

## MINUTES OF THE COMMISSION MEETING HELD DECEMBER 15, 2015

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:26 a.m. on December 15, 2015 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Sean Logan, Chairman; William K. Lieberman, Vice Chairman; Pasquale T. Deon, Sr., Secretary Treasurer, Barry Drew, Commissioner and Leslie Richards, Secretary of Transportation.

Others present for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Michael Baker, Jr., Inc.; Robert F. Brady, Director of Operations/Projects-East; Scott D. Fairholm, Chief Information Officer; Nikolaus Grieshaber, Chief Financial Officer; Brad 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.

Also in attendance were Jack Christensen, Director of FEMO; Carl E. Defebo, Jr., Director of Public Relations & Marketing; Kelly Decker, General Litigation & Construction Counsel; Richard S. DiPiero, Senior Fare Collection Operations Manager; Richard C. Dreher, Assistant CFO/Financial Management; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, Director of Procurement and Logistics; Donna Lapano, Executive Office Assistant; Gina M. Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Sheri Norris, Director of Human Resources; Theodore A. Rusenko, Accounting & Financial Reporting Manager; Mark A. Strause, Technician of PC/LAN Systems; Timothy M. Scanlon, Director of Traffic Engineering & Operations; Cindy Smith, General Accountant 2; Kim D. Tosh, Debt and Derivatives Manager; Mark Boris, Borton Lawson; Steve Barber, Michael Baker, Jr., Inc.; Paul McNamee, KCI; Kristi Reichard, Raudenbush Engineering; Mike Gross, Wallace Montgomery; John Livingston, Jacobs Engineering; Eric Madden, PA/ACEC; Donna Newell, NTM Engineering; Kerry Fulton, CS Davidson; Andrew Ferrari, CS Davidson; Robin Kohler, CS Davidson; Quentin Rissler, Larson Design; John Brubkaer, CCJM; John Smith, Parsons Brinckerhoff; Leonard Smith, STV; Chris Messner, GPI; Tom Cushman; AECOM; Todd Morris, Pennoni; John Wilhelm, Pickering, Corts, Summerson; Jim Miller, Michael Baker, Jr., Inc.; Matt Petrillo, WNEP; Larry Romeo, WNEP; and Terry Ziegler, KTMC.



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 reclassifications, new hires, vacancies, and requests to create, post and fill; and to post and fill positions in the Engineering and Fare Collection Departments.

The Commissioners also discussed Case No. B01P-2015, Docket No. 07-cv-4492, Docket No. 06-cv-01833, 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 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; all visitors stood and introduced themselves.



#### MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held December 1, 2015 be approved and filed as submitted- was made by Commissioner Lieberman, seconded by Commissioner Richards, and passed unanimously.



### COMMUNICATIONS

Motion-That the Commission approves the memos received from the Chief Counsel and the Director of Procurement & Logistics–was made by Commissioner Lieberman, seconded by Commissioner Richards, and passed unanimously.



### PERSONNEL

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



### UNFINISHED BUSINESS

No unfinished business to discuss.



### NEW BUSINESS

#### POLICY LETTERS

Motion-That the Commission rescinds and adopts revisions to Policy Letters for the items listed in memos “a” and “b”:

- a. Rescind Policy Letter 2.04, Extending Medical Benefits to Grandchildren, since grandchildren are now defined in the Commission’s Summary Plan Description document;
- b. Adopt revisions to Policy Letter 7.04, Contract Management, to rename the policy “Procurement”, and to update the policy to reflect operational and procedural updates

-was made by Commissioner Lieberman, seconded by Commissioner Richards, and passed unanimously.



