

MINUTES OF THE COMMISSION MEETING HELD NOVEMBER 1, 2011

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:23 a.m., November 1, 2011 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; 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; Richard S. DiPiero, Director of Fare Collection; Todd S. Garrison, Director of Maintenance; Nikolaus Grieshaber, Chief Financial Officer; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; Stacia A. Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Office Assistant; JeanMarie McLaughlin, Attorney 2; Richard A. Reidy, Engineer, Michael Baker Jr., Inc.; Robert H. Rosell, Technician of PC/LAN Systems; Patricia F. Schlegel, Director of Human Resources; Kathy Thomas, Administrative Secretary; Captain Kathy-Jo Winterbottom, PSP Troop T and Dean Kohr, Atkins.

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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 VACANCIES, NEW HIRES AND REQUESTS TO POST AND FILL POSITIONS IN THE INFORMATION TECHNOLOGY, FARE COLLECTION AND FINANCE AND ADMINISTRATION DEPARTMENTS.

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: 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.

DEAN KOHR, ATKINS

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held October 18, 2011 be approved and filed as amended-was made by Commissioner Schoch seconded by Commissioner Pratt; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memos received from the Chief Counsel and the Director of Fare Collection -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 Schoch, seconded by Commissioner Pratt; and passed unanimously.

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NEW BUSINESS

POLICY LETTER 2.3

Motion-That the Commission adopts the revisions to Policy Letter 2.3, *Family and Medical Leave Policy*, to reflect the 2009 amendment to the Family and Medical Leave Act-was made by Commissioner Schoch, seconded by Commissioner Pratt; and passed unanimously.

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AGREEMENTS

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

- a. Two (2) Agreements for open-end drilling services to the lowest responsive and responsible bidders, at a not-to-exceed amount of \$600,000.00 each or three (3) years, whichever occurs first:
 - CTL Engineering of PA, Inc. - Mainline MP 0.00 to MP 247.30,
Greensburg Bypass,
Beaver Valley Expressway,
Mon/Fayette Expressway,
Southern Beltway
 - TRC Engineers, Inc.- Mainline MP 247.30 to MP 359.00,
Northeast Extension
- b. Amendment #7 to the E-ZPass Interagency Group (IAG) Operating Agreement to modify Section 3C to change the minimum dollar amount at which a Full Member Agency could exercise a veto from \$10,000 minimum to \$15,000 minimum;
- c. Exercise the first option to renew the agreement with Sterling Asset Management LLC for investment management, to extend the agreement for an additional year, and an Assignment Agreement to assign all active contracts to Valley Forge Asset Management, due to a change in ownership.

-was made by Commissioner Schoch, seconded by Commissioner Pratt; 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 “c”:

- a. Acquisition of Right-of-Way #17531, a total take parcel, necessary for the Southern Beltway project; by authorizing payment in the amount of \$558,253.29, payable to Nathan J. Zarichnak and Associates, LLC, Escrow Agent, representing fair market value, pro-rated taxes, recording fees and Section 710 damages; authorize the appropriate Commission officials to execute the agreement of sale; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owner is contingent upon her delivery of a deed prepared by the Legal Department;
- b. Acquisition of Parcel 76, a partial take parcel, necessary for Bridge WB-506 replacement project at MP 63.06; by authorizing payment in the amount of \$1,500.00, payable to Henry E. Turkowski, Noreen C. Turkowski, John L. Zambelli and Brenda Zambelli, representing fair market value; authorize the appropriate Commission officials to execute the required temporary construction easement; and authorize the payment of statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, payment

of damages to the property owners is contingent upon their delivery of a temporary construction easement prepared by the Legal Department;

- c. Settlement of Right-of-Way #16566, a partial take parcel, necessary for construction of the Mon/Fayette Expressway; by authorizing payment in the amount of \$21,300.00, payable to McDonald, Snyder & Lightcap, P.C., Escrow Agent, representing the balance due to the property owners.

