

MINUTES OF THE COMMISSION MEETING HELD SEPTEMBER 5, 2023

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:01 a.m. on Tuesday, September 5, 2023 at the Central Office located in Middletown, Pennsylvania. Available via telephone were William K. Lieberman, Vice Chair; Dr. Keith Leaphart, Secretary Treasurer; Pasquale T. Deon, Commissioner; Sean Logan, Commissioner; and Michael Rebert, Acting Deputy Secretary for Highway Administration.

Also available for the meeting were Mark Compton, Chief Executive Officer; Craig Shuey, Chief Operating Officer; Brad Heigel, Chief Engineer; Carl DeFebo, Director of Communication and Customer Experience; Doreen McCall, Chief Counsel; John DelRicci, Director of Maintenance; Kelli Roberts, Director of Policy and External Affairs; Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via telephone); Stacia Ritter, Asst. Chief Operating Officer/Toll Collection; Tom Porter, Michael Baker Intl.; and Ann Louise Edwards, Asst. Secretary Treasurer.

Others available via telephone were Daniel Russell, Consultant (in person); Don Klingensmith, Asst. CFO-Financial Administration; Gina Murray, Manager of Professional Services Procurement; Jeff Naugle, Manager of Treasury Operations (in person); Kelly Horvath, Executive Administrative Assistant (in person); Kevin Scheurich, Asst. Chief Engineer/Design (in person); Kimberlee Waiwada, Facilities/Special Projects Manager; Lara Brenckle, Strategic Programs Manager (in person); Mark Caruso, Procurement Specialist; Sean Laudenslager, End User Support Supervisor (in person); Sheri Norris, Director of Human Resources; Stephanie Newbury, Senior Procurement Specialist; Steve Husic, Asst. CTO/Customer & Business Sol. (in person); Steve Marroni, Communications Specialist (in person); Tom Macchione, Director of Traffic Engineering and Operations (in person);

Ann Mark, McCormick Taylor; Ashley Funk, Mountain Watershed; Barbara McMillan; Bernie Bydlon, Navarro Wright; Brad Milbrand, CAI; Camille Evans, Virtus LLP; Crystalann Deardorff, Susquehanna Civil; Curtis Sanno, Dewberry; Daniel O'Brien, RBC Capital Markets; David Lowdermilk, HNTB (in person); Dave Snively, CDR Maguire; Don Killmeyer, ms consultants; Ed Reese, GPD Group; Garrett Amsbaugh, CCJM; Gary Graham, McMahon Assoc.; George Settelmaier, KSE; Hannah Kolmansberger, Navarro & Wright; Heather Sweitzer, NTM Engineers; J. Perrego, WBCM; J.T. Lincoln, Dewberry; Jason Gagen, GPI; Jeff Davis, TranSystems; Jim Frank, Lehman; Jock Rowe, Teamsters Local 77; Ken McClain; Ken Olup, Hill Int'l; Marianne Campbell, AGES; Madison Hinkle, Mountain Watershed; Matt Macey, CDR; Melissa Marshall, Mountain Watershed; Michele Donaghy, T.Y. Lin; Michele Girolami, Gibson Thomas; Mike House, M&M; Mike Houser, Markosky; Mike Mecca, LaBella; Nicki Jacobs, GPI; Paul McNamee, KCI; Roger Eaton, HDR; Seemon Georges, GPI; Stacey Magda, Mountain Watershed; Steve Rodgers, Lochner; Tom Holloway, 1 Alpha Consulting; 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, promotion, new hires, vacancies and requests to fill, to create, post and fill and to create and fill positions in the Engineering, Information Technology, and Maintenance Departments.

The Commissioners also collective bargaining 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.

The Commission recognized Madison Hinkle (Community Advocate with the Mountain Watershed Association), Melissa Marshall, Barb McMillan, Jerry Gearhart, and Stacey Magda. They discussed their concerns with the underground mining operations in Fayette and Westmoreland counties regarding subsidence in the area of the Rustic Ridge Mine and the impact it is having on the area. They requested the Commission seek additional protection and safety measures with respect to I-70/I-76 near the Donegal Interchange.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held August 15, 2023, be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



COMMUNICATION

Motion-That the Commission approve the memo received from the Chief Counsel-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 Logan seconded by Commissioner Lieberman, and passed unanimously.



UNFINISHED BUSINESS

No Unfinished Business to consider.



REAL ESTATE SERVICES POOL

Motion- Approve amending the pool of qualified professionals for real estate title and closing services to include Property Title and Escrow, LLC.-was made by Commissioner Deon, seconded by Commissioner Lieberman, and passed unanimously. 24:01



AGREEMENTS

Motion-That the Commission approve the negotiation and execution of the Agreements and Lease for the items listed in memos "a" through "d":

- a. Reimbursement Agreement with West Mifflin Sanitary Sewer Authority (Authority) to reimburse the Authority the cost for the engineering and utility relocation work necessary for construction of the Mon/Fayette Expressway, Section 53-B2; at a not-to-exceed amount of \$201,066.00;
- b. Assignment Agreement with Bergmann Associates Architects, Engineers, Landscape Architects & Surveyors DPC (Bergmann), to assign its contract to Colliers Engineering & Design (CED) due to Bergmann joining CED in November 2021;
- c. License Agreement with the Pennsylvania State Police (PSP) for equipment on fifteen (15) Commission owned tower sites at an annual rate of \$994,423.94 with a 3% annual escalator clause, for ten (10) years with two (2) five (5) year renewal terms prepared by the Legal Department; and authorize the appropriate Commission officials to execute it;
- d. Lease Agreement with T-Mobile Northeast LLC (T-Mobile) to permit T-Mobile to lease space on the Commission's Thompson's Run Tower located in North Sewickley Township at a monthly rate of \$2,500.00, with a 3% annual escalator clause, for ten (10) years with three (3) five (5) year renewal terms.

