

MINUTES OF THE COMMISSION MEETING HELD SEPTEMBER 20, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:00 a.m. on Tuesday, September 20, 2022 at the Central Office located in Middletown, Pennsylvania. Available via telephone were 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 (via telephone); Craig R. Shuey, Chief Operating Officer; 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 (via telephone); Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via telephone); Stacia A. Ritter, Esq., Asst. Chief Operating Officer/Toll Collection; Tom Porter, Michael Baker Int'l. (via telephone); and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Anna Marcella, Executive Administrative Assistant (in person); April Roethermel, Asst. CTO-Security & Infrastructure; Don Klingensmith, Asst. CFO-Financial Administration (in person); Daniel Russell, Consultant (in person); Gina Murray, Manager of Professional Services Procurement; Jeff Naugle, Jeff Naugle, Manager of Treasury Operations (in person); Kelly Horvath, Executive Administrative Assistant; Laura Arneson, Manager of Insurance and Risk Services (in person); Louis Van Gorder, Attorney 4; Sean Laudenslager, End User Support Supervisor (in person); Andrea Gosfield, Gosfield Law; Brian Kelly, Hill Int'l.; Camille Evans, Virtus, LLP; Craig Beissel, Volkert; Don Killmeyer, MS Consultants; Eric Madden, JMT; Ed Reese, GPD Group; Eric Epstein, Rock the Capital (in person); Eyan Buxton, Rock The Capital (in person); Brian Kimmets, Rock the Capital; Lindsay Halloran, consultant; Mike Houser, Markosky; Mike Mecca, LaBella; Roger Eaton, HDR; and Sarah Cassi, News Reporter.



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 new hires, vacancies, performance incentive awards, and requests to create, post and fill and to post and fill positions in the Engineering, Information Technology and Traffic Engineering and Operations Departments.

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 spoke on the Auditor General's audit report.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held September 6, 2022 be approved and filed as submitted-was made by Commissioner Logan, seconded by Commissioner Deon, 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 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.



RECORDS RETENTION

Motion-That the Commission approve the proposed Records Retention schedule; the revision modifies the Records Class ETC100 “Pan Tilt Zoom Cameras and Digital Auto Systems” from a 1-year retention period to a 90-days retention period; this change aligns this records class with the retention period of other video monitoring devices-was made by Commissioner Logan seconded by Commissioner Deon, and passed unanimously.



AGREEMENT

Motion-That the Commission approves the negotiation and execution of the amendment to our agreement with Bucks County through the Bucks County District Attorney’s Office to prosecute theft of services and fare evasion crimes (occurring on the Turnpike) in Bucks and Montgomery counties; exercising the option to renew the agreement for an additional year, at a cost of \$153,600.00-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 “e”:

- a. Acquisition of Right-of-Way #6003-B (Raymond C. & Kasey D. Nestorick, f/n/a Kasey Kilkenny), a partial take parcel necessary for the total reconstruction project from MP 298.00 to MP 302.00 by authorizing payment of \$9,058.50 representing fair market value, pro-rated taxes and Section 710 fees to Raymond C. and Kasey D. Nestorick; 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 #14S444 (Gary J. Williams and Jeffrey J. Fenton), a partial take parcel necessary for construction of the Mon-Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$1,000.00 payable to Gary J. Williams representing half of the fair market value and also authorize payment of \$1,000.00 payable to Jeffrey J. Fenton representing half of the fair market value; 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 owners is contingent upon the delivery of a Temporary Construction Easement as prepared by the Legal Department;
- c. Acquisition of Right-of-Way #14S647 (RIDC Southwestern Pennsylvania Growth Fund), a partial take parcel necessary for construction of the Mon-Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$18,559.50 representing fair market value and pro-rated taxes to RIDC Southwestern Pennsylvania Growth Fund; 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 #14S201 (GNN, LP; Members-Henry Wang-Trustee), a partial take parcel necessary for construction of the Mon-Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$101,091.75 representing fair market value, pro-rated taxes and recording fees to Fee Simple Settlement LLC., escrow agent, also authorize payment of \$4,000.00 representing Section 710 fees to Tarasi & Tarasi, P.C.; 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 #6003-C (TKO Management, LLC; Members-Kevin Krick, Andrew P. Krick), a partial take parcel necessary for the total reconstruction project from MP 298.00 to MP 302.00 by authorizing payment of \$131,140.47 representing fair market value, pro-rated taxes and recording fees to Diversified Settlement Services, Inc., 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.

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



ADVERTISING

Motion- That the Commission approve advertising for open-end communication tower engineering services contract to perform inspection, design and evaluation services for PTC communication towers systemwide-was made by Commissioner Logan, seconded by Commissioner Deon, and passed unanimously.



PURCHASE ORDERS

Motion-That the Commission approve the Award of Bids, Change Orders and the Issuance of Purchase Orders for the items listed in memos "a" through "k":

- a. Sixteen (16) MASH trailer mounted attenuators and four (4) truck mounted attenuators; utilizing the Commonwealth's contract with Traffix Devices, Inc.; at a cost of \$631,630.56;

- b. Hewlett Packard server purchase, maintenance support and software license with Hewlett Packard Enterprise Co., to cover expansion of servers and additional WMWare servers; at a cost of \$78,398.50;
- c. Microdesk Q3 & Q4 Pilot Project Support & SME services; utilizing the Commonwealth's contract with Microdesk, Inc.; at a cost of \$178,679.44;
- d. Anti-skid material, to the lowest responsive and responsible bidders:

Glacial Sand & Gravel	\$ 20,860.00
New Enterprise Stone & Lime	<u>\$110,765.00</u>
TOTAL AWARD	\$131,625.00
- e. Three hundred (300) IT EOL edge switches for the Western fiber network, utilizing the Commonwealth's contract with ePlus Technology, Inc.; at a cost of \$1,552,376.63;
- f. Insight Technology for hardware, software and professional services with Insight (procured via the OMNIA Partners cooperative purchase agreement), to cover extension of Axcelerate coverage through August 2025; at a cost of \$330,493.00;
- g. Qlik software maintenance, exercising the option to renew the agreement with Carahsoft Technology Corporation for an additional year (November 2022 - October 2023); at a cost of \$170,205.31;
- h. F5 Load balancer upgrade and replacement of hardware and license/support with ePlus Technology, Inc., to cover professional services for deployment of F5 WAF functionality; at a cost of \$485,874.05;
- i. Splunk Enterprise security incident event monitoring with CDW Government LLC/CDW LLC, to cover enhancements to start up a Splunk online instance to collect our cloud logs and augment our Splunk services; at a cost of \$170,131.12;
- j. Veeam software and backup maintenance, exercising the option to renew the agreement with ePlus Technology, Inc. through October 28, 2023; at a cost of \$98,752.16;
- k. Gilbarco VeederRoot maintenance support and hosting (October 2022 – September 2026) with Gilbarco Veeder-Root/Gilbarco, Inc.; at a cost of \$337,000.00.

-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” and “b”:

- a. Contract #EN-00284-03-04 for bridge repairs between MP 236.22 and MP 356.42 and between MP H40.38 and MP H43.44, to the lowest responsive and responsible bidder, J.P.S. Construction Co., Inc.; at a not-to-exceed amount of \$2,500,000.00;
- b. Contract #EN-00284-03-05 for bridge repairs between MP A20.00 and MP A130.64, to the lowest responsive and responsible bidder, J.P.S. Construction Co., Inc.; at a not-to-exceed amount of \$2,500,000.00.

-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” and “e”:

- a. Change Order #1 and Final Payment for Contract #EN-00277-03-06 for roadway and miscellaneous repairs between MP 299.98 and MP 356.42, MP H40.83 and MP H43.44, and MP A20.00 and MP A31.34 with J.D. Eckman, Inc. for a decrease of \$1,332,584.92 to reflect the actual cost of the completed work authorizations; for a final contract value of \$3,667,415.08 and final amount due to the contractor of \$183,370.75;
- b. Change Order #1 for Contract #EN-00282-03-07 for roadway and miscellaneous repairs between MP A31.34 and MP A130.64 with J.D. Eckman, Inc. for an increase of \$1,750,000.00 for unanticipated roadway repairs due to deteriorating pavement conditions; for a revised not-to-exceed amount of \$7,750,000.00;
- c. Change Order #5 and Final Payment for Contract #A-037.50T001-3-04 for replacement of Bridge NB-202 at MP A40.13 with Deblin, Inc. for a decrease of \$177,893.46 for normal quantity adjustments to balance the contract items to the actual work completed; for a final contract value of \$5,982,391.42 and final amount due to the contractor of \$125,332.42;
- e. Change Order #1 for Contract #T-250.09S001-3-02 for replacement of Bridge EB-311 at MP 250.09 with Susquehanna Valley Construction Corp. for an increase of \$82,609.42 for stump removal, resetting barrier, widening of industrial lane, costs due to utility delays and a 193-day time extension; for a revised not-to-exceed amount of \$4,874,094.42.

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

CHANGE ORDERS (Continued)

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

- d. Change Order #9 for Contract #T-028.45T001-3-03 for roadway and bridge reconstruction from MP 28.49 to MP 30.88 with Trumbull Corporation for a 47-day time extension necessary for the reconstruction of the Warrendale Toll Plaza Express Lane.

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

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



SUPPLEMENTAL AGREEMENTS

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 #4 for Contract #T-355.00P002-2 for design services for the I-95 Interchange Project-Section A with McCormick Taylor, Inc., for an increase of \$4,000,000.00 for design work necessary to complete final design services; the complexity in the structure designs, staging requirements, constructability and ongoing coordination with CSX Railroad and PennDOT, including local road crossings and U.S. 1 reconstruction projects, has necessitated additional final design effort; for a revised not-to-exceed amount of \$19,500,000.00;
- b. Supplemental Agreement #3 for Contract #EN-00115 for program management for the All-Electronic Tolling (AET) program with HNTB Corporation, for an increase of \$9,000,000.00 to continue providing program and project management services for the deployment of AET tolling across the mainline and Northeast Extension through 2025; for a revised not-to-exceed amount of \$31,000,000.00.

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



PROPERTY INSURANCE

Motion-That the Commission approve the renewal and payment of invoices for the property and boiler & machinery insurance coverages with Travelers and Liberty Mutual, through our broker Conner Strong & Buckelew, for a total not-to-exceed amount of \$2,500,000.00, for the period October 1, 2022 – October 1, 2023 -was made by Commissioner Logan, seconded by Commissioner Deon, Commissioner Lieberman abstained.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, October 4, 2022 beginning at 11:00 a.m.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:15 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 from Eric Epstein