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

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ADVERTISING

Motion-That the Commission approves advertising for the the retention of an engineering firm to perform Intelligent Transportation System (ITS) design related services systemwide through an open-end agreement-was made by Commissioner Schoch, seconded by Commissioner Pratt; 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 Issuance of Purchase Orders for the items listed in memos "a" through "e":

- a. Traffic Operations Center network equipment, utilizing the Commonwealth's contract with Eplus; at a total award of \$373,920.31;
- b. One (3 cubic yard) loader with attachments, utilizing the Commonwealth's contract with Groff Tractor & Equipment, Inc.; at a total award of \$156,073.80;
- c. Automated data collection (2-years); to the lowest responsive and responsible bidder, Applied Research Associates, Inc.; at a total award of \$166,000.00;
- d. Installation of generators, to the lowest responsive and responsible bidder, Rath Construction, Inc. dba Genesis Construction Group:

Somerset Interchange	\$299,421.00
Irwin Interchange	<u>283,274.00</u>
TOTAL AWARD	\$582,695.00

- e. Tires, utilizing the Commonwealth's contracts:

Michelin North America	\$125,000.00
Valley Tire	10,000.00
Berkley Tire c/o Highland's Tire	10,000.00
McCarthy Tire	35,000.00
Wingfoot Commercial Tire	240,000.00
Service Tire Truck Center	<u>50,000.00</u>
TOTAL AWARD	\$470,000.00

-was made by Commission Schoch, seconded by Commissioner Pratt; the 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 “d”:

- a. Contract #EN-00116-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 & Turnpike 66, to the lowest responsive and responsible bidder, J.P.S. Construction Co., Inc.; at a total award of \$700,000.00;
- b. Contract #EN-00116-03-04 for bridge repairs between MP 236.22 and MP 358.11, to the lowest responsive and responsible bidder, J.P.S. Construction Co., Inc.; at a total award of \$1,000,000.00;
- c. Contract #EN-00116-03-03 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 total award of \$600,000.00;
- d. Contract #EN-00116-03-05 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 total award of \$1,000,000.00.

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

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PSPC RECOMMENDATIONS

Motion-That the Commission approves the selection recommendations from the Professional Services Procurement Committee (PSPC) and authorize the negotiation and execution of an agreement with the first firm listed in memo “a” and the first two (2) firms listed in memo “b”:

- a. Authorized Service Provider for MP A75.90 to MP A94.40:
Wreckers International dba Schlier’s Towing & Service Center;
Falzone’s Towing Service, Inc.
- b. Open-end right-of-way acquisition services, systemwide; at a not-to-exceed amount of \$750,000.00 each:
Orion Land Services, Inc.
Keystone Acquisition Services Corporation
Interstate Acquisition Services

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

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CHANGE ORDERS

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

- a. Change Order #1 for Contract #T151.09S002-3-02 with New Enterprise Stone & Lime Co., Inc. for the replacement of Bridge B-443 at MP 151.09, for a 182-day time extension;
- b. Change Order #1 for Contract #T149.50T002-3-02 with New Enterprise Stone & Lime Co., Inc. for the replacement of Bridge B-553 at MP 155.14, for a 29-day time extension;
- c. Change Order #1 for Contract #T129.00R001-3-02 with New Enterprise Stone & Lime Co., Inc. for bituminous resurfacing between MP 128.88 and MP 138.19, for a 270-day time extension.

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

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ELSIP PAYMENT

Motion-That the Commission approves payment for the Employee Liability Self-Insurance Program (ELSIP) invoice from the PA Department of General Services, which represents the annual premium due for the period June 30, 2011 to July 1, 2012, in the amount of \$37,997.00-was made by Commissioner Schoch, seconded by Commissioner Pratt.

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NEXT MEETING

MS. EDMUNDS: I HAVE NO FURTHER ITEMS FOR CONSIDERATION FOR TODAY’S MEETING. THE NEXT FORMAL COMMISSION MEETING WILL BE HELD TUESDAY, NOVEMBER 15, 2011 BEGINNING AT 10:00 A.M.

ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 10:29 a.m.-was made by Commissioner Schoch, seconded by Commissioner Pratt; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

11-01-11

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL AND
DIRECTOR OF FARE COLLECTION