

MINUTES OF THE COMMISSION MEETING HELD JULY 5, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:03 a.m. on Tuesday, July 5, 2022 at the Central Office located in Middletown, Pennsylvania. Available via telephone were Yassmin Gramian, Chair; William K. Lieberman, Vice Chair; Wadud Ahmad, Secretary Treasurer and Pasquale T. Deon, Sr., Commissioner.

Also available for the meeting were Mark P. Compton, Chief Executive Officer; 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 (via telephone); Doreen McCall, Chief Counsel; Kelli Roberts, Director of Policy and External Affairs; Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East; Robert Taylor, Chief Technology Officer; Stacia A. Ritter, Esq., Asst. Chief Operating Officer/Toll Collection; Tom Porter, Michael Baker Int'l. and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Don Klingensmith, Asst. CFO-Financial Administration; Cory Campbell, Senior Network Engineer; Jeffrey Naugle, Manager of Treasury Operations (in person); Kelly Horvath, Executive Administrative Assistant; Kevin Scheurich, Asst. Chief Engineer-Design (in person); Sean Laudenslager, End User Support Supervisor (in person); Bernie Bydlon, Navarro & Wright; Bill Rennie, Conner Strong; Eric Epstein, Rock the Capital (in person); Eyan Buxton, RTC; Eric Madden, JMT; J. Perrego, WBCM; Jim Brady, STV; Jock Rowe, Teamsters Local 77; Joe DiFiore, Wallace Pancher; Jeff Hans, HDR; Michele Donaghy, T.Y. Lin; Mike Houser, Markosky; Mike Phillips, Navarro & Wright; Paul McNamee, KCI; Roger Eaton, HDR; Ronald Huey, GAI; Samantha Osbourne, Virtus, LLP; and M. Kilgore, SPK.



Chair Gramian 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 new hires, reclassifications, vacancies and a request to create, post and fill a position in the Executive Office.

The Commissioners also 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 of his RTK requests and the criteria of agencies not paying tolls and tolling violations; and Act 44.



REORGANIZATION

Removed from Agenda



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held June 21, 2022 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



COMMUNICATION

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



CHANGE ORDERS

Motion-That the Commission approve the Change Orders and Final Payment for the items listed in memos “a” and “c”:

- a. Change Order #8 and Final Payment for Contract #S-006.00X002-3-11 for Morganza/Morgan Road improvements (Southern Beltway), with Independence Excavating, Inc., for an increase of \$66,054.22 to balance items to actual work completed, drainage work, deck repairs and signage; for a final contract value of \$22,781,191.10 and final amount due to the contractor of \$116,073.00;
- c. Change Order #2 for Contract #EN-00115-03-15 for construction of tolling facilities between MP 30.63 and MP 32.16 with Allison Park Contractors, Inc., for a 126-day time extension due to coordination between this project and the MP 28.00 to MP 31.00 total reconstruction project as the work at the Warrendale toll plaza needs to be finished prior to removing a sign structure at MP 32.12.

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

Motion-That the Commission approve the Change Order for the item listed in memo “b”:

- b. Change Order #11 for Contract #S-006.00X002-3-07 for construction of the Southern Beltway, MP S8.75 to MP S11.45 with Trumbull Corporation, for an increase of \$2,682,108.44 to balance items to actual work completed, bike trail repairs, slope stabilization and slope repair; for a revised not-to-exceed amount of \$119,217,745.35;

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

COMMISSIONER LIEBERMAN: I abstain on this item because Trumbull Corporation is a client of my firm.

The motion passed.



AGREEMENTS

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

- a. Reimbursement Agreement with United States Steel Corporation (USSC), to reimburse USSC the cost for the engineering and utility work necessary for construction of the Mon/Fayette Expressway, Section 53-C3; for a not-to-exceed amount of \$783,746.25;

- b. Assignment Agreement with Andculture, to assign its contract to RSM US, LLP (RSM) due to RSM's acquisition of Andculture.