### AGREEMENTS

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

- a. Settlement Agreement and Release with Rose Restly, and authorize issuance of the settlement payment;
- b. Settlement Agreement and Release with James Restly, and authorize issuance of the settlement payment;

- c. Reimbursement Agreement with Aqua PA, Inc., for Aqua PA to reimburse the Commission the cost for the installation of a utility line as part of the I-95/I-276 Interchange project (Bridge DB-237 at MP 353.96); at an approximate cost of \$90,000.00;
- d. Reimbursement Agreement with Verizon PA, Inc., for Verizon to reimburse the Commission the cost for the relocation of its utility line as part of the I-95/I-276 Interchange project (Bridge DB-237 at MP 353.96); at an approximate cost of \$70,000.00;
- e. Amendment to our software license agreement with Panaya, a testing and analysis tool for SAP upgrades; exercising the option to renew the agreement for an additional year; at a cost of \$390,000.00;
- f. Reimbursement Agreement with the Pennsylvania Department of Transportation (PennDOT) for PennDOT to reimburse the Commission its share of the costs for the project to eliminate both a Commission bridge (NB-657 at MP A115.84) and an adjacent PennDOT bridge (S-18485); at an approximate reimbursement amount of \$500,000.00;
- g. Settlement Agreement with Cephalon regarding Actiq;
- h. Settlement Agreement with Mylan regarding Provigil.

-was made by Commissioner Lieberman, seconded by Commissioner Richards, and passed unanimously.



#### RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Request for the items listed in memos “a” through “m”:

- a. Acquisition of Right-of-Way #12024-C (Brian S. & Margo Lee Kording, Jr.), a total take parcel necessary for the Beaver River Bridge replacement project by authorizing payment of \$116,182.10 representing fair market value, pro-rated taxes and recording fees to McClain, Young & Patterson, escrow agent, and authorize payment of \$4,000.00 representing Section 710 fees to Dickie McCamey & Chilcote, P.C.; 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;
- b. Acquisition of Right-of-Way #17905-01 (Melissa Cowden and Palmer Joseph Restaneo, Jr.), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79, by authorizing payment of \$2,100.00 representing fair market value of tenant owned improvements on the property to Melissa Cowden; authorize the appropriate Commission officials to execute the Settlement Agreement and other documents that may be required for closing; and authorize the

payment of additional statutory damages as calculated by the Right-of-Way Administer and approved by the Chief Counsel;

- c. Acquisition of Right-of-Way #2116-D (Weldon B. & Nancy R. Shank), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50, by authorizing payment of \$871.63 representing fair market value and pro-rated taxes to Weldon B. & Nancy R. Shank; 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 Administer and approved by the Chief Counsel; and payment of fair market value to the property owners is contingent upon delivery of a deed as prepared by the Legal Department;
- d. Approve settlement of Right-of-Way #14206-N (Jim Meinert Landscaping d/b/a JML Landscaping Management), a partial take parcel necessary for the total reconstruction from MP 40.00 to MP 48.00 by authorizing settlement payment of \$223,000.00 to James H. Meinert; and payment of settlement funds to the claimant is contingent upon the execution and delivery of a Settlement Agreement and release as approved by the Legal Department;
- e. Approve settlement of Right-of-Way #4013-E (First Church of Nazarene of Harrisburg n/k/a Rosedale Church of the Nazarene), a partial take parcel necessary for the Nissley Drive Bridge replacement project (MP 248.00), by authorizing settlement payment of \$10,900.00, plus statutory delay damages as calculated and approved by the Legal Department;
- f. Acquisition of Right-of-Way #14204-A2 (N&G Partnership), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00, by authorizing payment of \$7,273.50 representing fair market value and pro-rated taxes to N&G Partnership; 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;
- g. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #17678 (Jon S. & Laura K. Rutkauskus and Range Resources-Appalachia, LLC-Lessee), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 project, by authorizing payment of \$1,100.00 representing Estimate Just Compensation to Goldberg, Kamin & Garvin, LLP, escrow agent; and authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- h. Acquisition of Right-of-Way #14211-A (C.E. Holden, Inc.), a partial take parcel necessary for the total reconstruction project from MP 40.00 to MP 48.00 by authorizing payment of \$15,181.50 representing fair market value and pro-rated taxes to C.E. Holden, Inc.; 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;

