

MINUTES OF THE COMMISSION MEETING HELD AUGUST 2, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:10 a.m. on Tuesday, August 2, 2022 at the Central Office located in Middletown, Pennsylvania. Available via telephone were Wadud Ahmad, Chair; William K. Lieberman, Vice Chair; Sean Logan, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Yassmin Gramian, Commissioner/Secretary of Transportation.

Also available for the meeting were Mark Compton, Chief Executive Officer (via telephone); Craig R. Shuey, Chief Operating Officer; Bradley J. Heigel, P.E., Chief Engineer; Carl DeFebo, Jr.; Director of Communication and Customer Experience; Charles Duncan III, Chief Compliance, Legislative & Cultural Affairs; Doreen McCall, Chief Counsel; Kelli Roberts, Director of Policy and External Affairs; Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via telephone); Tom Porter, Michael Baker Int'l. and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Anna Marcella, Executive Administrative Assistant (in person); April Rothermel, Director of Info. Privacy & Security (in person); Don Klingensmith, Asst. CFO-Financial Administration; Cory Campbell, Senior Network Engineer (in person); Daniel Russell, Consultant (in person); Fawn Cassel, Contract Management Services Manager (in person); Gina Murray, Manager of Professional Services Procurement; Holly Herdman, Business Improvement & Analytics Manager (in person); Jasmine Mathis, CEO Intern (in person); Jeffrey Naugle, Manager of Treasury Operations (in person); Joseph Bertuola, ETC Operations Project Manager (in person); Kelly Horvath, Executive Administrative Assistant (in person); Kevin Scheurich, Asst. Chief Engineer-Design (in person); Kim Tosh, Debt and Derivatives Manager (in person); Krupali Mody, Senior Business Process Specialist (in person); Kyle Rossi, CEO Intern (in person); Lucas Larson, Engineer Project Manager 2 (in person); Lewis Jack, Director of Facilities Operations; Michelle Prestopine, Manager of TC Business Ops/Planning (in person); Sean Laudenslager, End User Support Supervisor (in person); Robert Loncar, Design Services Coordinator 3; Camille Evans, Virtus, LLP; Craig Beissel, Volkert (in person); Dana DaShiell, American Engineers Group; Daniel O'Brien, RBC Capital Markets; Dave Snively, CDR; Dean Morrison, Alfred Benesch; Ed Blazina, Pittsburgh Post-Gazette; Ed Reese, GPD Group; Eric Epstein, Rock the Capital (in person); Eyan Buxton, Rock The Capital (in person); Eric Madden, JMT (in person); George Settelmaier, KSE; Glenn Deppert, Arora; Jan Murphy, PennLive; Jill Kathleen Bolt, Navarro Wright; Jim Brady, STV; Jock Rowe, Teamsters Local 77; J T Lincoln, Dewberry; Justin Gensimore, Gmerek Govnm't Relations; Karen Gabel, Erdman Anthony; Kevin Johnson; Lou Cortelazzi, McMahan Associates; Michael Dillon; Michael Sydlik, Earth, Inc. (in person); Michele Donaghy, T.Y. Lin; Michele Girolami, Gibson Thomas; Mike Britt, Modjeski & Masters; Mike House, Modjeski & Masters; Mike Houser, Markosky; Nicki Jacobs, GPI; Patty Smith, Rock The Capital (in person); Paul McNamee, KCI; Pete Capizzi, Quality Engineering; Rachel Perrego, Susquehanna Civil; Richard Hilboky, Gibson Thomas; Ronald Huey, GAI; Samuel Knaster, LaBella; Seemon Georges, Volkert; Tony Ciarico, JMT; and Wally Lawrence, GeoMechanics.



Chair Ahmad led the Commissioners, staff and visitors in the Pledge of Allegiance.



The Assistant Secretary Treasurer, Ann Louise Edwards, called the roll and declared a quorum available. Mrs. Edwards welcomed the Commissioners, employees and guests on the WebEx and made the following statement:

With the lifting of the Commonwealth's mask and occupancy limitation related to the COVID-19 emergency, the Pennsylvania Turnpike Commission Meetings are being held in person. However, the Commission will also continue to post call-in/WebEx information for those who wish to attend the meeting via telephone/WebEx. The WebEx information was posted at least 48 hours in advance of the meeting. This meeting is being recorded and the Commission will post the recording on its website.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of Personnel, which included a reclassification, vacancies, and a request to create, post and fill a position in the Maintenance Department.

The Commissioners also discussed Docket No. 1563 and engaged in non-deliberative, informational discussions regarding various actions and matters, which have been approved at previous public meetings.



PUBLIC COMMENT

Mrs. Edwards: Copies of today's agenda are located in the Large Board Room for those attending in person. The agenda is also available on the Commission website at least 48 hours in advance of the meeting. The public is welcome 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 requested time to speak at least 48 hours in advance of this meeting.

The Commission recognized Eric Epstein of Rock the Capital. Mr. Epstein discussed his concerns on the 2023 toll increase and asked the Commission to delay voting on this item.

The Commission recognized Patty Smith of Rock the Capital. Ms. Smith discussed her concerns on the Sunshine Law.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held July 19, 2022 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



COMMUNICATION

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



POOL for MACHINERY AND EQUIPMENT APPRAISAL SERVICES

Motion-That the Commission approve amending the pool of qualified professionals for machinery and equipment appraisal services to include Porto Leone Consulting, LLC.-was made by Commissioner Deon seconded by Commissioner Logan, and passed unanimously.



AGREEMENTS

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

- a. Assignment Agreement with Hire Image, LLC to assign its contract to Orange Tree Employment Screening, LLC (Orange Tree) due to Orange Tree's acquisition of Hire Image, LLC;
- c. Two (2) Reimbursement Agreements with Peoples Natural Gas Company, LLC (PNG), to reimburse PNG the costs for the engineering and utility relocation work necessary for construction of the Mon/Fayette Expressway, Section 53-A1; at a combined total cost of \$637,258.60.

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

Motion-That the Commission approve the negotiation and execution of the Agreement for the item listed in memo "b":

- b. Settlement Agreement and Release with Travelers Property Casualty Co. of America, as Subrogee of the PTC, and the PTC v. Allied Painting, Inc., Plump Engineering Inc. and Containment Design, Inc. v. WSP, USA and STV, Inc.; and authorize acceptance of the settled amount;

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

COMMISSIONER LIEBERMAN: I abstain on this item because Travelers Property Casualty Co. of America is a client of my firm.

The motion passed.



RIGHT-OF-WAY REQUESTS

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 #14S652 (City of Duquesne), a partial take parcel necessary for construction of the Mon-Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$4,000.00 representing fair market value to the City of Duquesne; 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 #8990-B (Bethlehem Authority), a partial take parcel necessary for the Reservoir Road Bridge Reconstruction project at MP A83.00 by authorizing payment of \$500.00 representing fair market value to Bethlehem Authority; authorize the appropriate Commission officials to execute the Temporary Construction Easement 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 Temporary Construction Easement as drafted by the Legal Department.
- c. Acquisition of Right-of-Way #6036-C (Sheree 1701, LLC-Principals are John T. Neilson; Ron Neilson, Jr.), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$177,235.75 representing fair market value, pro-rated taxes and recording fees payable to Dick Coon Real Estate Services, as 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 the delivery of a deed as prepared by the Legal Department;
- d. Deed of Dedication is necessary for the Fort Cherry Connector Road, Southern Beltway, Rt. 22 to I-79, to turn the legal right-of-way for the connector road over to Mount Pleasant Township; and authorize the appropriate Commission officials to execute the Deed of Dedication for the transfer of the Fort Cherry Connector Road legal right-of-way to Mount Pleasant Township as prepared by the Legal Department;

- e. Acquisition of Right-of-Way #6173-A (Paul & Felice DiSanto), a total take parcel necessary for the Lafayette Street Connector project by authorizing payment of \$181,962.13 representing fair market value, pro-rated taxes and recording fees to Diversified Settlement Services, Inc., as 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- f. Adopt the proposed Property Acquisition for Right-of-Way #6045-C (David Melich), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$21,000.00 representing estimated just compensation to counsel named 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;
- g. Acquisition of Right-of-Way #14S361 (James C. Baker Agency, Inc.; Principals- James C. Baker Agency, Inc.; James C. Baker; James B. Baker a/k/a Ken Baker; Mary Baker), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt 51 to I-376, by authorizing payment of \$6,000.00 representing fair market value and Section 710 damages to James C. Baker Agency, Inc.; authorize the appropriate Commission officials to execute the Temporary Construction Easement 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 Temporary Construction Easement as prepared by the Legal Department;
- h. Acquisition of Right-of-Way #7017-A (Bucks County Water and Sewer Authority), a partial take parcel necessary for pre-entry ITS installation for the Eastern Gaps project by authorizing payment of \$500.00 representing fair market value to the Bucks County Water and Sewer Authority and payment of \$68.75 representing recording fees to the Bucks County Recorder of Deeds; 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.

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



ADVERTISING

Motion-That the Commission approve advertising for the items list in memos "a" and "b":

- a. Construction of the Mon/Fayette Expressway, between MP M-51.52 and MP M-55.35;

- b. Open-end material inspection and testing services from MP 0.00 to MP 200.00, I-376, Turnpike 66, and Turnpike 43.

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



PURCHASE ORDERS

Motion—That the Commission approve the Award of a Bid and the Issuance of Purchase Orders for the items listed in memos “a” through “d”:

- a. Highbay/Washbay Skylift, utilizing the Commonwealth’s contract with Steril-Koni USA, Inc.; at a cost of \$225,025.00;
- b. One (1) Diesel fueled generator with related parts and accessories, utilizing the Commonwealth’s contract with Schultheis Electric; at a cost of \$136,840.00;
- c. Solar Grid System project for WRO, to the lowest responsive and responsible bidder, Westmoreland Electric Service, LLC; at a total award of \$2,656,000.00;
- d. Fuel additives, exercising the option to renew the agreement for an additional year (August 2022 – July 2023) with Penn Diesel Service Co.; at a cost of \$60,000.00.

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



CONTRACT AWARD

Motion—That the Commission approve the Award of Contract #T-197.00R001-3-02 for asphalt resurfacing between MP 197.25 and MP 201.73, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$13,040,000.00 and a contingency of \$600,000.00.- was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



CHANGE ORDERS

Motion—That the Commission approve the Change Orders and Final Payments for the items listed in memos “a” through “f”:

- a. Change Order #1 and Final Payment for Contract #EN-00277-03-04 for roadway and miscellaneous repairs between MP 122.18 and MP 201.58 with New Enterprise Stone & Lime Co., Inc. for a decrease of \$208,815.75 to reflect the cost of the completed work authorization;

for a final contract value of \$5,791,184.25 and final amount due to the contractor of \$289,559.21;

- b. Change Order #8 for Contract #T-099.00T002-3-05 for roadway reconstruction between MP 101.69 and MP 109.10 with New Enterprise Stone & Lime Co., Inc. for an increase of \$2,326,403.27 for normal quantity adjustments, fissure grouting, roadway patching, conduit and connectors, superpave mix designs, drainage, grouting, MPT, median work, and signage as adjusted by liquidated damages; for a revised not-to-exceed amount of \$121,364,625.60;
- c. Final Payment for Contract #S-006.00X002-3-16 for plumbing work for the Southern Beltway Maintenance Facility at MP S15.30 with Wayne Crouse, Inc.; for a final contract value of \$3,653,389.75 and final amount due to the contractor of \$10,000.00;
- d. Change Order #1 for Contract #T-144.95R001-3-02 for asphalt resurfacing between MP 144.95 and MP 149.23 with New Enterprise & Lime Co., Inc. for an increase of \$402,830.75 for normal quantity adjustments to balance the contract items to the actual work completed; for a revised not-to-exceed amount of \$9,846,006.17;
- e. Change Order #3 and Final Payment for Contract #M-034.90R001-3-02 for concrete repairs between MP M34.86 and MP M36.93 with Swank Construction Company, LLC for an increase of \$16,126.43 for normal quantity adjustments, changes for concrete deck repairs, sealing, protective coatings, concrete costs, steel posts, grading, crack sealing, guiderail, shoulder backup and pavement markings; for a final contract value of \$6,155,735.44 and final amount due to the contractor of \$366,294.54;
- f. Change Order #16 and Final Payment for Contract #S-006.00X002-3-06 for construction of the Southern Beltway, MP S5.08 to MP S8.81, with Independence Excavating for an increase of \$397.24 for diesel fuel price adjustments; for a final contract value of \$97,383,530.77 and final amount due to the contractor of \$397.24.

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



TOLL INCREASE

Motion-That the Commission approve the proposed 2023 annual toll increase of 5% across the entire Turnpike System effective January 8, 2023; E-ZPass and Toll-By-Plate (TBP) rates for passenger and commercial vehicles will round up to the nearest dime.

Chief Financial Officer Rick Dreher spoke regarding the necessity of raising tolls due to Act 44 of 2007 and the debt the Commission incurred to meet our financial obligations.

-the motion was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



AWARD OF SERVICES

Motion-That the Commission approve the award of services and authorize the negotiations and execution of an agreement/agreements with the selected firm/firms for the items listed in memos “a” through “e”:

a. RFP 7864, towing and road services from MP 127.30 to MP 188.60:

- Interstate Emergency Services, Inc.-AWARDED

The Commission has selected firm Interstate Emergency Services, Inc. for award based on the Commission’s determination that the firms’ proposal is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. Interstate Emergency Services, Inc. has equipment that is in excellent condition, well trained personnel, and an excellent on-scene compliance rate-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.

b. RFP 7875, towing and road services from MP B14.60 to MP B32.20:

- Tow-Tegrity, Inc.-AWARDED

The Commission has selected firm Tow-Tegrity, Inc. for award based on the Commission’s determination that the firms’ proposal is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. Tow-Tegrity, Inc. has equipment that is in very good condition, has well trained personnel, and an excellent on-scene compliance rate-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.

c. T00203, construction management services for the Blue Mountain and Kittatinny Tunnel rehabilitation project:

- Johnson, Mirmiran & Thompson, Inc.-AWARDED

The Commission has selected firm Johnson, Mirmiran & Thompson, Inc. for award based on the Commission’s determination that the firm’s Statement of Interest is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted, The firm has specialized experience on this type of tunnel project and proposed highly qualify staff with good relevant experience-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.

d. T00199/T00200/T00201, open-end geotechnical services systemwide:

- American Engineers Group-AWARDED
- Gannett Fleming-AWARDED
- GEO-Mechanics-AWARDED

The Commission has selected firms American Engineers Group, Gannett Fleming and GEO-Mechanics for award based on the Commission’s determination that all three firm’s Statement of Interest are the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. All three firms demonstrated a significant range of relevant experience in providing specialized geotechnical engineering services and demonstrated the ability to serve as extensions to the Commission’s staff for needs across the system. Further, both American Engineers Group and Geo-Mechanics are diverse businesses, and Gannet Fleming employs a very large number of

PA employees-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.

e. T00202, design services for the replacement of Bridge NB-505 at MP A72.52:

- Gibson-Thomas Engineering, Co.-AWARDED
- Modjeski & Masters, Inc.
- Traffic Planning & Design, Inc.

The Commission has selected firm Gibson-Thomas Engineering, Co. for award based on the Commission's determination that the firm's Statement of Interest is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. The Firm has successfully delivered a variety of projects for the Commission in the past and currently has the lowest workload with the Commission of the Highly Recommended firms-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



SUPPLEMENTAL AGREEMENT

Motion-That the Commission approve Supplemental Agreement #1 for Contract #EN-00288-01 for open-end design services with P. Joseph Lehman, Inc. for an additional \$600,000.00 to complete the design for Sideling Hill auxiliary truck parking project; for a revised not-to-exceed amount of \$2,100,000.00-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, August 16, 2022 beginning at 11:00 a.m.



POST FORMAL MEETING

Holly Herdman, Business Improvement & Analytics Manager, introduced CEO Interns, Kyle Rossi and Jasmine Mathis, who gave a presentation on their ideas for "Reimagining the Turnpike".



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 12:04 p.m.-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

Sean Logan
Secretary Treasurer

ATTACHMENTS:

Memo received from the Chief Counsel
Memo received from Eric Epstein