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



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos "a" through "g":

- a. Acquisition of Right-of-Way #8315-A1 (Herc Rentals, Inc. f/k/a Hertz Equipment Rental Corporation; Principals-Lawrence H. Silber; Aaron Birnbaum; Christina J. Cunningham; Mark H. Irion; Tamir Peres; S. Wade Sheek; Carlo Cavecchi; Paul Dickard; Jennifer Brandeis; Matthew Gavin; Elizabeth Higashi; Mark Humphry; Jennifer Laudermilch; Charles Miller; Jason Oosterbeek; Sharon Petrosino; Kyle Scott; Marlin Shaw; Sunil Gupta; Edward Fritz; Mark Arell; and Derek Lively), a partial take parcel necessary for the total reconstruction project from MP A53.00 to MP A57.00 by authorizing payment of \$4,600.00 representing fair market value and business moving costs to Herc Rentals, 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;
- b. Acquisition of Right-of-Way #8266-B (Marguerite E. Kline; Gordon P. Kemmerer), a total take parcel necessary for the total reconstruction project from MP A48.00 to MP A53.00 by authorizing payment of \$69,433.85 representing fair market value, pro-rated taxes and recording fees to Diversified Settlement Services, 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;
- c. Acquisition of Right-of-Way #1A114-C (Dominic J. & June A. Tommarello), a partial take parcel necessary for pre-entry Intelligent Transportation Systems (ITS) installation for the Western Gaps project by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Dominic J. & June Tommarello; also authorize payment of \$81.25 representing recording fees to the Westmoreland 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;

- d. Acquisition of Right-of-Way #9525-G (Patrick A. Stassi), a partial take parcel necessary to accommodate drainage at MP A123.75 northbound by authorizing payment of \$5,028.50 representing fair market value and pro-rated taxes to Patrick A. Stassi; 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 of Easement as prepared by the Legal Department;
- e. Acquisition of Right-of-Way #6042-C (Hope E. Batchelor), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$55,720.00 representing fair market value and pro-rated taxes to Hope E. Batchelor; 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 #8265-A (Fields At Indian Creek, LLC-; Principal-Richard M. Koze, Jr.), a partial take parcel necessary for the total reconstruction project from MP A48.00 to MP A53.00 by authorizing payment of \$30,390.00 representing fair market value and pro-rated taxes to Fields At Indian Creek, LLC; 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;
- g. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14S430 (Jatin & Diptiben Patel), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$6,500.00 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 Deon, seconded by Commissioner Ahmad, and passed unanimously.



TOLL INCREASE

Removed from Agenda



PURCHASE ORDERS

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

- a. Fuel storage tank cleaning (July 7, 2022 – June 30, 2023), utilizing the Commonwealth’s contract with Brads Fuel Filtering, Inc.; at a cost of \$140,000.00;
- b. Open Sesame Plus subscription, exercising the option to renew the agreement for an additional three years (August 8, 2022 – August 8, 2025) with Meridian Knowledge Solutions, LLC; at a cost of \$187,600.00;
- c. Managed print contract, exercising the option to renew the agreement for an additional year (July 2022 – June 2023) with Fraser Advanced Information Systems; at a cost of \$182,745.40.

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



CONTRACT AWARD

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

- a. Contract #M-052.50X002-3-17 for the installation of pre-entry Intelligent Transportation Systems (ITS) between MP M50.93 and MP M54.04, to the lowest responsive and responsible bidder, Bruce & Merrilees Electric Co.; at a not-to-exceed amount of \$623,959.55 and a contingency of \$25,000.00;
- c. Contract #A-105.44R001-3-02 for asphalt resurfacing of the Wilkes-Barre Interchange ramps, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$2,488,486.70 and a contingency of \$100,000.00;
- c. Contract #S-006.00X002-3-27 for construction of the S.R. 980 drainage improvements in Washington County, to the lowest responsive and responsible bidder, Plum Contracting, Inc.; at a not-to-exceed amount of \$3,066,299.50 and a contingency of \$125,000.00.

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



AWARD OF SERVICES

Motion-That the Commission approve the award of services and authorize the negotiations and execution of an agreement with the selected firm for RFP #7949, insurance broker services:

- Conner Strong & Buckelew Companies, LLC-AWARDED
- AON Risk Services Central, Inc.

The Commission has selected firm Connor Strong & Buckelew Companies, LLC 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 performed well as the Commission’s current insurance broker, has 60 years of experience with government clients with qualified staff members, provided good value, and has provided a very detailed approach and timeline for claims management and renewing our insurance policies under the current insurance market conditions-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, July 19, 2022 beginning at 11:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:18 a.m.-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Assistant Secretary Treasurer

Wadud Ahmad
Secretary Treasurer

ATTACHMENTS:

- Memo received from the Chief Counsel
- Memo received from Eric Epstein