

MINUTES OF THE COMMISSION MEETING HELD NOVEMBER 15, 2016

A formal meeting of the Pennsylvania Turnpike Commission convened at 10:30 a.m. on November 15, 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 R. Scott Christie, Deputy Secretary of Transportation.

Present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Chief Engineer, Michael Baker, Inc.; Carl E. Defebo, Jr., Director of Public Relations & Marketing; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. 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; Stacia A. Ritter, Esquire, Director of Policy & External Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others present were Jack Christensen, Director of FEMO; Richard S. DiPiero, Senior Fare Collection Operations Manager; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Jeffrey A. Naugle, Manager of Treasury Operations; Sheri Norris, Director of Human Resources; Cindy Smith, ETC Customer Service Operations Analyst; Lynn Stakem, Senior General Accountant; Mark Strause, Technician of PC/LAN Systems; Brian Guillaume, KCI; John Smith, Parsons Brinckerhoff; Glenn Deppert, Arora; Mike Gross, Wallace Montgomery; Jeff Hans, HDR; Dan Schauble, Advantage Engineers; Mahmood Shehata, RK&K; Scott Shimko, Borton Lawson, Mark Boris, Borton Lawson and Joe Samco, WGAL.



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 promotion, terminations, new hires, vacancies, the summer program and requests to abolish and to create, post and fill positions in the Fare Collection Department.

The Commissioners also discussed Docket No. PTC-WC-4819, and engaged in non-deliberative informational discussions regarding various actions and matters, which have been approved at previous public meetings.



CHAIRMAN'S COMMENTS

Chairman Logan thanked the Commissioners for their flexibility of the last minute change of the meeting to a telephone meeting. As the Commission continues to look for ways of saving money, the Chairman thought it best to save on the expenses of overnight accommodations in light of the small Agendas for today's meeting.



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 November 1, 2016 be approved and filed as submitted - were made by Commissioner Drew, 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 and Logistics–was made by Commissioner Drew, seconded by Commissioner Lieberman, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No unfinished business to discuss.



NEW BUSINESS

CHANGE ORDERS

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

- a. Change Order #1 for Contract #A-115.84S001-3-02 for the elimination of Bridge NB-657 at MP A115.84 and the elimination of the Bridge S-18485 with Beech Construction, Inc. for a 14-day time extension due to delays caused by an adjacent PennDOT project impacting access to Wyoming Avenue; the not-to-exceed amount remains at \$1,252,117.75;
- b. Change Order #2 for Contract #A-031.00T001-3-04 for the replacement of Bridge NB-170 at MP A35.24 and Bridge NB-178 at MP A37.72 with Road-Con, Inc., for an additional \$98,453.60 to resurface Clump Road due to excessive wear caused by construction vehicles utilizing the Turnpike access gate for multiple Turnpike construction projects and remediation to a signalized intersection on Line Road; for a revised not-to-exceed amount of \$9,005,166.69.

–was made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously.



AGREEMENTS

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

- a. Amendment to our agreement with Giant Eagle for E-ZPass distribution; exercising the option to renew the agreement for an additional year;

- b. Amendment to our agreement with Lewis Environmental Group for emergency spill response from MP 286.10 to MP 359.00 and MP A20.00 to MP A57.30; exercising the option to renew the agreement for an additional two-years; at an estimate cost of \$75,000.00;
- c. Agreement with Pennsylvania State University-Harrisburg to assist in the design, development and delivery of an Executive Leadership Development program; at a not-to-exceed amount of \$38,000.00;
- d. Settlement Agreement and Release in the case, PTC v. Schweikert Trucking;
- e. Reimbursement Agreement with Columbia Gas PA to reimburse Columbia the cost for the engineering and utility relocation work necessary for construction of the Southern Beltway, Section 55-C2-2; at a not-to-exceed amount of \$3,496,545.00;
- f. Agreement with the Pennsylvania State Police (PSP) to provide Commission owned radios to the PSP in exchange for use of PSP's bandwidth from Uniontown to Beaver Falls and Beaver Falls to New Cumberland for 10 years;
- g. Reimbursement Agreement with Penn Power Company to reimburse Penn Power the cost for the engineering and utility relocation work necessary for the replacement of Bridge WB-209 at MP 12.83; at a not-to-exceed amount of \$59,294.75;
- h. Settlement Agreement and Release with Michelle Cunzolo, and authorize the issuance of the workers' compensation settlement payment;
- i. Amendment to our agreement with Transcore for Communications Systems Maintenance; exercising the option to renew the agreement for an additional year, at a not-to-exceed amount of \$3,297,041.00; and approval to advertise for Communications Systems Maintenance services.

