

MINUTES OF THE COMMISSION MEETING HELD NOVEMBER 20, 2012

A formal meeting of the Pennsylvania Turnpike Commission convened at 12:00 Noon, November 20, 2012 at the Central Office located in Highspire, Pennsylvania. Present 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.

Others present for the meeting were Craig R. Shuey, Chief Operating Officer; Larry Bankert, 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; Jeffrey L. Hess, Director of Fare Collection and Field Operations; Doreen McCall, Chief Counsel; Myneca Y. Ojo, Director of Diversity Stacia A. Ritter, Director of Government Affairs and Inclusion and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Christine J. Baker, Public Information/Photo Specialist; Susan Carson-Casoni, Cash Manager; John Christensen, Director of Facilities & Energy Management Operations; Renee Colborn, manager of Media and Public Relations; Lou Cortelazzi, ITS Coordinator; Kelly Decker, General Litigation & Construction Counsel; Carl DeFebo, Jr.; Director of Public Relations & Marketing; Richard S. DiPiero, Senior Fare collection Operations Manager; Mike Deveney, Procurement Supervisor; Jason Falcheck, Technician of PC/LAN Systems; Michael W. Flack, Assistant Chief Engineer-Construction; Pam Hatalowich, Engineer Project Manager; Diane Jordan, Methods & Procedures Analyst; Donald S. Klingensmith, P.E., Director of Contracts Administration; Robert Kleimenhagen Jr., Strategic Planning Coordinator; Donna Lapano, Executive Office Assistant; Robert Loncar, Engineering Automation Coordinator; Alicia Martin, Administrative Officer; Gina Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Mark Raup, Senior Engineer Project Manager; Amber Reimnitz, Engineering Project Manager; Patricia Schlegel, Director of Human Resources; Vince Talucci, Field Operations Manager; Kim D. Tosh, Debt and Derivatives Manager; Alan Williamson, Senior Engineer Project Manager; Steve Barber, Michael Baker, Jr., Inc.; John Kurgan, Michael Baker, Jr., Inc.; Eric Madden, ACEC/PA; Marty Malone, Lehman Engineers; Scott Klingenberg, Lehman Engineers; Jim Proharic, Lehman Engineers; Blair Stocker, Hatch Mott MacDonald; Glenn Deppert, Arora & Associates; Joseph Riley, Ammann & Whitney; Neil Shemo, AECOM; David Snively, Jr., Greenman Pedersen, Inc.; Ryan Munley, L.R. Kimball; Paul McNamee, KCI Technologies and Richard Stees, Erdman Anthony.

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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 present.

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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, NEW SALARY GRADE DESIGNATION, VACANCIES, NEW HIRES, MODIFICATION OF BENEFITS ELIGIBILITY AND REQUESTS TO ABOLISH; TO POST AND FILL AND TO CREATE POST AND FILL POSITIONS IN THE FARE COLLECTION AND OPERATIONS, SAFETY AND INCIDENT RESPONSE DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED Consolidated Coal Co. v. PTC, Docket No. 2001-4104, Reserve Coal Properties Co. v. PTC, Docket No. 2011-7644 AND 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 ONE REQUESTS TO ADDRESS THE COMMISSION. MR. BREISCH DISCUSSED THE UPCOMING ANNIVERSARY OF THE TURNPIKE AND HOPES THE COMMISSION WILL HAVE YEAR ROUND CELEBRATIONS FOR THE EVENT.

AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF. STEVE BARBER, MICHAEL BAKER, JR., INC.; JOHN KURGAN, MICHAEL BAKER, JR., INC.; ERIC MADDEN, ACEC/PA; MARTY MALONE, LEHMAN ENGINEERS; SCOTT KLINGENBERG, LEHMAN ENGINEERS; JIM PROHARIC, LEHMAN ENGINEERS; BLAIR STOCKER, HATCH MOTT MACDONALD; GLENN DEPPERT, ARORA & ASSOCIATES; JOSEPH RILEY, AMMANN & WHITNEY; NEIL SHEMO, AECOM; DAVID SNIVELY, JR., GREENMAN PEDERSEN, INC.; RYAN MUNLEY, L.R. KIMBALL; PAUL MCNAMEE, KCI TECHNOLOGIES AND RICHARD STEES, ERDMAN ANTHONY.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held November 6, 2012 be approved and filed as submitted-was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memos received from the Chief Counsel and the Manager of Strategic Sourcing and Asset Management -was made by Commissioner Lincoln, seconded by Commissioner Deon; and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS

LITIGATION MATTERS

Motion-That the Commission approves negotiation and execution of the Settlement Agreements, Releases and settlement amounts for the litigation matters for the items listed in memos "a" and "b":

- a. Claim 11-008, Harry G. and Debra A. Ritchey;
- b. Claim 12-070, William and Phyllis Wilson.

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

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AGREEMENTS

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

- a. Agreement with International Management Assistance Corporation (IMAC) for supplemental contingency planning services; at a not-to-exceed amount of \$38,000.00;
- b. Settlement Agreement and Release with Mosites Construction Company for the Uniontown to Brownsville maintenance facility, and accept the settlement terms.

-was made by Commissioner Lincoln, seconded by Commissioner Deon; 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 “h”:

- a. Acquisition of Right-of-Way #6078-D, 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 \$8,139.50 to Judith M. Bailey; 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 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 #17727, a partial take parcel necessary for construction of the Southern Beltway, by authorizing payment for fair market value, pro-rated taxes and recording fees in the amount of \$95,206.51 to Fayette Professional Services, Inc., 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 Administrator and approved by the Chief Counsel; and payment of fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #17684, a partial take parcel necessary for construction of the Southern Beltway, by authorizing payment for fair market value, pro-rated taxes and recording fees in the amount of \$185,439.04 to Fayette Professional Services, Inc., 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 Administrator and approved by the Chief Counsel; and payment of fair market value to the property owner is contingent upon its delivery of a deed as prepared by the Legal Department;
- d. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6058-IR2, a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00, authorize payment of the Estimated Just Compensation in the amount of \$9,500.00 to Stevens & Lee, PC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- e. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6059-A2, a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00, authorize payment of the Estimated Just Compensation in the amount of \$1,800.00 to Stevens & Lee, PC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- f. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6059-E, a partial take parcel necessary for the total reconstruction project from MP 320.00 to MP 326.00, authorize payment of the Estimated Just Compensation in the amount of \$3,900.00 to Stevens & Lee, PC, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;

- g. Negotiations for Right-of-Way #14121, a partial take parcel necessary for construction of the Southern Beltway are ongoing; however, the owners requested reimbursement of Section 710 statutory damages for reimbursement of appraisal fees in the amount of \$1,400.00 to M. Brennan Breene, Real Estate Appraiser;
- h. Acquisition of Right-of-Way #12035-F2, a total take parcel necessary for the Beaver River Bridge replacement project, by authorizing payment for fair market value, pro-rated taxes and recording fees in the amount of \$46,944.37 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 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.

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

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SUPPLEMENTAL AGREEMENTS

Motion-That the Commission approves the Supplemental Agreement listed in memo "a":

- a. Supplemental Agreement #2 for Contract #4400000677 with SAI Consulting Engineers, Inc. for construction management/construction inspection of the Uniontown to Brownsville section of the Mon/Fayette Expressway, for an additional \$170,000.00 for the addition of a latex overlay to the bridge deck, completion of landscaping and construction claims-was made by Commissioner Deon, seconded by Commissioner Schoch; and passed unanimously.
- b. Supplemental Agreement #4 for Contract #4400001118 with McCormick Taylor, Inc. for design work for the total reconstruction project from MP 40.00 to MP 48.00, for an additional \$4,000,000.00 for project letting schedule revisions due to Right-of-Way and environmental issues-was made by Commissioner Deon, seconded by Commissioner Lincoln; Commissioner Schoch abstained.

