

MINUTES OF THE COMMISSION MEETING HELD NOVEMBER 6, 2018

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:47 a.m. on November 6, 2018 at the Central Office located in Highspire, Pennsylvania. Present for the meeting was John Wozniak, Commissioner. Available via telephone were Leslie S. Richards, Chair; William K. Lieberman, Vice Chair; Barry Drew, Secretary Treasurer and Pasquale T. Deon, Sr., Commissioner.

Also in attendance for the meeting were Mark P. Compton, Chief Executive Officer; Larry Bankert, Michael Baker, Inc.; Robert F. Brady, Director of Operations/Projects-East; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity and Inclusion; Stacia A. Ritter, Esquire, Director of Policy and Fare Collection and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others present were Cory Campbell, Senior Network Engineer; Susan Carson-Casoni, Cash Manager; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Shawn Laudenslager, End User Support Technician; Wanda Metzger, Contracts Supervisor; Robert Nisley, Advisory Service Project Manager; Joe Suess, Director of Technology Infrastructures; Louis Van Gorder, Attorney 3; Paul McNamee, KCI; Mike Gross, Wallace Montgomery; Eric Madden, JMT; Ronald Spacht, Cherry Weber; Kimberly Contino, The KSA Group; Chris Body, Kapsch; Mark Zettlemyer, RKL; and Gretchen Naso, RKL.



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 present.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included a reclassification, annuitant, summer employment, CEO Intern Fellows program, new hires, promotions, terminations, vacancies and request to create, post and fill a position in the Engineering Department and a request to create positions in the Maintenance Department.

The Commissioners also discussed Docket #1:18-CV-00863 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 October 16, 2018 be approved and filed as submitted - was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS

POLICY LETTER

Motion-That the Commission approves revisions to Policy 7.01, Investment Policy and Guidelines, to expand the list of potential Investment Agreement providers-was made by Commissioner Wozniak, seconded by Commissioner Deon, and approved unanimously.



AGREEMENTS

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

- a. Lease Agreement with AT&T to permit AT&T to lease space on the Commission’s Allegheny Tunnel tower, at a leased fee of \$30,000.00 for the first year, with a 3% increase each year thereafter, for an initial term of ten (10) years, plus three 5-year options to renew;
- b. Agreement with Kuhn’s Markets to distribute E-ZPass Go Paks at its western PA locations;
- c. Agreement with AAA East Central to distribute E-ZPass Go Paks at its locations;
- d. Amendment to our agreement with Shelly Lyons Public Affairs and Communications for public relations/crisis communications services; exercising the option to renew the agreement for two (2) years; at an additional cost of \$200,000.00;
- e. Supplemental Agreement with Information Logistics, Inc. for consulting services, including hosting, maintaining, developing and designing internal and external Commission websites, for an additional \$225,000.00 for unplanned projects during the 2018 contract year;
- f. Settlement Agreement and Release in the case, PTC v. Kaars, Inc.;
- g. Supplemental Agreement with Ernst & Young Infrastructure Advisors, LLC for financial advisory services for the Broadband Network P3 project, for an additional \$365,000.00 due to the unexpected complexity of the project, required changes to the documents, the elimination of Federal requirements, and overall schedule extension;
- h. Reimbursement Agreement with Columbia Gas Transmission (CGT) to reimburse CGT the cost of the engineering and utility relocation work necessary for the total reconstruction project from MP 308.00 to MP 312.00 (Bridge EB-719 at MP 310.36); at a not-to-exceed amount of \$102,617.50;
- i. Amendment to the mitigation supply contract with First Pennsylvania Resource, LLC, for the Southern Beltway US 22 to I-79 project, to allow unused stream credits to be utilized for the Mon/Fayette Expressway Rt. 51 to I-376 project; and to authorize the purchase of additional required stream and wetland mitigation credits for the Mon/Fayette Expressway project, up to an additional \$10,000,000.00;

- j. Settlement Agreement and Release with John Poyak, and authorize the issuance of the Workers' Compensation settlement amount.