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



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Request for the items listed in memos "a-g" and "i-k":

- a. Settlement of Right-of-Way #6516-B (Ridge Acquisitions, L.P.), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$9,293.50 representing fair market value, pro-rated taxes and Section 710 fees to Ridge Acquisitions, L.P.; 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;

- b. Negotiations of Right-of-Way #140002 (Custom Homes Development, Inc.), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$2,500.00 representing reimbursement of Section 710 statutory damages for reimbursement of appraisal fees to Custom Homes Development, Inc.;
- c. Acquisition of Right-of-Way #15036-S (Irwin Management LLC), a total take parcel necessary for the total reconstruction project from MP 57.00 to MP 67.00 by authorizing payment of \$567,475.71 representing fair market value and pro-rated taxes to Irwin Management LLC; authorize the appropriate Commission officials to execute the Agreement of Sale, Lease 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;
- d. Acquisition of Right-of-Way #1094-A1 (Glen F. Murphy), a partial take parcel necessary for the total reconstruction project from MP 128.00 to MP 134.00 by authorizing payment of \$13,031.95 representing fair market value and pro-rated taxes to Glen F. Murphy; 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 his delivery of a deed prepared by the Legal Department;
- e. Acquisition of Right-of-Way #17752 (Regina M. Atkinson), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$175,753.12 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 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;
- f. Settlement of Right-of-Way #3203-B (Marjorie L. Jones, Trustee of the disclaimer Trust under the Last Will and Testament of John L. Pepper), a partial take parcel necessary for the total reconstruction project from MP 220.00 to MP 226.00 by authorizing payment of \$77,000.00 to Stevens & Lee, escrow agent; and authorize payment of additional statutory damages as approved and calculated by counsel and approved by the Chief Counsel;
- g. Settlement of Right-of-Way #14069-E (Georgette P. Costantini), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00 by authorizing payment of \$417,800.00 representing fair market value, closing costs and moving costs; also authorizing payment of \$386,800.00 representing the balance of settlement funds owed to Buchanan Ingersoll & Rooney, P.C., escrow agent; authorize the appropriate Commission officials to execute the Settlement Agreement and Release as approved by the Legal Department; and payment of the settlement amount to the property owner is contingent upon her execution of the Settlement Agreement and Release and the delivery of a deed as prepared by the Legal Department;

- i. Settlement of Right-of-Way #14201-A (Thomas W. Armstrong, Trustee and John H. Armstrong), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00 by authorizing payment of \$12,500.00 representing balance of settlement funds and Section 710 fees to Bruce E. Dice & Associates, P.C., escrow agent; authorize the appropriate Commission officials to execute the Settlement Agreement and Release as reviewed and approved by the Legal Department; and payment of settlement funds to the Condemnees is contingent upon their execution and delivery of a Settlement Agreement and Release as approved by the Legal Department;
- j. Acquisition of Right-of-Way #1090-A (Anthony & Elizabeth K. Schoedel), a partial take parcel necessary for the total reconstruction project from MP 128.00 to MP 134.00 by authorizing payment of \$44,119.01 representing fair market value and pro-rated taxes to Anthony & Elizabeth K. Schoedel; 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 owners is contingent upon their delivery of a deed prepared by the Legal Department;
- k. Adopt the proposed Property Acquisition Resolution for Right-of-Way #7169-D (unknown owner), a total take parcel necessary for construction of the I-95 Interchange project by authorizing payment of \$500.00 representing estimated just compensation to counsel named at a later date; and authorize payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Counsel.

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

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

- h. Settlement of Right-of-Way #14221-C (W.D. McCrady Land, LLP), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00 by authorizing payment of \$141,000.00 representing the settlement amount to Babst Calland, escrow agent; authorize the appropriate Commission officials to execute the Settlement Agreement and Full and Final Release as approved by the Legal Department; and payment of the settlement amount is contingent upon Condemnees execution and delivery of a Settlement Agreement and Full and Final Release as approved by the Legal Department;

-was made by Commissioner Drew, seconded by Commissioner Deon; Commissioner Lieberman voted "No", the motion passed.



ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" and "b":

- a. Two (2) open-end drilling contracts for subsurface boring, sampling and testing services;

- b. Two (2) open-end contracts for traffic engineering services, systemwide.

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



PURCHASE ORDERS

Motion-That the Procurement Change Orders and the Issuance of Purchase Orders for the items listed in memos “a” through “d”:

- a. Change Orders for the agreements for landscaping services (October 1, 2015 – September 30, 2017) to repair stormwater and other drainage items:

The U Company	\$150,000.00	District 1
Bailey Landscape/Maint	75,000.00	District 2
Bailey Landscape/Maint	75,000.00	District 3
Brickman	100,000.00	District 4
Brickman	<u>75,000.00</u>	District 5
TOTAL CHANGE ORDERS:	\$475,000.00	

- b. Swenson spreader parts, exercising the option to renew the agreement with Trius Inc. for an additional year (December 1, 2016 – November 30, 2017); at a cost of \$55,000.00;
- c. Qlik software, utilizing the Commonwealth’s contract with Carahsoft Technology Corp.; at a total award of \$272,835.80;
- d. Tires (December 1, 2016 – November 30, 2018), utilizing the Commonwealth’s contracts with:

Michelin North America	\$265,000.00	
Valley Tire	25,000.00	District 1
Highlands Tire & Service	20,000.00	District 2
Service Tire Truck Centers	18,000.00	District 3
Carlisle Car & Truck Service	17,000.00	District 4
Jack Williams Tire Co.	17,000.00	District 5
Goodyear Warehouse	190,000.00	Districts 3, 4 & 5
Goodyear Commercial Tire	<u>190,000.00</u>	Districts 1 & 2
TOTAL AWARD	\$742,000.00	

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



POLICY LETTER

Motion-That the Commission adopts the revisions to Policy 6.03, Management of Pennsylvania Turnpike Keys, for deposit changes for non-Engineering contracts and to reflect operational and procedural changes- was made by Commissioner Drew, seconded by Commissioner Deon, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, December 6, 2016 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania turnpike Commission be adjourned at 10:39 a.m. -was made by Commissioner Logan, seconded by Commissioner Drew, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.
Secretary Treasurer