- i. Acquisition of Right-of-Way #2065-W (Shirley Blair Ford, James Edward Ford and Sheldon Blair Ford), a partial take parcel necessary for the total reconstruction project from MP 149.50 to MP 155.50 by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Shirley Joan Ford and James Edward Ford; 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 deed prepared by the Legal Department;
- j. Execution of five (5) quit claim deeds, for property that was mistakenly transferred from the property owners to the Commission (R/W #14338, Frederick Omer, Joan Omer, Ruthann Omer, Robert Omer t/d/b/a Alton Development Co.), to transfer the Commission's interest in each of the five tracts to the appropriate, current land owners as part of the Mon/Fayette Expressway project, I-70 to Rt. 51; approve payment of costs associated with the deed transfers, as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- k. Settlement of Right-of-Way #17658 (Roy and Sandy Daniels), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$202,000.00 representing property owners' statutory replacement housing supplement and damages related to their interests, plus statutory Section 710 damages; and payment of the settlement amount is contingent upon the execution and delivery of a Settlement and Release Agreement as approved by the Legal Department;
- l. Acquisition of Right-of-Way #17670 (Gwen J. Brucker, f/k/a Gwen B. Laska), a total take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$1,201,272.62 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 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 the delivery of a deed as prepared by the Legal Department;
- m. Acquisition of Right-of-Way #17608 (Richard C. & Kathleen A. Hanze), a partial take parcel necessary for construction of the Southern Beltway, Rt. 22 to I-79 by authorizing payment of \$1,421.00 representing fair market value and pro-rated taxes to Richard C. & Kathleen A. Hanze; 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 the delivery of a deed as prepared by the Legal Department.

-was made by Commissioner Lieberman, seconded by Commissioner Richards, and passed unanimously.



SUPPLEMENTAL AGREEMENT

Motion-That the Commission approves the negotiation and execution of Supplemental Agreement #1 for final design for the total reconstruction from MP A31.00 to MP A38.00 with Urban Engineers, Inc., for an increase of \$3,250,000.00 to complete final design, environmental studies for a stream mitigation site, noise analysis, and the addition of retaining walls and noise walls; for a revised not-to-exceed amount of \$21,250,000.00-was made by Commissioner Lieberman, seconded by Commissioner Deon, and passed unanimously.

SECRETARY RICHARDS: I abstain on this item because Urban was a former political donor.



PURCHASE ORDERS

Motion-That the Commission approves the Award of a Bid and the Issuance of Purchase Orders for the items listed in memos “a” through ‘d’:

- a. Rental of pothole patcher, exercising the option to renew the agreement for an additional year (January 1, 2016 – December 31, 2016) with Patch Management Inc.; at a cost of \$175,000.00;
- b. Microwave backbone upgrade, phase 2, utilizing the Commonwealth’s contract with Alcatel-Lucent USA Inc.; at a total award of \$2,192,625.72;
- c. Safety and compliance services for material handling cranes and hoists (December 1, 2015 – September 30, 2017), to the lowest responsive and responsible bidder, Royal Arc Welding Co.; at a total award of \$406,000.00 for two years;

- d. Diesel motor fuel and heating/emergency generator fuel, exercising the option to renew the agreements for an additional year (January 1, 2016 – December 31, 2016):

Mansfield Oil Co.	\$700,000.00
Petroleum Traders	25,000.00
Ports Petroleum Co., Inc.	<u>40,000.00</u>
TOTAL RENEWAL	\$765,000.00

-was made by Commissioner Lieberman, seconded by Commissioner Richards, and passed unanimously.



AWARD OF CONTRACTS

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

- a. Contract #EN-00150-03-02 for signing and sign structure replacement between MP M0.00 and MP M54.00, to the lowest responsive and responsible bidder, Bruce & Merrilees Electric Co.; at a not-to-exceed amount of \$4,984,046.32 and a contingency of \$200,000.00;

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

Motion-That the Commission approves the Award of Contracts for the items listed in memo "b":

- b. Contract #A-031.00T001-3-05 for replacement of Bridge NB-165 at MP A33.88, to the lowest responsive and responsible bidder, Allan A. Myers, L.P., at a not-to-exceed amount of \$8,077,000.00 and a contingency of \$400,000.00.

--was made by Commissioner Deon, seconded by Commissioner Lieberman; Commissioner Richards abstained.

SECRETARY RICHARDS: I abstain on this item because Allan A. Myers was a former political donor.



