

MINUTES OF THE COMMISSION MEETING HELD DECEMBER 6, 2011

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:58 a.m., December 6, 2011 at the Central Office located in Highspire, Pennsylvania. Available via the 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; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; 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 Susan Caron-Casoni, Cash Manager; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Office Assistant; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN Systems; Brenda Szeles-Bratina, Director of toll Revenue Audit and Kathy Thomas, Administrative Secretary.

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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 TITLE CHANGE, RECLASSIFICATION, EQUITY ADJUSTMENT, REORGANIZATION, PROMOTIONS, VACANCIES, NEW HIRES AND REQUESTS TO FILL AND TO POST AND FILL POSITIONS IN THE INFORMATION TECHNOLOGY AND FARE COLLECTION 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: FOR THE RECORD, THERE ARE NO VISITORS PRESENT FOR TODAY'S MEETING.

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MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held November 15, 2011 be approved and filed as amended-was made by Commissioner Deon seconded by Commissioner Lincoln; 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 Deon, seconded by Commissioner Lincoln; and passed unanimously.

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PERSONNEL

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

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NEW BUSINESS

POLICY LETTER

Motion-That the Commission adopts new Policy Letter 7.9, - *Tax-Exempt Debt, Build America Bonds and Other Tax-Advantaged Debt Post-Issuance Compliance*, that establishes and defines responsibilities to comply with all applicable federal tax rules related to tax-exempt debt, Build American Bonds (BABS) and other tax-advantaged debt issuances-was made by Commissioner Deon, seconded by Commissioner Lincoln; and passed unanimously.

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AGREEMENTS

Motion-That the Commission approves the negotiation and execution of the Agreements, a Supplement, a Work Order and the negotiation of a Change Order for the items listed in memos "a, c and e":

- a. Agreement with Shippensburg Area EMS to provide emergency medical service coverage from MP 201.00 to MP 210.00;
- c. Reimbursement Agreement with PPL for the Commission to reimburse PPL for the required engineering and facility relocation work necessary for the replacement of Bridge NB-736 at MP A128.87; at a not-to-exceed amount of \$46,792.14;
- e. Work Order #15 with TransCore to integrate and install a weigh in motion classification system, violation enforcement system and electronic toll collection equipment at the new SR 29 Interchange; at a not-to-exceed amount of \$3,120,247.00.

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

Motion-That the Commission approves the negotiation and execution of the item listed in memos "b and d":

- b. Permission to negotiate with Allan A. Myers, LP (via a Change Order) to perform additional work necessary to install the infrastructure to provide for weighing at the Route 29 Interchange; at an additional cost of \$300,000.00;
- d. Supplemental Agreement with PECO Energy for the required engineering and facility relocation work necessary for the replacement of Bridges NB-104, NB-110, NB-114 and NB-124; for an additional \$230,024.93 due to unforeseen rock excavation, higher poles than originally estimated, additional traffic control costs, tree trimming outside the work area and environmental considerations.

-was made by Commissioner Deon, seconded by Commissioner Lincoln; Commissioner Pratt abstained.

VICE CHAIRMAN PRATT: MR. CHAIRMAN, I ABSTAIN ON THE BASIS THAT THE COMPANIES SET FORTH IN THESE AGENDA ITEMS ARE CLIENTS OF THE FIRM OF WHICH I AM A PARTNER. I ASK THAT THE SECRETARY PLEASE HAVE THE MINUTES OF THE MEETING REFLECT MY ABSTENTION ON THIS VOTE.

The motion passed.

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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 Parcel 7, a partial take parcel, necessary for the Valley Hill Road Bridge Replacement project at MP 316.58; by authorizing payment in the amount of \$2,300.00 representing fair market value, payable to William R. and Deirdre A. Pochiluk, Jr.; authorize the appropriate Commission officials to execute the temporary construction easement and to authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of fair market value to the property owners is contingent upon their delivery of an executed temporary construction easement as prepared by the Legal Department;
- b. Acquisition of Parcel F6, a partial take parcel, necessary for the I-95/I-276 Interchange Project; by authorizing payment in the amount of \$700.00 representing fair market value, payable to Robert I. Wechsler, t/d/b/a ATLAS Developers; authorize the appropriate Commission officials to execute the temporary construction easement and other settlement documents as may be required; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and

payment of fair market value to the property owner is contingent upon his delivery of an executed temporary construction easement as prepared by the Legal Department;

