

MINUTES OF THE COMMISSION MEETING HELD JUNE 20, 2023

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:01 a.m. on Tuesday, June 20, 2023 at the Central Office located in Middletown, Pennsylvania. Present for the meeting was Pasquale T. Deon, Commissioner. Available via telephone were William K. Lieberman, Vice Chair; Sean Logan, Secretary Treasurer; and Michael Rebert, Acting Deputy Secretary for Highway Administration.

Also available for the meeting were Mark Compton, Chief Executive Officer; Carl DeFebo, Director of Communication and Customer Experience; Doreen McCall, Chief Counsel; Kelli Roberts, Director of Policy and External Affairs; Kevin Scheurich, Asst. Chief Engineer/Design; Tom Macchione, Director of Traffic Engineering & Ops.; and Ann Louise Edwards, Asst. Secretary Treasurer.

Others available via telephone were Anabella Wardhana, ODI CEO Intern (in person); Catherine Clements-Jenkins, Director of Diversity & Inclusion (in person); Daniel Russell, Consultant (in person); Daniel Roberts, Toll Operations CEO Intern (in person); Don Klingensmith, Asst. CFO-Financial Administration (in person); Fawn Cassel, Contract Management Services Manager (in person); Gina Murray, Manager of Professional Services Procurement; Haiden West, IT CEO Intern (in person); Holly Herdman, Debt & Derivatives Manager; Kelly Horvath, Executive Administrative Assistant (in person); Jeff Naugle, Manager of Treasury Operations (in person); Leah Vene, Engineering CEO Intern (in person); Lara Brenckle, Strategic Programs Manager (in person); Lisa Magee, Total Reconstruction & Expansion Manager (in person); Nate Hoffman, Environmental Engineering Manager (in person); Sean Laudenslager, End User Support Supervisor (in person); Shaine Hughes, Finance CEO Intern (in person); Sheri Norris, Director of Human Resources; Sidney Miller, Summer Engineering Intern (in person); Stephanie Newbury, Senior Procurement Specialist; Stephen Husic, Asst. CTO-Customer & Business Sol. (in person); Steve Marroni, Communications Specialist (in person); Tameka Hatcher, Equal Opportunity/ADA Officer (in person); Yousef Hamed, HR CEO Intern (in person); Zoe Koutsokostas, Communications CEO Intern (in person); Alyssa Barlup, NTM; Ashley Palmer, Modjeski; Brad Milbrand, CAI; Brian Kimmet, Rock the Capital (in person); Camille Evans, Virtus LLP; Cody Goss, CDR Maguire; Don Killmeyer, ms consultants; Ed Blazina, Pittsburgh Post-Gazette; Ed Reese, GPD Group; Eric Epstein, Rock The Capital (in person); Eric Meyer, WRA, LLP; George Settelmaier, KSE; Jason Bono, HDR; Jeff Davis, TranSystems; Jennie Louwerse, WSP (in person); Jock Rowe, Teamsters 77; Luz Santana, Susquehanna Civil, Inc.; Michele Donaghy, T.Y. Lin; Mike House, M&M; Nicki Jacobs, GPI; Phil Rampulla, EADS Group; Robert Schoenen, STV; Stefan Gombas, EADS Group; and Tom Rowader, GPI.



Vice Chair Lieberman 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 termination, annuitant, new hires, promotions, and vacancies.

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 (RTC). Mr. Epstein discussed his concern on the Right-to-Know outstanding issues regarding the metrics that are used for diversity contracts versus the metrics of the Commonwealth filter and hopes to have resolved before the July 5<sup>th</sup> Commission Meeting; issues with other agencies regarding their Sunshine Act and feels that the PTC should review a workshop (July 14, 2021) from the Office of Open Records; and our deliberations during the open meetings.

RTC live streamed the meeting.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held June 6, 2023, be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



COMMUNICATION

Motion-That the Commission approves the memos received from the Chief Counsel and Asst. CFO/Financial Administration-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



SUPPLEMENTALS

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

- a. Supplemental Agreement #13 for Contract #4400001119 for design services for the total reconstruction from MP 320.00 to MP 326.00 and Rt. 29 Interchange project with STV Incorporated, for an increase of \$4,500,000.00 to finalize the MP 320.00 to MP 324.00 package as certain portions of the design need to be revised and significant updates need to be made to the bid package based on current criteria and update all permits prior to construction; for a revised not-to-exceed amount of \$49,600,000.00;
- b. Supplemental Agreement #1 for Contract #4400007594 for construction management (CM) services for roadway and bridge reconstruction from MP A31.00 to MP A44.00 with Hill International, Inc., for an increase of \$4,200,000.00 to complete the CM services for the roadway and bridge reconstruction from MP A37.39 to MP A43.33; for a revised not-to-exceed amount of \$21,200,000.00.

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



AGREEMENTS

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

- a. Supplemental Reimbursement Agreement with Union Railroad Company, LLC for the engineering and utility relocation work necessary for construction of the Mon/Fayette Expressway for an increase of \$22,545,693.50 (relocation of rail yard tracks, scales and buildings) for higher labor and material costs, and additional required work not included in the original estimate; for a revised not-to-exceed amount of \$44,405,338.50;
- b. Assignment Agreement with Willow Grove Fire Company (Willow Grove) to assign its contract to Upper Moreland Township Fire Department (Upper Moreland) due to Upper Moreland’s acquisition of Willow Grove; and authorize Upper Moreland to provide fire and other

emergency services between MP 342.90 to MP 346.10 (eastbound) and MP 342.90 to MP 338.50 (westbound).

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



#### RIGHT-OF-WAY

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

- a. Acquisition of Right-of-Way #15015-A1 (William L. and Florence M. Volkar, a/k/a Florence M. Cole, and Margaret Volkar, a/k/a Margaret Busato), a total take parcel necessary for the total reconstruction project from MP 57.00 to MP 67.00 by authorizing payment of \$258,452.19 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement, 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 approved by the Legal Department;
- b. Acquisition of Right-of-Way #15013-A (William L. Volkar), a total take parcel necessary for the total reconstruction project from MP 57.00 to MP 67.00 by authorizing payment of \$795,157.20 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement, 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 owner is contingent upon the delivery of a deed as approved by the Legal Department;
- c. Acquisition of Right-of-Way #7015-RB (AIV Investment, LP; Alexander Vradinskiy; Dennis and Violet Lister and William and Joan Cahill), a partial take parcel necessary for the Buck Road Bridge replacement project, by authorizing payment of \$4,203.00 representing fair market value and pro-rated taxes to 111 Buck Road Condominium Association, 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 approved by the Legal Department;
- d. Acquisition of Right-of-Way #2015-E (John M. Cawunder), a partial take parcel necessary for the Pre-Entry Installation for the Central Gaps project, by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to John M. Cawunder; also authorize payment of \$58.75 representing recording fees to Bedford 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 approved by the Legal Department;

- e. Acquisition of Right-of-Way #14S083 (W.S. Properties, Inc.; Scott Seligson), a partial take parcel necessary for the construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$3,937.50 representing fair market value and pro-rated taxes to Scott E. Seligson; also authorize payment of \$181.75 representing recording fees to Allegheny County Department of Real Estate; 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 is contingent upon the delivery of a deed as approved by the Legal Department;
- f. Acquisition of Right-of-Way #14S082 (George Dayieb Family Trust; Kendra Remich), a partial take parcel necessary for the construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$3,552.50 representing fair market value and pro-rated taxes to George Dayieb Family Trust; also authorize payment of \$181.75 representing recording fees to Allegheny County Department of Real Estate; 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 is contingent upon the delivery of a deed as approved by the Legal Department.

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



#### ADVERTISING

Motion-That the Commission approve advertising for System Integration Services for upgrading the SAP Enterprise Resource Planning (ERP) system-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, b, d, e and f":

- a. Network Automation Engine upgrade of Operational Technology, utilizing the Commonwealth's contract with Johnson Controls Fire Protection LP / Johnson Controls US Holdings LLC; at a cost of \$264,835.00;
- b. Compu-Spread parts (July 2023-June 2024), to the lowest responsive and responsible bidder, Modern Group LTD; at a total award of \$250,000.00;

c. **REMOVED FROM AGENDA;**

- d. Sodium Chloride, exercising the option to renew the agreements for an additional year (August 2023-July 2024); and approval for staff movement of funds between contracts as needed during the contract term:

Cargill, Inc.	\$1,300,000.00
Riverside Construction Materials, Inc.	\$ 500,000.00
Eastern Salt Co. Inc.	\$ 500,000.00
American Rock Salt Co., LLC (partial renewal)	<u>\$ 500,000.00</u>
TOTAL RENEWAL COST	\$2,800,000.00

- e. Two (2) lift-a-loft swap loader unit, utilizing the Commonwealth’s contract with Lift-A-Loft Corp.; at a cost of \$391,690.00;
- f. Replacement of one (1) existing damaged uninterruptible power system with one (1) new Liebert UPS for the Lehigh Tunnel, utilizing the Commonwealth’s contract with Schultheis Electric / TBS Inc.; at a cost of \$103,633.00.

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



CHANGE ORDERS

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

- a. Change Order #2 for Contract #A-088.59S001-3-02 for replacement of Bridges NB-610 and NB-611 between MP A87.67 and MP A89.72 with Trumbull Corporation for an increase of \$165,962.67 for over-excavating and backfilling, drainage and erosion control, pavement restoration and roadway repairs; for a revised not-to-exceed amount of \$88,062,651.88;

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

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

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

- b. Change Order #16 for Contract #T-186.20S004-3-02 for rehabilitation of the Tuscarora Tunnel and Bridges B-561 and B-562 between MP 185.89 and MP 187.49 with Mosites Construction Company for an increase of \$1,762,461.38 for concrete repairs, additional TMA, signage, de-energize line testing, repairs to extra depth deteriorated concrete panels, passageway door prep, electrical work, drainage and waterproofing, topsoil and mortar repairs; for a revised not-to-exceed amount of \$118,945,564.51;

- c. Change Order #1 for Contract #EN-00279-03-02 for bridge repairs between MP 00.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with J.P.S. Construction Co., Inc. for a 97-day time extension needed for completion of Work Authorization No. 7.

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



AWARD OF SERVICE

Motion-That the Commission approve the award of services and authorize the negotiations and execution of an agreement with the selected firm for item RFP #10342, Contracted Spill Response Team-Area 3, MP 179.50 to MP 286.00:

- Lewis Environmental, Inc.-AWARDED

-Staff Briefing by Tom Macchione

The Commission has selected Lewis Environmental, Inc. for award based on the Commission's determination that the firm's proposal is advantageous to the Commission as determined by the Commission based on its review of all materials submitted and the firm's performance history for the Commission.

-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 Wednesday, July 5, 2023 beginning at 11:00 a.m.



POST

Mark Compton, CEO, introduced Tameka Hatcher, Equal Opportunity/ADA Officer, who spoke on behalf of the CEO Intern Fellows Program and introduced the 2023 CEO Interns.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:30 a.m.-was made by Commissioner Deon, seconded by Commissioner Logan, 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 the Att. CFO/Financial Administration

Memo received from Eric Epstein, Rock the Capital