#### CHANGE ORDERS and FINAL PAYMENT

Motion-that the Commission approves the Change Orders and Final Payment for the items listed in memos "a" through "d":

- a. Change Order #2 and Final Payment for Contract #T-230.36S001-3-02 for the rehabilitation of Bridge EB-106 at MP 230.36 with Ryland Construction, for a decrease of \$10,690.39 to balance items to actual work completed, additional costs for a longer rock construction entrance and high strength fiber wrap on bridge beams; for a final contract value of \$215,318.25, and final amount due to the contractor \$25,962.53;
- b. Change Order #2 and Final Payment for Contract #T-113.82F001-3-06 for electrical work for the reconstruction of the Somerset Maintenance facility with Schultheis Electric, for an increase of \$48,841.85 to balance utility charges and fees to install and activate service at the new buildings and electrical changes and updates; for a final contract value of \$3,853,144.86 and final amount due to the contractor of \$151,954.48;
- c. Change Order #2 and Final Payment for Contract #T-113.82F001-3-05 for plumbing work for the reconstruction of the Somerset Maintenance facility with A.J. Demor & Sons, Inc., for an increase of \$18,979.43 for pipe insulation, relocation of gas piping, installation of pipe vents and plenum wrap and installing insulation with an aluminum jacket at the water level controllers; for a final contract value of \$2,504,883.82 and final amount due to the contractor of \$43,838.47;
- d. Change Order #2 for Contract #EN-00128-03-03 for the installation of closed circuit televisions between MP 283.00 and MP 340.00 and MP A43.00 and MP A130.00 with Bruce & Merrilees Electric Co., for an increase of \$21,340.31 for installation of Type 2-SC guiderail in lieu of Type 2S guiderail due to field conditions and earthwork to create a maintenance access to the CCTV site on Keyser Avenue and a 39-day time extension to complete additional work; for a revised not-to-exceed amount of \$2,067,930.50;

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

Motion-that the Commission approves the Change Order for the item listed in memo "e":

- e. Change Order #3 for Contract #A-020.00T002-3-07 for roadway and bridge reconstruction between MP A25.67 and MP A31.34 with Allan A. Myers, LP, for an increase of \$6,329,002.53 to reimburse



the contractor for salvage value of H piles, additional costs to facilitate work during winter months to keep the project on schedule, additional installation and removal of temporary paving for the “Hourglass Traffic Configuration”; for a revised not-to-exceed amount of \$207,443,324.50.

-was made by Commission Deon, seconded by Commission Lieberman; Commissioner Richards abstained.

SECRETARY RICHARDS: I abstain on this item because Allan A. Myers, LP was a former political donor.



### PSPC

Motion-That the Commission approves 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. T00028, material inspection and testing from MP 0.00 to MP 200.00, Turnpike 576, Turnpike 66 and Turnpike 43;

- A&A Consultants, Inc.-AWARDED
- Quality Engineering Solutions, Inc.
- ACA Engineering, Inc.

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

b. T00021, 2016-2017 systemwide biennial bridge inspection.

- Parsons Brinckerhoff, Inc.-AWARDED
- AECOM Technical Services, Inc.
- Pickering, Corts & Summerson, Inc.

-was made by Commission Deon, seconded by Commission Lieberman; Commissioner Logan and Commissioner Richards abstained.

MS. EDMUNDS: Both Chairman Logan and Secretary Richards have described the reasons for their abstentions in a written memorandum, which they have provided to the Assistant Secretary-Treasurer of the Commission. With these two abstentions, we cannot attain a majority vote on this motion and thus are unable to take action on this matter. In these circumstances, Section 1103(j) of the State Ethics Act permits those abstaining to vote so that action can be taken.

CHAIRMAN LOGAN: I abstain on this item because my wife’s uncle is employed by Parsons Brinckerhoff, Inc.

SECRETARY RICHARDS: I abstain on this item because AECOM was a former political donor. The motion passed.



### NEXT COMMISSION MEETING

Ms. Edmunds: The next meeting of the Pennsylvania Turnpike Commission will be a telephone meeting on Tuesday, January 5, 2016 beginning at 10:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:38 a.m. -was made by Commissioner Richards, seconded by Commissioner Lieberman, and passed unanimously.

PREPARED BY:

APPROVED BY:

Ann Louise Edmunds  
Assistant Secretary Treasurer

Pasquale T. Deon, Sr.  
Secretary Treasurer