- c. Acquisition of Right-of-Way #4021-B, a partial take parcel, necessary for the replacement of the Swatara Creek Bridge at MP 251.08; by authorizing payment in the amount of \$7,000.00 representing fair market value, payable to H-T Partners, LLC; authorize the appropriate Commission officials to execute the Agreement of Sale, temporary construction easement and other settlement documents as may be required; authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of fair market value to the property owner is contingent upon its delivery of a temporary construction easement as prepared by the Legal Department.

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

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ADVERTISING

Motion-That the Commission approves advertising for the items listed in memos "a" through "c":

- a. Engineering firm or Materials Testing Laboratory for open-end Quality Assurance Testing Laboratory Services systemwide;
- b. Structural Engineering firm to provide structural analyses and design reviews for communication towers and tower components;
- c. Engineering firm or a coating consulting firm for open-end coating consulting services systemwide.

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

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AWARD OF BIDS AND ISSUANCE OF PURCHASE ORDERS

Motion-That the Commission approves the Issuance of Purchase Orders to exercise the option to renew the agreements for trash removal for an additional year (1/1/12-12/31/12):

	<u>Additional cost:</u>
Waste Management	\$163,692.09
York Waste Disposal	\$ 39,393.36
J.P. Mascaro & Sons	<u>\$120,914.60</u>
TOTAL RENEWAL	\$324,000.05

-was made by Commission Deon, seconded by Commissioner Lincoln; 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" and "b":

- a. Contract #A-114.64S001-3-02 for the replacement of Bridge NB-655 at MP A114.64, to the lowest responsive and responsible bidder, HRI, Inc.; at a total award of \$5,393,885.28 and a contingency of \$250,000.00;
- b. Contract #T-129.00T001-3-03 for the replacement of Bridge B-448 at MP 132.54, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a total award of \$2,728,398.10 and a contingency of \$100,000.00.

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

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SUPPLEMENTAL AGREEMENTS

Motion-That the Commission approves the Supplemental Agreements for the item listed in memo "a" and "b":

- a. Supplemental Agreement #1 with SAI Consulting Engineers, Inc. for construction management/inspection services for the Mon/Fayette Expressway, necessary for the additional time to complete the project and an additional sub-consultant to assist in reviewing plans and specifications for the Monongahela River Bridge alternate bridge design; for an additional \$1,173,578.01;
- b. Supplemental Agreement #1 with Raintree Consulting, Inc. for construction inspection services-west, necessary for additional inspection costs until the new open-end agreement is executed; for an additional \$39,900.00.

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

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CHANGE ORDERS

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

- a. Change Order #2 for Contract #T-151.09S002-3-02 with New Enterprise Stone and Lime Company, Inc., for the replacement of Bridge B-443 at MP 151.09; for an additional \$474,846.25 for additional foundation work due to unforeseen underground conditions, additional roadway repair work and delay costs due to 9/11 traffic restrictions;
- b. Change Order #2 for Contract #T-129.00R001-3-02 with New Enterprise Stone and Lime Company, Inc., for bituminous resurfacing between MP 128.88 and MP 138.19; for an additional \$1,394,720.06 for addition of 2" of bituminous overlay, new sheeting requirements for reflectivity on new roadway signs and quantity adjustments to balance items to actual work completed.

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

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PSPC RECOMMENDATION

Motion-That the Commission approves the selection recommendation from the Professional Services Procurement Committee (PSPC) and authorizes the negotiation and execution of an agreement with the first firm listed for biennial bridge inspection, systemwide; for a not-to-exceed amount of \$3,200,000.00 or two years; whichever occurs first:

TransSystems Corporation Consultants
AECOM Technical Services, Inc.
SAI Consulting Engineers, Inc.

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

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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 ON TUESDAY, DECEMBER 20, 2011 BEGINNING AT 10:00 A.M.

ADJOURNMENT

Motion-That this meeting of The Pennsylvania Turnpike Commission be adjourned at 11:05 a.m.-was made by Commissioner Deon, seconded by Commissioner Lincoln; and passed unanimously.

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PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

12-06-11

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL