

MINUTES OF THE COMMISSION MEETING HELD FEBRUARY 7, 2023

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:01 a.m. on Tuesday, February 7, 2023 at the Central Office located in Middletown, Pennsylvania. Present for the meeting were Wadud Ahmad, Chair; William K. Lieberman, Vice Chair; Sean Logan, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and Michael Carroll, Acting Secretary of Transportation.

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

Others available via telephone were Lara Brenckle, Strategic Programs Manager (in person); Catherine Clements-Jenkins, Director of Diversity & Inclusion (in person); Don Klingensmith, Asst. CFO-Financial Administration (in person); Fawn Cassel, Contract Management Services Manager; Tameka Hatcher, Equal Opportunity/ADA Officer (in person); Gina Murray, Manager of Professional Services Procurement; Holly Herdman, Business Improvement & Analytic Manager; Sean Laudenslager, End User Support Supervisor (in person); Jill Shannon, Manager of TC Systems Technologies; Steve Marroni, Communications Specialist (in person); Daniel Russell, Consultant; Jeff Naugle, Manager of Treasury Operations (in person); Louis Van Gorder, Attorney 4; Mark Caruso, Procurement Specialist; Stephanie Newbury, Senior Procurement Specialist; Sheri Norris, Director of Human Resources; Stacia Ritter, Asst. CFO-Toll Collection; Samantha Willians, Roadway Programs Specialist; Anna Marcella, Executive Administrative Secretary (in person); David Lowermilk, WSP (in person); Harry Sigley, CMTS (in person); Bernard Rohe, Tectonic Engineering (in person); Eric Epstein, RTC (in person); Brian Kimmett, RTC (in person); Crystalann Deardorff, Susquehanna Civil; Jason Bono; Roger Eaton, HDR; Alyssa Barlup, NTM; Bernie Bydlon, Navarro & Wright; Brad Milbrand, CAI; Brian Weidman, TRC; Bruce Kay, AECOM; Chris Devlin, SAP; Chris West, Lochner; Daniel O'Brien, RBC; David Thomas, Hill Int'l; Dana DaShiell, AE Group; Dave Kerr, ATT; Don Killmeyer, ms consultants; Dean Mackin, Mackin; Don Blough, AECOME; Erin Brenneman, Modjeski & Masters; Ed Reese, GPD; Karen Gabel, Erdman Anthony; Garrett Amsbaugh, CCJM; Gary Graham, Bowman; Greg Shiffler, CDR Maguire; Brian Hoover, CDM Smith; Jim Brady, STV; Jill Kathleen Bolt; Navarro & Wright; Jeff Davis, TranSystems; Jennie Louwerse, WSP; Jim Frank, Lehman; J. Gordon, AMT; Jim Takacs, STV; Jay Moodley; Jock Rowe, Teamsters Local 77; John Zawaski, JBC; Kari Gregory; Kevin Kellenwood; Kyle Rankin, AMT; Lou Cortelazzi, McMahan; Vico Innocenti, Fisher; Marianne Campbell, AGES; Mike House, Modjeski & Masters; M Gleinheiser; Urban; Matt Hickson, TPD; Mike Houser, Markosky; Michele Donaghty, TY Lin; Michele Girolami, Gibson Thomas; Mark Karolski, Buchart Horn; Mickael Sydlik, Earth; Nicki Jacobs, GPI; Osaze Romany, Bancroft; Paul McNamee, KCI; Paul DiGirolamo, Hill Int'l; Pete Capizzi, QES; Patrick Kane, GPI; Scott Scheaffer, JBC; Seemon Georges, Volkert; Samuel Knastet, Labella; Stephen Janosko, Mackin; Steve Rodgers, HW Lochner; Tom Rowader, GPI; Tom Smith, Kleinfelder; and Won Park, Siebert Williams.



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



The Asst. 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, annuitant, performance incentive award, new hires, promotions, vacancies, Engineering Trainees and a request to create and fill a position in the Engineering Department.

The Commissioners also discussed Docket No. 2023-ptc-8419 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 concern regarding Right-to-Know Requests, West Penn Power, PennDOT agreement, subscriptions, and the Governor's Executive Order.

RTC video recorded the meeting, live streamed it.



REORGANIZATION

MRS. EDWARDS: The first item of business on the agenda is the election of Officers. We will begin with the election of a temporary Chair; the duties of the temporary Chair will be to accept nominations for Chair. Do I have a nomination for a temporary Chair?

COMMISSIONER LOGAN: I nominate Bill Lieberman for temporary Chair.

MRS. EDWARDS: Are there any other nominations?

MRS. EDWARDS: Hearing none, may I have a motion to close the nominations?

COMMISSIONER LOGAN: I move to close the nominations.

MRS. EDWARDS: May I have a second?

COMMISSIONER DEON: I second the motion.

MRS. EDWARDS: All those in favor of closing the nominations said I, opposed? Motion carries. We will now vote for Temporary Chair. All those in favor of Commissioner Lieberman for temporary Chair said I, opposed? Motion carries.

MS. EDWARDS: Temporary Chair Lieberman will now accept nominations for Chair.

TEMPORARY CHAIR LIEBERMAN: May I have a nomination for Chair?

COMMISSIONER LOGAN: "I nominate Secretary Carroll for Chair."

TEMPORARY CHAIR LIEBERMAN: Are there any other nominations?

TEMPORARY CHAIR LIEBERMAN: Hearing none, I move to close the nominations.

TEMPORARY CHAIR LIEBERMAN: May I have a second?

COMMISSIONER DEON: I second the motion.

TEMPORARY CHAIR LIEBERMAN: Any discussion. Hearing none, I call for the vote.

TEMPORARY CHAIR LIEBERMAN: I will now have a roll call vote for the election of Chair.

Commissioner Ahmad

Commissioner Carroll

Commissioner Deon

Commissioner Lieberman

Commissioner Logan

TEMPORARY CHAIR LIBERMAN: The vote is unanimous. Commissioner Carroll has been elected Chair.

MRS. EDWARDS: The newly elected Chair will now accept nominations for the following offices:

Vice Chair

Secretary Treasurer

Assistant Secretary Treasurer

Assistant Secretary Treasurer

COMMISSIONER LOGAN: I nominate Commissioner Lieberman for Vice Chair.

COMMISSIONER DEON: I second.

COMMISSIONER DEON: I nominate Commissioner Logan for Secretary Treasurer.

VICE CHAIR LIEBERMAN: I second.

COMMISSIONER DEON: Any discussion, Hearing none, I call for the vote. All those in favor of closing the nominations said I, opposed?

COMMISSIONER DEON: Motion carries.

COMMISSIONER DEON: "I nominate Ann Louise Edwards and Jeffrey Naugle for Assistant Secretary Treasurer.

COMMISSIONER LOGAN: I motion to close the nominations.

VICE CHAIR LIEBERMAN: I second.

MRS. EDWARDS: Any discussion, Hearing none, I call for the vote. All those in favor of closing the nominations said I, opposed?

MRS. EDWARDS: Motion carries.

MRS. EDWARDS: We will now have a roll call vote for the election of the nominated slate of officers.

Commissioner Ahmad

Commissioner Carroll

Commissioner Deon

Commissioner Lieberman

Commissioner Logan

MRS. EDWARDS: The vote is unanimous. The Commission reorganization is complete. For the record: Mike Carroll has been elected Chair; Bill Lieberman has been elected Vice Chair; Sean Logan has been elected Secretary Treasurer, and Ann Louise Edwards and Jeff Naugle have been elected Assistant Secretary Treasurer's

MRS. EDWARDS: Congratulations. We will now proceed with the Formal Agenda.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held January 17, 2023 be approved and filed as submitted-was made by Commissioner Logan, seconded by Commissioner Ahmad, and passed unanimously.



COMMUNICATION

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



POLICY LETTERS

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

- a. Revisions to Policy 8.10, Security Camera, to address all PTC image and video cameras along with reasonable expectation of privacy defined by law;
- b. Revisions to Policy 9.02, Tower, Monopole and Cell Site Structure Leasing, to change the structural analysis requirement from 85% to 100% of the tower’s capacity.

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



AGREEMENTS

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

- a. Reimbursement Agreement with Lehigh County Authority (LCA) for partial reimbursement from LCA to the Commission for the cost for the utility relocation work necessary for the total reconstruction project from MP A53.00 to MP A57.00; at an estimated reimbursement to the Commission of \$875,000.00;
- b. Agreements necessary with West Penn Power to inter-connect the Microgrid System to the Western Regional Office facility; and approve the execution of the Distribution Flex Rate agreement and all other necessary agreements with Columbia Gas to supply natural gas for this project;
- c. Interagency Agreement with the Pennsylvania Department of Transportation (PennDOT) for PennDOT to lease space at the Commission’s Donegal facility and Searights truck washing facility;
- d. Reimbursement Interagency Agreement with the Pennsylvania Department of Transportation (PennDOT) for PennDOT to reimburse the Commission the cost for the P3 major bridges initiative; at a reimbursement to the Commission of \$1,049,369.99.

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



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approve the Right-of-Way requests for the items listed in memos “a” through “h”:

- a. Acquisition of Right-of-Way #7131-A3 (Kintan Patel and Viralben Patel), a partial take parcel necessary for construction of the I-95 Interchange, Section D30, by authorizing payment of

\$70,817.50 representing fair market value and pro-rated taxes to Diversified Settlement Services, LLC, 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;

- b. Acquisition of Right-of-Way #7131-A1 (Sunset Community Association, Inc.), a partial take parcel necessary for construction of the I-95 Interchange, Section D30, by authorizing payment of \$50,000.00 representing fair market value to Sunset Community Association, Inc.; 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;
- c. Acquisition of Right-of-Way #7132-A1 (Lisa Hindman), a partial take parcel necessary for construction of the I-95 Interchange, Section D30, by authorizing payment of \$10,078.00 representing fair market value and pro-rated taxes to Lisa Hindman; 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. Acquisition of Right-of-Way #14081-F1 (Estate of Helen M. Sopcak, Marie E. Kacin, Executrix), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 57.00 by authorizing payment of \$248,727.31 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement, 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 the delivery of a deed as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #14S371-A (Borough of West Mifflin), a partial take parcel necessary for the construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$4,100.00 representing fair market value to the Borough of West Mifflin; 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;