MR. SCHOCH: MR. CHAIRMAN, I ABSTAIN ON THIS ITEM BECAUSE OF A PRIOR RELATIONSHIP WITH THIS FIRM.

The motion passed.

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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" and "b":

- a. Live video capability from the Interchanges to the Central Administration Building, utilizing the Commonwealth's contract with Eplus; at a total award of \$122,230.75;
- b. One (1) mechanical roadway sweeper, utilizing the Commonwealth's contract with H A Dehart & Sons; at a total award of \$233,979.00.

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

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AWARD OF BIDS/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 “c”:

a. Twenty-two (22) pickup trucks (3 regular cab, 13 extended cab and 6 crew cab), utilizing the Commonwealth’s contract with Apple Automotive Group; at a total award of \$659,534.00;

b. Diesel motor fuel and heating and emergency generator fuel, to the lowest responsive and responsible bidders:

Mansfield Oil Co.	\$2,200,000.00
Petroleum Traders	1,000,000.00
Glassmere Fuel Service	350,000.00
Talley Petroleum	85,000.00
Naughton Energy	520,000.00
Leffler Energy	105,000.00
Bedford Valley Petroleum	<u>515,000.00</u>
Total Award :	\$4,775,000.00
25% contingency	<u>1,194,000.00</u>
TOTAL TO APPROVE	\$5,969,000.00

c. Trash removal, to the lowest responsive and responsible bidders;

Waste Management	\$ 248,000.00
Weaver’s Sanitation	51,000.00
Republic Services	<u>51,000.00</u>
Total Award:	\$ 350,000.00
25% contingency	<u>96,000.00</u>
TOTAL TO APPROVE	\$ 446,000.00

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

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PSPC AWARDS

Motion-That the Commission approves the award of services and authorizes the negotiation and execution of an agreement with the selected firm(s) listed for the items in memos “a” through “e”:

a. Ref No. 2-093. In-depth inspection Allegheny Tunnel;

- Hatch Mott MacDonald-AWARDED
- Stahl Sheaffer Engineering, LLC
- Gannett Fleming

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

b. Ref. No. 3-238. Geotechnical Engineering Services – Systemwide;

- Earth, Inc. –AWARDED
- GTS Technologies, Inc.
- Navarro & Wright Consulting

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

c. Ref. No. 4-090. Three (3) Total Reconstruction Projects, MP 298–302, MP 302–308 and MP 308–312;

- AECOM Technical Services, Inc.-AWARDED MP 298-302
- Ammann & Whitney PA-AWARDED MP 302-308
- Gannett Fleming-AWARDED MP 308-312
- Michael Baker, Jr., Inc.
- STV Incorporated

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

d. Ref. No. 3-224. Open End Construction Technical Services, MP 0.00 – 358.00 and the N.E. Ext.;

- Navarro & Wright-AWARDED
- Buchart Horn, Inc.
- The Temple Group

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

e. Ref. No. 2-092. Construction Management/Construction Inspection Services – Roadway and Bridge Reconstruction, Mileposts 125 to 134.

- Stahl Sheaffer Engineering-AWARDED
- Michael Baker, Jr., Inc.
- TRC Engineers, Inc.

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

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POST-FORMAL MEETING

A post formal meeting was conducted by Larry Bankert of Michael Baker, Jr., Inc.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of The Pennsylvania Turnpike Commission will be a formal meeting on Tuesday, December 11, 2012 at our Eastern Regional Office in King of Prussia, beginning at 9:00 am.

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ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 12:47 p.m.
-was made by Commissioner Lieberman, seconded by Commissioner Lincoln; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

11-20-12

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL AND
THE MANAGER OF STRATEGIC SOURCING AND ASSET MANAGEMENT