

MINUTES OF THE COMMISSION MEETING HELD OCTOBER 18, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:02 a.m. on Tuesday, October 18, 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 Mike Keiser, Deputy Secretary for Highway Administration.

Also available for the meeting were Mark Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Bradley J. Heigel, P.E., Chief Engineer; Carl DeFebo, Director of Communications 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 Taylor, Chief Technology Officer; Stacia A. Ritter, Esq., Asst. Chief Operating Officer/Toll Collection (via telephone); Steve Barber, Michael Baker Int'l.; and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Bernie Bydlon, Construction Engineering Manager; Catherine Clements-Jenkins, Manager of Diverse Business Programs (in person); Don Klingensmith, Asst. CFO-Financial Administration; Daniel Russell, Consultant (in person); Jeff Naugle, Manager of Treasury Operations (in person); Joe Sutor, Planning & Environmental Manager (in person); Kelly Horvath, Executive Administrative Assistant (in person); Kevin Scheurich, Asst. Chief Engineer/Design (in person); Sean Laudenslager, End User Support Supervisor (in person); Adam Pope, Bravo Group; Andrea Gosfield, Gosfield Law; Navarro & Wright; Camille Evans, Virtus, LLP; Carl Gibbs, Sturdivant & Co.; Don Killmeyer, MS Consultants; Ed Reese, GPD Group; Eric Epstein, Rock the Capital (in person); Eric Madden, JMT; George Settelmaier, KS Engineers; Jeff Davis, TranSystems (in person); Joe DiFiore, Wallace Pancher Group; J.T. Lincoln, Dewberry; Jim Brady, STV; Michele Donaghy, T.Y. Lin; Rachel Perrego, Susquehanna Civil; Seemon Georges, Volkert; and Steve McGinley, Kimley Horn.



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 promotion, new hires, reclassifications, 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. Mr. Epstein questioned when his Right-to-Know requests would be answered and questioned the assessment cost for the documents. He also had questions regarding the Policy, requested the assets on cell towers, the RIDC agenda item, the Plenary item and the DEP item.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held October 4, 2022 be approved and filed as submitted-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

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



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



POLICY LETTER

Motion-That the Commission adopt new Policy 8.15, Intellectual Property, to provide a framework for the use, generation, acquisition, and management of Intellectual Property (IP) and to ensure that PTC-owned IP is used to fully generate value and innovation-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



AGREEMENTS

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

- a. Reimbursement and Operating Agreement with PennDOT and the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC) for the design and construction of PennSTART (Pennsylvania Safety, Transportation, and Research Track) to reimburse RIDC the estimated cost to design and construct PennSTART at a total reimbursement amount by the Commission not-to-exceed \$8,000,000.00; and to authorize the Chief Executive Officer to execute all necessary agreements as approved by the Legal Department;
- b. Settlement Agreement and Release with Michael Shaw, Sr.; and authorize payment of the workers’ compensation settled amount;
- c. Agreement with New Enterprise Stone & Lime, Co., Inc. to accept a change in materials for the wearing course for the roadway reconstruction project from MP 101.69 to MP 109.10; and authorize the appropriate Commission officials to execute the agreement;
- d. Amendment to our agreement with Plenary Broadband Infrastructure (PBI) for fiber operations, maintenance, and commercialization; to negotiate task orders for the design and construction of future fiber optic network expansions, to exercise the option to renew the agreement for an additional year; and authorize the expenditure of up to \$26,300,000.00 through FY2026 for services, design and construction of fiber optic infrastructure;
- e. Amendment to our agreement with the Pennsylvania Department of Environmental Protection (PA DEP) for a dedicated position for enhanced consultation and prioritization of reviews for Commission permit applications to PA DEP; to add additional dedicated positions to provide consistent and priority project reviews for all Commission projects requiring a permit; at a cost of \$250,000.00 to \$500,000.00.

-was made by Commissioner Logan, seconded by Commissioner Deon, 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 “f”:

- a. Acquisition of Right-of-Way #14S434 (Amedio Michael Morgano), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 project, by authorizing payment of \$105,408.48 representing fair market value and pro-rated taxes to Amedio Michael Morgano; 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 #7132-D1 (Brian Doyle), a partial take parcel necessary for the I-95 Interchange, Section D30 project, by authorizing payment of \$2,927.00 representing fair market value and pro-rated taxes to Brian Doyle; 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 #6036-D (Carolyn S. Miller, R. Walter Supplee and M. Ester Popjoy (living heirs of S. Warren Supplee, Mildred M. Supplee and Walter K. Supplee), a total take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00, by authorizing payment of \$500.00 representing fair market value to R. Walter Supplee; also authorize payment of \$93.75 representing recording fees to Chester 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-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. Settlement of Right-of-Way #6510-A1 (John M. and Janet B. Alderfer), a partial take parcel necessary for the total reconstruction project from MP A31.00 to MP A38.00 by authorizing payment of \$219,000.00 representing payment of settlement funds to John M. and Janet B. Alderfer; authorize the appropriate Commission officials to execute the Settlement Agreement and General Release as reviewed and approved by the Legal Department; and authorize payment of settlement funds to the Condemnees is contingent upon the delivery of the executed Settlement Agreement and General Release;
- e. Adopt the proposed Property Acquisition for Right-of-Way #14S425 (Anthony and Kathy Palmer), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 project, by authorizing payment of \$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;

- f. Acquisition of Right-of-Way #14S441 (Malkin Properties, LLC.; Principal-Sydney Malkin a/k/a Sydney Romero), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376 project, by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Malkin Properties, 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.

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



AUTHORITY APPROVAL

Motion-That the Commission grant the Chief Executive Officer (CEO) the authority to approve and sign insurance policy renewals as recommend by the Risk Management Unit and the Chief Financial Officer-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approve the Award of Bids and the Issuance of Purchase Orders for the items listed in memos “a” through “g”:

- a. Herbicides, (October 19, 2022 – September 30, 2023); to the lowest responsive and responsible bidders:

Arborchem	\$175,000.00
Nutrien Ag Solutions	\$ 25,000.00
CONTINGENCY	<u>\$ 30,000.00</u>
TOTAL AWARD	\$230,000.00

- b. Cube Routers, utilizing the Commonwealth’s contract with ePlus Technology, Inc.; at a cost of \$130,228.40;

- c. Plow blades, parts, hardware and accessories, exercising the option to renew the agreements for an additional year (November 1, 2022 - October 31, 2023); and approval for staff movement of funds between contracts as needed during the contract term:

Nordik	\$ 30,000.00
Ironhawk	487,000.00
Winter Equipment Co., Inc.	185,000.00
Trius, Inc.	500.00
Valk Mfg. Co., LLC.	68,000.00
Chemung Supply Co.	0.00
CONTINGENCY	<u>29,500.00</u>
TOTAL	\$800,000.00

- d. Twenty (20) Ford Escape hybrid SUVs, utilizing the Commonwealth's contract with Apple Ford of Red Lion/Apple Automotive Group, Inc.; at a cost of \$630,780.00;
- e. Uniform rental contract (for Maintenance and FEMO), exercising the option to renew the contract for three additional years (November 1, 2022 – August 31, 2025) with Cintas Corporation No. 2; at a cost of \$273,000.00;
- f. MCC radio console, installation and software maintenance (October 2022 - November 2028), utilizing the Commonwealth's contract with Motorola Solutions, Inc.; at a cost of \$126,617.00;
- g. Data Capable annual subscription, exercising the option to renew the subscription for an additional year (November 27, 2022 - November 26, 2023) with Data Capable, Inc.; at a cost of \$99,671.59.

-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" and "b":

- a. Contract #T-142.00R002-3-03 for asphalt resurfacing between MP 142.00 and MP 144.95 and Cut Slope Remediation between MP 142.18 and MP 142.47, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$10,825,252.52 and a contingency of \$800,000.00;
- b. Contract #T-013.21S001-3-03 for roadway and bridge reconstruction between MP 12.02 and MP 14.01, to the lowest and responsive and responsible bidder, Joseph B. Fay Co.; at a not-to-exceed amount of \$269,982,356.44 and a contingency of \$13,500,000.00.

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



CHANGE ORDERS

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

- a. Change Order #1 and Final Payment for Contract #EN-00277-03-02 for roadway and miscellaneous repairs on Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Eurovia Atlantic Coast, LLC for a decrease of \$914,952.48 to reflect the actual cost of the completed work authorizations; for a final contract value of \$2,085,047.52 and final amount due to the contractor of \$104,252.38;

- b. Change Order #5 for Contract #T-334.00R002-3-02 for bituminous resurfacing between MP 333.99 and MP 340.05 and median barrier replacement between MP 337.37 and MP 340.03 with Allan Myers, L.P. for a 41-day time extension necessary for the extra work and coordination with the fiber optic project;
- c. Change Order #1 and Final Payment for Contract #EN-00272-03-02 for bridge repairs between MP 0.00 and MP 109.91, Toll I-376, Turnpike 576, Turnpike 43 and Turnpike 66 with Allison Park Contractors, Inc. for a decrease of \$413,564.47 to reflect the actual cost of the completed work authorizations; for a final contract value of \$1,086,435.53 and final amount due to the contractor of \$21,728.71.

- was made by Commissioner Logan, seconded by Commissioner Deon; 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 RFP 8216, towing and road service provider for coverage from MP 188.70 to MP 226.30:

- HJ Towing & Recovery, Inc.-AWARDED

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

The Commission has selected firm HJ Towing & Recovery, Inc. for award based on the Commission's determination that the firms' proposals is the most advantageous to the Commission as determined by the Commission based on its review of all materials submitted. HJ Towing & Recovery, Inc. has equipment that is in very good condition and their facilities meet the needs that the Commission has for customer service along the roadway.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, November 1, 2022 beginning at 11:00 a.m.



POST FORMAL MEETING

Catherine Clements-Jenkins, Manager of Diverse Business Programs, gave an update on the Diversity Outreach Initiatives.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:24 a.m.-was made by Commissioner Logan, seconded by Commissioner Deon, 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 the Asst. CFO-Financial Administration

Memo received Eric Epstein from Rock the Capital