

MINUTES OF THE COMMISSION MEETING HELD DECEMBER 3, 2013

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 11:05 a.m. December 3, 2013 at the Central Office located in Highspire, Pennsylvania. Available via telephone for the meeting were William K. Lieberman, Chairman; A. Michael Pratt, Esquire, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer; Sean Logan, Commissioner and Barry J. Schoch, P.E., 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 Jr., Inc.; William J. Capone, Chief of Communications and Public Relations; Scott D. Fairholm, Chief Information Officer; David Gentile, Chief Compliance Officer; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Stacey Ritter, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Others in attendance were Richard S. Dipiero, Senior Fare Collection Operations Manager; Richard C. Dreher, Assistant CFO; Donald S. Klingensmith, P.E., Director of Contracts Administration; Robert Kleimenhagen, Jr., Strategic Planning Coordinator; Donna Lapano, Executive Office Assistant; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Jr., Technician of PC/LAN Systems; Cindy Smith, General Accountant II; Kristi Reichard, Raudenbush Engineering; Paul McNamee, KCI Technologies; and Scott Shimok, Borton Lawson.

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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 A TERMINATION, PROMOTIONS, RECLASSIFICATIONS, NEW HIRES AND REQUESTS TO ABOLISH; AND TO POST AND FILL POSITIONS IN THE FACILITIES AND ENERGY MANAGEMENT OPERATIONS AND FARE COLLECTION DEPARTMENTS.

THE COMMISSIONERS ALSO DISCUSSED DOCKET NOS. 4400001045, 10-1075 AND 12-CV-03867 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 NO REQUESTS TO ADDRESS THE COMMISSION. AT THIS TIME WE ASK ALL VISITORS TO STAND AND INTRODUCE YOURSELF. THE FOLLOWING WERE VISTORS TO THE MEETING: KRISTI REICHARD, RAUDENBUSH ENGINEERING; PAUL MCNAMEE, KCI TECHNOLOGIES; AND SCOTT SHIMOK, BORTON LAWSON.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held November 19, 2013 be approved and filed as submitted-was made by Commissioner Schoch, seconded by Commissioner Logan, and passed unanimously.

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COMMUNICATIONS

Motion-That the Commission accepts and files the memo received from the Chief Counsel-was made by Commissioner Schoch, seconded by Commissioner Logan, and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS
SETTLEMENTS

Motion-That the Commission approves the Settlement Agreements, Releases and authorizes payment for the cases listed in memos "a" and "b":

- a. Estate of Pierre Louverture v. Pennsylvania Turnpike Commission;
- b. Elizabeth R. Simiriglio, Adminstratrix of the Estate of Marlena DeMilio v. Pennsylvania Turnpike Commission.

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

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements and a Supplement for the items listed in memos “a, c and d”:

- a. Agreement with Penn State Facility Engineering Institute to continue an energy billing assessment evaluation and building condition assessment program; at a not-to-exceed cost of \$1,690,657.00 over 4-years;
- c. Reimbursement Agreement with PECO Energy Co. for the engineering and facility relocation work for the total reconstruction project from MP A20.00 to MP A30.00 (Bridge NB-142); at a not-to-exceed amount of \$321,256.25;
- d. Supplemental Reimbursement Agreement with PECO Energy Co. for the engineering and facility relocation work for the total reconstruction project from MP A20.00 to MP A30.00 (Bridge NB-141 at MP A29.66), for an additional \$157,891.25 for wage and material cost since the original approval (May 2009), and overhead costs omitted in the previous estimate;

-was made by Commissioner Schoch, seconded by Commissioner Logan; Commissioner Pratt abstained.

VICE CHAIRMAN PRATT: MR. CHAIRMAN, I ABTAIN ON THESE ITEMS BECAUSE PENN STATE UNIVERSITY AND PECO ENERGY CO ARE CLIENTS OF MY FIRM.

Motion-That the Commission approves the negotiation and execution of the Agreements for the items listed in memos “b and e”:

- b. Reimbursement Agreement with Texas Eastern Transmission for engineering and facility modifications for the total reconstruction project from MP A20.00 to MP A30.00 (MP A29.98); at a not-to-exceed amount of \$486,250.00;
- e. Modify previously approved agenda item (November 5, 2013; item F-2h) with The Gordian Group to extend their agreement to May 31, 2014 for the operation of the Job Order Contracting (JOC) program, to provide services only for job orders issued in 2013 that are not completed prior to The Gordian Group’s current contract completion date of December 11, 2013.

-were made by Commissioner Schoch, seconded by Commissioner Logan, 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 “T”:

- a. Acquisition of Right-of-Way #6070-G (*Greater Valley Stream Village Homeowners Association, Inc.*), 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 in the amount of \$87,500.00 to Diversified Settlement Services, Inc., escrow agent; authorize the appropriate Commission officials to execute the agreement of sale; 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;

