

## MINUTES OF THE COMMISSION MEETING HELD MAY 17, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:00 a.m. on Tuesday, May 17, 2022 at the Central Office located in Middletown, Pennsylvania. Present for the meeting was Mike Keiser, Deputy Secretary for Highway Administration. Available via telephone were William K. Lieberman, Vice Chair 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; Doreen McCall, Chief Counsel; Kelli Roberts, Director of Policy and External Affairs; Rick Dreher, Chief Financial Officer (via telephone); Robert Brady, Director of Operations/Projects-East (via telephone); Robert Taylor, Chief Technology Officer; Stacia A. Ritter, Esq., Asst. Chief Operating Officer/Toll Collection; Steve Barber, Michael Baker Int'l. and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Jeffrey Naugle, Manager of Treasury Operations (in person); Jill Shannon, Manager of TC Systems Technology; Kelly Horvath, Executive Administrative Assistant; Sean Laudenslager, End User Support Supervisor (in person); Dean Mackin, Mackin Engineering; Eric Madden, JMT; Eric Meyer, WRA, LLP; Jay Roth, Jacobs; Mike McCart, CDM Smith; Michele Donaghy, TY Lin; Mike House, Modjeski & Masters; Mike Houser, Markosky; Paul McNamee, KCI Technologies; and Scott Shimko, KCI.



Vice Chair Lieberman 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 termination, new hires, reclassifications, vacancies and requests to create, post and fill positions in the Information Technology and Finance and Administration Departments.

The Commissioners also discussed matter PTC-22-CM 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.

No requests to address the Commission.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held May 3, 2022 be approved and filed as submitted-was made by Commissioner Deon, seconded by Deputy Keiser, and passed unanimously.



COMMUNICATION

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



IAG

Motion-That the Commission approve payment of the E-ZPass Interagency Group's (IAG) invoice for cost sharing of the E-ZPass Interoperability HUB system, in the amount of \$50,000.00.-was made by Commissioner Deon, seconded by Deputy Keiser, 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 "g":

- a. Lease Agreement with Apex Energy (PA), LLC to lease 59.095 acres of right-of-way and surplus property in Hempfield Township, Westmoreland County, to explore, develop and produce oil and gas in the Marcellus Shale Formation;
- b. Lease Agreement with New Cingular Wireless PCS, LLC (NCW) to permit NCW to continue to lease equipment and space on the Bowmansville Maintenance tower at a monthly fee of \$3,000.00 for ten (10) years with three (3) successive five (5) year renewal terms;
- c. Agreement with Penn State University to continue with facility condition assessments and assist with the utility bill management system, energy procurement assistance, design professional document review, water systems and education services previously developed by Penn State; at a cost of \$4,099,308.00 through May 2026;
- d. Agreement with ASCO Power Services (ASCO) for transfer switch maintenance, service, and repair (May 2022 – May 2027) for the automatic transfer switch (ATS) control systems for back up power at the interchanges; at a cost of \$659,360.27;
- e. Amendment to our agreement with SAP, to purchase ten (10) new SAP professional user licenses needed as the Commission upgrades to the new SAP interface server version; at a total license cost of \$300,000.00, and an annual support fee of \$66,000.00;
- f. Second Lease Agreement with Robindale Energy Services, Inc. (Robindale) to permit Robindale to deep mine certain coal property near the Donegal Interchange, which would provide for the payment of royalties to the Commission for coal mined and removed by Robindale in the area;
- g. Interagency Agreement with the PA Department of General Services for the Capitol Police to provide security for the Commission at the PTC Administration Building and other PTC locations in Dauphin County; at an approximate cost of \$147,673.94 annually.

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



RIGHT-OF-WAY REQUESTS

Motion-That the Commission approves the Right-of-Way Requests for the items listed in memos “a” and “e”:

- a. Settlement of Right-of-Way #14S020 (Eileen V. Pennell), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$11,750.00 representing the balance of settlement funds to Babst, Calland, Clements & Zomnir, P.C, escrow agent; authorize the appropriate Commission officials to execute the Release and Settlement Agreement as approved by the Legal Department; and payment of settlement funds to the property owner is contingent upon the delivery of the executed Release and Settlement Agreement;
- b. Acquisition of Right-of-Way #17632 (Gregory M. & Christina Chamberlin), a total take parcel necessary for the Southern Beltway SR 980 drainage improvement project, to grant an access easement over and across the driveway on the former Chamberlin property, for the benefit and use of the adjoining property owner, Terry D. Tackett; authorize the appropriate Commission officials to execute the Easement Agreement as drafted and approved by the Legal Department;
- c. Acquisition of Right-of-Way #8318-RA (Westfield Corporate Holdings, LP), a partial take parcel necessary for the total reconstruction project from MP A53.00 to MP A57.00 by authorizing payment of \$29,287.00 representing fair market value and pro-rated taxes to Westfield Corporate Holdings, LP; 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 #14109-A2 (McGinley Road Limited Partnership), a total take parcel necessary for the total reconstruction project from MP 57.00 to MP 67.00 by authorizing payment of \$378,235.71 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 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 #14S443 (Wesley Smith), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$500.00 representing fair market value to Wesley Smith; 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.

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



ADVERTISING

Motion-That the Commission approve advertising for Contract #EN-00232-03-05 for the design/build project for fiber optic network installation between MP B15.00 and MP B31.10, MP G0.55 and MP G13.00 and MP 0.00 and MP 75.00.-was made by Commissioner Deon, seconded by Deputy Keiser, and passed unanimously.



PURCHASE ORDERS

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

- a. Dell PC Refresh, Phase 3, utilizing the Commonwealth's contract with CDW Government LLC/CDW LLC; at a cost of \$414,830.00;
- b. Mimecast email cloud service, exercising the option to renew the agreement with CDW Government LLC/CDW LLC (through June 14, 2023); at a cost of \$88,250.00;
- c. Master utility management application, development phase, utilizing the Commonwealth's contract with Microdesk, Inc.; at a cost of \$416,326.20;
- d. Media placement services for E-ZPass, AET, roadway safety and other campaigns, exercising the option to renew the agreement with Red House Communications, Inc. (through June 2023); at a cost of \$2,800,000.00.

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



CONTRACT AWARD

Motion-That the Commission approves the Award of Contract #T-109.00R003-3-03 for shoulder and slope rehabilitation between MP 110.79 and MP 114.15, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$7,195,632.29 and a contingency of \$300,000.00- was made by Commissioner Deon, seconded by Deputy Keiser, and passed unanimously.



CHANGE ORDERS

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

- a. Change Order #1 for Contract #T-038.35M001-3-02 for cut slope remediation between MP 38.24 and MP 38.55 with Allison Park Contractors, Inc., for a 64-day time extension due to material delays;
- b. Change Order #1 and Final Payment for Contract #T-060.43S001-3-02 for bridge painting and repairs between MP 60.42 and MP 61.22 with Spartan Contracting, LLC; for an increase of \$2,842.00 to balance items to actual work completed and additional Class AA concrete repairs; for a final contract value of \$517,842.00 and final amount due to the contractor of \$48,701.60;
- c. Change Order #3 and Final Payment for Contract #T-067.00R002-3-02 for microsurfacing between MP 67.59 and MP 75.58 with Eurovia Atlantic Coast, LLC; for a decrease of \$162,208.81 to balance items to actual work completed; for a final contract value of \$6,770,042.99 and final amount due to the contractor of \$338,502.15.

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



SUPPLEMENTAL AGREEMENT

Motion-That the Commission approve the negotiation and execution of Supplemental Agreement #1 with Jacobs Engineering Group, Inc. for design services for Cashless Tolling Open Road Toll (ORT) Zones (originally awarded November 2017), for an increase of \$2,500,000.00, to design the demolition of the existing toll booths, canopies and toll plaza buildings, and reconstruction of the toll lane pavement associated with the conversion to ORT, and to provide construction engineering support; for a revised not-to-exceed amount of \$5,000,000.00. -was made by Commissioner Deon, seconded by Deputy Keiser, and passed unanimously.



**ITEM ADDED TO THE FORMAL AGENDA**

ADD an ITEM TO THE FORMAL AGENDA

Motion-Prior to adjournment we have an item that Brad Heigel would like to add to the Agenda today; due to the current economic climate regarding quote and material supplies it would be in the best interest of the Commission to award this today-was made by Commissioner Deon, seconded by Deputy Secretary Keiser, and passed unanimously.

CONTRACT AWARD

Motion-That the Commission approve the Award of Contract #T-129.00T001-3-07 for roadway and bridge repairs between MP 126.07 and MP 130.47, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime, Co, Inc.; at a not-to-exceed amount of \$202,689,000.00. -was made by Commissioner Deon, seconded by Deputy Keiser, and passed unanimously.

NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, May 3, 2022 beginning at 11:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:09 a.m.-was made by Commissioner Deon, seconded by Deputy Keiser, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards  
Assistant Secretary Treasurer

Wadud Ahmad  
Secretary Treasurer

ATTACHMENTS:

Memos received from the Chief Counsel and Asst. CFO-Financial Administration