reflect actual cost of completed work authorizations; for a final not-to-exceed amount of \$46,015.52 and final amount due to the contractor of \$2,300.78;
- d. Change Order #2 for Contract #T-355.00P002-3-02 for the replacement of Bridge DB-239 at MP 355.08 with Neshaminy Constructors, Inc. for an additional \$195,755.30 for repairs requested by the PTC Design Unit; for a revised not-to-exceed amount of \$5,893,702.81;



- e. Change Order #2 and Final Payment for Contract #T-145.50R001-3-02 for Bedford Interchange slope stabilization at MP 145.50 and rock cut slope remediation from MP 145.81 to MP 146.58 with New Enterprise Stone & Lime Co., Inc., for an increase of \$2,722.10 to balance items to actual work completed; for a final contract value of \$2,216,102.55 and final amount due to the contractor of \$118,443.20;
- f. Change Order #3 and Final Payment for Contract #T-142.00R001-3-02 for bituminous resurfacing between MP 142.00 and MP 149.23 with New Enterprise Stone & Lime, Inc., for a decrease of \$59,149.22 to balance items to actual work completed and renegotiated patching price; for a final contract value of \$7,158,140.11 and final amount due to the contractor of \$405,407.01.

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



NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, October 20, 2015 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:53 a.m.-was made by Commissioner Deon, seconded by Commissioner Lieberman.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.  
Secretary Treasurer