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



RIGHT-OF-WAY REQUEST

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

- a. Acquisition of Right-of-Way #14S320 (Colleen M. Stewart), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$140,993.45 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement 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 fair market value to the property owner is contingent upon her delivery of a deed as prepared by the Legal Department;
- b. Acquisition of Right-of-Way #14S345 (Clifford J. Chuba), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$14,578.24 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, 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 fair market value to the property owner is contingent upon his delivery of a deed as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #14S240 (Timothy M. Fuga), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$94,287.03 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of PA, LLC, escrow agent; also authorize payment of \$435.00 representing Section 710 statutory damages to Timothy M. Fuga; 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 her delivery of a deed as prepared by the Legal Department;
- d. Settlement of Right-of-Way #2173-A (Wilson Mae, LP), a partial take parcel necessary for pre-entry ITS from MP 10.00 to MP 189.00, by authorizing payment of \$4,510.87 representing fair market value and pro-rated taxes to Wilson Mae, LP; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing, and to authorize the payment of additional statutory damages a calculated by the Right-of-Way

Administrator and approved by the Chief Counsel. Payment of fair market value to the property owner is contingent upon the delivery of a deed as prepared by the Legal Department;

- e. Acquisition of Right-of-Way #14S271 (Patricia M. Schaeffer), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$213,737.55 representing fair market value, pro-rated taxes and recording fees to Closure Settlement 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 fair market value to the property owner is contingent upon her delivery of a deed as prepared by the Legal Department;
- f. Acquisition of Right-of-Way #14S025 (Darlene Ihrig and Terry Little, JTWRS), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$103,091.61 representing fair market value, pro-rated taxes and recording fees to Closure Settlement 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 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 #1044-D (Karen I. Sleasman), a total take parcel necessary for drainage repairs at MP 110.00 by authorizing payment of \$180,758.24 representing fair market value, pro-rated taxes and recording fees to Tri-State Paralegal Service, 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 fair market value to the property owner is contingent upon the delivery of a deed as drafted by the Legal Department;
- h. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S052 (John A. and Harriet M. Yanko), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of estimated just compensation of \$17,800.00 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. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S009 (Harvey K. Gilbert, Jr.), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of estimated just compensation of \$21,000.00 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;

- j. Acquisition of Right-of-Way #14S017 (Joseph Sorrentino), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$82,399.85 representing fair market value, pro-rated taxes and recording fees to Closure Settlement 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 fair market value to the property owner is contingent upon his delivery of a deed as prepared by the Legal Department;
- k. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S055 (Alexander Foster), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of estimated just compensation of \$10,500.00 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;
- l. Adopt the proposed Property Acquisition Resolution for Right-of-Way #14S053 (John Ashton), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of estimated just compensation of \$23,400.00 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;
- m. Acquisition of Right-of-Way #14081-K (Susan Schultheis, Steven Schultheis and Katherine Schultheis Rullo), a partial take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$7,541.45 representing fair market value and pro-rated taxes payable as follows: \$2,513.82 to Susan Schultheis, \$2,513.82 to Steven Schultheis and \$2,513.81 to Katherine Schultheis Rullo; 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;
- n. Acquisition of Right-of-Way #17994-01 (Michael S. Kramer, Jr.; Shawnee Boyer), a total take parcel necessary for construction of the Southern Beltway, US 22 to I-79, by authorizing payment of \$51,954.00 representing payment of the down payment supplement to Talarico, Paladino & Berg, escrow agent for Shawnee Boyer; authorize the appropriate Commission officials to execute the Settlement Agreement and other documents that may be required for closing; authorize the payment of additional statutory damages as calculated by the Right-of-Way Administer and approved by the Chief Counsel; and payment of the down payment supplement is contingent upon the receipt of the executed Agreement of Sale for the replacement dwelling.

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



ADVERTISING

Motion-That the Commission advertising for the items listed in memos “a” and “b”:

- a. System administrator of automated work zone speed enforcement;
- b. Quality assurance inspection, auditing, and laboratory testing services.

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



PURCHASE ORDERS

Motion-That the Commission approves Award of Bids, Approve Change Orders, Rescind an Award and Issue Purchase Orders for the items listed in memos “a” through “g”:

- a. Compuspread parts, exercising the option to renew the contract for an additional year (through January 31, 2020) with Modern Group Ltd.; at a cost of \$250,000.00;
- b. Crafcoc diesel melters, utilizing the Commonwealth’s contract with Crafcoc, Inc., for a total award of \$157,333.20;
- c. Septic tank service, the lowest responsive and responsible bidders:

Coffee Run Outdoor	\$ 21,900.00
Kline’s Services, LLC	19,953.00
Chamberlin & Wingert	7,480.00
Dalton Sanitary Service	20,420.00
A-Septic Tank Service	38,480.00
Mr. John Septic	525.00
Walters Environmental Svcs	<u>26,700.00</u>
TOTAL AWARD	\$135,458.00
- d. Penn State sponsorship agreement with Penn State Sports Properties, LLC for football, men’s basketball and women’s basketball season; at a total award of \$99,950.00, plus a contingency of \$58,330.00;
- e. Promotional items (December 1, 2018 – November 30, 2020), to the lowest responsive and responsible bidder, Brenneman Printing, Inc.; at a total award of \$301,000.00;
- f. Office supplies (November 2018 – September 2020), to the lowest responsive and responsible bidder, Office Basics, Inc.; at a total award of \$150,000.00;
- g. Rescind the award to Apple Chevrolet for eighteen 2019 Jeep Cherokee Latitudes awarded October 16, 2018 (item F-5a) in error, and award the contract utilizing the Commonwealth’s contract to Hertrich Fleet Services; at an award of \$400,986.00.

-was made by Commissioner Wozniak, seconded by Commissioner Deon, 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 #T-010.00M001-3-03 for the installation of pre-entry ITS between MP 13.00 and MP 201.00, to the lowest responsive and responsible bidder, Bruce & Merrilees, Electric Co.; at a not-to-exceed amount of \$1,147,216.22 and a contingency of \$50,000.00;
- b. Contract #S-006.00X002-3-07 for construction of the Southern Beltway, Section 55A2, MP S8.75 to MP S11.45, to the lowest responsive and responsible bidder, Trumbull Corp., at a not-to-exceed amount of \$116,191,593.14 and a contingency of \$5,500,000.00.

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



CHANGE ORDERS & FINAL PAYMENTS

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

- a. Change Order #1 for Contract #EN-00165-03-02 for the installation of signs between MP 0.00 and MP 245.75, Toll I-376, Turnpike 66, Turnpike 43 and Turnpike 576 with Allison Park Contractors, Inc., for an additional \$460,000.00 for sign replacements and repairs and the furnishing and installing of two (2) CCTV systems at the Harrisburg West Interchange; for a revised not-to-exceed amount of \$2,460,000.00;
- b. Change Order #1 and Final Payment for Contract #EN-00184-03-04 for bridge repairs between MP 236.22 and MP 358.11 with J.P.S. Construction Co., Inc., for a decrease of \$944,743.88 to reflect the actual cost of the completed work authorizations and a 24-day time extension to procure fencing for Work Authorization #22; for a final contract value of \$1,555,256.12 and final amount due to the contractor of \$77,762.81;
- c. Change Order #4 for Contract #T-228.54S001-3-02 for the replacement of Bridge EB-103 at MP 228.54 with Deblin, Inc., for an additional \$127,059.25 for additional excavation to enhance the stability of the rock slope, and a 14-day time extension to complete the extra work; for a revised not-to-exceed amount of \$15,855,308.28.

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



SUPPLEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #3 for the rehabilitation design of the Tuscarora Tunnel with Gannett Fleming, Inc., for an additional \$750,000.00 for changed conditions, MASH compliant protection, refined lighting and conduit designs,

and bridge rehabilitation in the approach area; for a revised not-to-exceed amount of \$5,250,000.00- was made by Commissioner Wozniak, seconded by Commissioner Deon and passed unanimously.



INSURANCE

Motion-That the Commission approves renewal of the cyber insurance coverage and payment of the cyber insurance invoice with Chubb, through our broker Conner Strong & Buckelew, for the premium of \$67,811.00 for the period November 7, 2018 to November 6, 2019- was made by Commissioner Wozniak, seconded by Commissioner Deon and passed unanimously.



PSPC ITEM

Motion-That the award of services and authorize the negotiation and execution of an agreement with the selected firm for the items listed in memos "a" and "b":

a. RFP #8121, cashless tolling system implementation and maintenance:

- Kapsch TrafficCom USA, Inc.-AWARDED

-was made by Commission Wozniak, seconded by Commission Deon and passed unanimously.

b. RFP #8234, systemwide dynamic message sign systems:

- Daktronics, Inc.-AWARDED
- Ledstar, Inc.

-was made by Commission Wozniak, seconded by Commission Deon and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, November 20, 2018 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 10:58 a.m. -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Barry Drew
Secretary Treasurer