- f. Acquisition of Right-of-Way #6344 (Kathleen M. Monastero; Virginia Garnett-tenant), a total take parcel necessary for the construction of the Lafayette Street Connector project, by authorizing payment of \$48,846.00 representing payment of rent supplement to Virginia Garnett; authorize the appropriate Commission officials to execute the documents that may be required for closing; and authorize the payment of additional statutory damages to the tenant as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- g. Adopt the proposed Property Acquisition Resolution for Right-of-Way #7132-A2 (Linda V. Jackson and Jeannette V. Jackson), a partial take parcel necessary for construction of the I-95 Interchange, Section D30, by authorizing payment of \$5,400.00 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;
- h. Adopt the proposed Property Acquisition for Right-of-Way #7133-B (John J. & Cara M. Headley, Sr.), a partial take parcel necessary for construction of the I-95 Interchange, Section D30, by authorizing payment of \$72,000.00 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.

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



ADVERTISING

Motion-That the Commission approve advertising for Combined Spill Response on the Turnpike (CSRT) from MP 179.50 through MP 286.00-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approve the Issuance of Purchase Orders for the items listed in memos "a" through "c":

- a. Western Regional Office (WRO) back up data center, utilizing the Commonwealth's contract with ePlus Technology, Inc.; at a cost of \$975,106.65;
- b. AutoDesk - Architecture Engineering Construction Software subscription, exercising the option to renew the agreement for an additional three (3) years (February 15, 2023 through February 14, 2026) with DLT Solutions, LLC; at a cost of \$82,203.88;
- c. Microsoft Windows service license and software assurance, utilizing the Commonwealth's contract with CDW Government LLC/CDW LLC; at a cost of \$143,000.00.

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



CONTRACT AWARDS

Motion-That the Commission approve the Award of Contracts for the items listed in memos “a” through “d”:

- a. Contract #EN-00286-03-03 for roadway and miscellaneous repairs between MP 0.00 and MP 122.00, to the lowest responsive and responsible bidder, Eurovia Atlantic Coast, LLC; at a not-to-exceed amount of \$4,000,000.00;
- b. Contract #EN-00286-03-05 for roadway and miscellaneous repairs between MP 201.58 and MP 299.98, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$4,000,000.00;
- c. Contract #EN-00286-03-07 for roadway and miscellaneous repairs between MP A31.34 and MP A130.64, to the lowest responsive and responsible bidder, J.D. Eckman, Inc.; at a not-to-exceed amount of \$6,000,000.00;
- d. Contract #A-044.06S001-3-02 for asphalt resurfacing and bridge painting and rehabilitation between MP A45.70 and MP A51.35, to the lowest responsive and responsible bidder, Allan Myers, L.P.; at a not-to-exceed amount of \$11,464,118.00 and a contingency of \$550,000.00.

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



CHANGE ORDER

Motion-That the Commission approve Change Order #2 and Final Payment for Contract #T-38.35M001-3-02 for cut slope remediation between MP 38.34 and MP 38.55 with Allison Park Contractors, Inc. for a decrease of \$41,631.01 for normal quantity adjustments to balance the contract items to the actual work completed, erosion and sediment control and drainage; for a final contract value of \$955,368.99 and final amount due to the contractor of \$82,442.23-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



AWARD OF SERVICES

REMOVED FROM THE AGENDA.

Motion-That the Commission approve the award of services and authorize the negotiations and executions of an agreement with the selected firms for the items listed in memos “a” through “c”:

- a. T00217, Construction Management/Construction Inspection for the Lafayette Street Interchange;
- b. T00215, Open End Engineering Design services-Small Business Enterprise (SBE);
- c. T00222, Design services for the replacement of Bridge EB-115 at MP 237.69.



AUTHORITY APPROVAL

Motion-That the Commission approve amending the previously approved agenda item (October 18, 2022; F-4) that authorized the Chief Executive Officer to approve and execute Insurance policy renewals, to also include placement of new policies and to sign any and all related documents as recommended by the Commission’s previously approved Broker of Record and the Commission’s Risk Management Unit and Chief Financial Officer-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, February 21, 2023 beginning at 11:00 a.m.



POST-FORMAL MEETING

Rick Dreher, Chief Financial Officer, presented our commitment to diversity, equity and inclusion in the bond financial transactions.

ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:28 a.m.-was made by Commissioner Logan, seconded by Commissioner Lieberman, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Asst. Secretary Treasurer

Sean Logan
Secretary Treasurer

ATTACHMENTS:

Memo received from the Chief Counsel
Memo received from Eric Epstein, Rock the Capital