- b. Acquisition of Right-of-Way #6071-F (*Ning Sun*), 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 \$150,635.96 to Diversified Settlement Services, Inc., escrow agent; authorize the appropriate Commission officials to execute the agreement of sale; 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;
- c. Acquisition of Right-of-Way #6072-74-B-1 (*Tredyffrin Township Municipal Authority*), 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 in the amount of \$5,100.00 to Tredyffrin Township Municipal Authority; authorize the appropriate Commission officials to execute the agreement of sale; 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;
- d. Settlement of Right-of-Way #7138-B-01 (*Steen Advertising*), a total take parcel necessary for construction of the I-95 Interchange project, by authorizing settlement of \$247,088.80 to Steen Advertising; and payment of the settlement amount to the property owner is contingent upon its execution of a full and final release and settlement agreement as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #14220-A1 (*Richard C. and Michael P. Dietz*), a partial take parcel necessary for the total reconstruction from MP 40.00 to MP 48.00, by authorizing payment of fair market value in the amount of \$101,000.00 to Richard C. Dietz and Michael P. Dietz; 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 owners is contingent upon their delivery of a deed prepared by the Legal Department;
- f. Acquisition of Right-of-Way #3185-7 (*James P. Howell*), a partial take parcel necessary for the total reconstruction project from MP 220.00 to MP 227.00, by authorizing payment of fair market value and pro-rated taxes in the amount of \$18,014.75 to James P. Howell; authorize the appropriate Commission officials to execute the agreement of sale; 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;
- g. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14217-L (*Variety, The Children's Charity of Pittsburgh*), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of estimated just compensation in the amount of \$10,500.00 to a law firm to be appointed 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;

- h. Settlement of Right-of-Way #3375-RD (*Mary M. Rider*), a partial take parcel necessary for the total reconstruction project from MP 242.00 to MP 245.00, by authorizing settlement of \$53,155.70 to PA Real Estate Settlement Services, 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;
- i. Acquisition of Right-of-Way #7135-C1 (*Edward L. and Susan M. Wimmersberger, Joanne Wimmersberger and Susan W. Mellodge*), a partial take parcel necessary for construction of the I-95 Interchange project, by authorizing payment of Section 710 statutory damages for reimbursement of engineering fees in the amount of \$4,000.00 to “Wimmersbergers”.

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

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ADVERTISING

Motion-That the Commission approves advertising for an engineering firm to perform ITS construction consultation, inspection and design services systemwide;

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

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AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids, a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” and “b”:

- a. Change Order to our agreements for trash and refuse (January 1, 2013 – December 31, 2014):

<u>Vendor</u>	<u>Change Order Amount</u>	
Waste Management	\$ 95,000.00	Districts 1 & 6
Weaver’s Sanitation Service Inc.	44,000.00	District 2
Republic Services of PA LLC	45,000.00	District 3
Waste Management	66,000.00	District 4
Waste Management	<u>34,000.00</u>	District 5
TOTAL CHANGE ORDER:	\$284,000.00	

- b. Diesel motor fuel and heating/emergency generator fuel, utilizing our option to renew the agreements (January 1, 2014 – December 31, 2014):

<u>Vendor</u>	<u>Renewal Amount</u>
Mansfield Oil Co.	\$1,000,000.00
Petroleum Traders	700,000.00
Glassmere Fuel SV	200,000.00
Bedford Valley Petroleum	<u>400,000.00</u>
TOTAL RENEWAL VALUE:	\$1,106,000.00

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

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AWARD OF CONTRACTS

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

- a. Contract #T-275.00R001-3-02 for bituminous overlay between MP 275.00 and MP 282.04, to the lowest responsive and responsible bidder, Hempt Bros., Inc.; at a not-to-exceed amount of \$12,217,610.98 and a contingency of \$550,000.00;
- b. Contract #T-148.00R001-3-02 for bituminous resurfacing between MP 149.36 and MP 161.02, to the lowest responsive and responsible bidder, Grannas Bros. Stone and Asphalt Co., Inc.; at a not-to-exceed amount of \$10,755,410.71 and a contingency of \$500,000.00.

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

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SUPPLEMENTAL AGREEMENTS

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

- a. Supplemental Agreement #1 with Pennoni Associates, Inc. for preliminary and final design services for the I-95 Interchange project, Section E, for an additional \$1,500,000.00 to complete final design and for consultation during construction services; for a total not-to-exceed amount of \$6,500,000.00;
- b. Supplemental Agreement #1 with Advantage Engineers, Inc. for open-end material inspection and testing services in the East, for an additional \$355,000.00 to continue inspection services on existing and new projects through the end of the contract (July 2014); for a total not-to-exceed amount of \$1,305,000.00;
- c. Supplemental Agreement #4 with CECO Associates, Inc. for open-end design services in Districts 4 and 5, for an additional \$300,000.00 for work not-anticipated in addressing comments from outside agencies during the final design of the Route 903 All Electronic Interchange; for a total not-to-exceed amount of \$3,210,000.00.

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

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CHANGE ORDER

Motion-That the Commission approves Change Order #2 for Contract #T-306.00R001-3-02 with Allan A. Myers for pavement patching and micro surfacing between MP 306.40 and MP 319.32, for an additional \$3,019,391.24 for changes to the epoxy pavement marking paint, pavement ride testing, micro milling and an award incentive to compensate the contractor for completing all work before 10/25/13 as specified in the Special Provisions;

-was made by Commissioner Schoch, seconded by Commission Logan; Commissioner Pratt abstained.

VICE CHAIRMAN PRATT: MR. CHAIRMAN, I ABSTAIN ON THIS ITEM BECAUSE ALLAN A. MYERS IS A CLIENT OF MY FIRM.

The motion passed.

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NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting held on Monday, December 16, 2013 beginning at 10:00 am.

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ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned was made at 11:15 a.m. -made by Commissioner Schoch, seconded by Commissioner Logan, and passed unanimously.

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PREPARED BY:

APPROVED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.
Secretary Treasurer

ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMOS RECEIVED FROM THE CHIEF COUNSEL