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



RIGHT-OF-WAY REQUESTS

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

- a. Acquisition of Right-of-Way #6000-RB (Jared S. and Marla J. Kurtz), a partial take parcel necessary for the total reconstruction and widening project from MP 298.00 to MP 302.00 by authorizing payment of \$13,366.50 representing fair market value and pro-rated taxes to Jared S. and Marla J. Kurtz; 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 #6171-A (Ratoskey & Trainor, Inc.; Robert Ratoskey; Raymond Trainor), a total take parcel necessary for the Lafayette Street Slip Ramp project at MP 331.60, by authorizing payment of \$251,970.26 representing fair market value, pro-rated taxes and recording fees to Diversified Settlement Services, Inc., as escrow agent, authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize 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 #7015-RA (Lower Southampton Township; Kim Koutsouradis; Stephen Castle; Joseph Galdo; Richard Coppens), a partial take parcel necessary for the Buck Road Bridge Replacement project at MP 348.25, by authorizing payment of \$5,800.00 representing fair market value to Lower Southampton Township; authorize the appropriate Commission officials to execute the Temporary Construction Easement and other documents that may be required for closing; authorize 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;
- d. Settlement of Right-of-Way #14S292-1 (Lamar Advantage GP Company, LLC; Stan Geier; Larissa Simko), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$17,125.00 representing payment of personal property loss damages (for the outdoor advertising device) to Lamar Advantage GP Company, LLC; authorize the appropriate Commission officials to execute all documents required to settle the claim as reviewed and approved by the Legal Department; authorize payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel; and payment of damages to the claimant is contingent upon the execution of settlement documents as prepared and approved by the Legal Department;
- e. Acquisition of Right-of-Way #6341 (Andrew J. & Catherine W. Sabia), a total take parcel necessary for the Lafayette Street slip ramp connector project at MP 331.60, by authorizing payment of \$704,614.12 representing fair market value, pro-rated taxes and recording fees to

Diversified Settlement Services, Inc., as escrow agent; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; authorize 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.

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



SUPPLEMENTAL

Motion-That the Commission approve the negotiation and execution of Supplemental Agreement #2 for Contract T-186.20S004-3 with Johnson, Mirmiran & Thompson, Inc. (JMT) for construction management (CM) and construction inspection (CI) services, for an additional \$805,000.00 to cover additional CM/CI costs for the Tuscarora Tunnel Rehabilitation project due to the following factors: escalation of labor rates related to the project being bid three (3) months later than originally anticipated, construction duration at the time of bid being twelve (12) months longer than originally anticipated, six (6) month time extension added to the project completion date since the time of bid, additional consultation during construction services provided by the designer as a CM/CI agreement sub-consultant, and the addition of the westbound tunnel scanning; for a revised not-to-exceed amount of \$13,205,000.00.

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



PURCHASE ORDERS

Motion-That the Commission approve the Award of a Bid and the Issuance of a Purchase Order for the item listed in memo "a":

- a. Aggregates contracts, exercising the option to renew the agreements for an additional year (October 2023 - September 2024); and approval for staff movement of funds between contracts as needed during the contract term:

Heidelberg Materials (GIBS, SEAR, GREE, HARC, JEFF, SBWY)	\$ 22,000.00
Lindy Paving (HOME, GIBS)	\$ 3,000.00
NESL (GIB, GREE, HARC, DNGL, SMST, KEGG, EVRT, BRNT, NEWV, NCMB, MTGT, BOWM, DLVT, QTWN, SLAT, POCN, WYOM)	\$ 50,000.00
Silver Hill Quarry/Div. of H&K Group (BOWM)	\$ 0.00
Douglassville Quarry/Div. of H&K Group (DLVT, PLYM)	\$ 0.00
Highway Materials (PLYM, QTWN)	\$ 0.00
Plumstead Materials/Div. of Naceville (TREV)	\$ 0.00
Martin Limestone (QTWN)	\$ 0.00
Locust Ridge Quarry/Div. of H&K Group (POCN)	<u>\$ 0.00</u>
RENEWAL	\$ 75,000.00

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

COMMISSIONER LIEBERMAN: I abstain on this item because Lindy Paving, Inc. is a client of my firm.

Motion passed.

Motion-That the Commission approve an Award of Bid and the Issuance of Purchase Orders for the items listed in memos "b" through "d":

- b. Oil/Water separator services for two (2) years (September 2023 - August 2025), to the lowest responsive and responsible bidder, Petromax Ltd.; at a total award of \$825,000.00;
- c. Support services for SAP-ERP project upgrade, utilizing the Commonwealth's contract with Info-Tech Research Group, Inc.; at a cost of \$445,000.00;
- d. Promotional items and safety/year of service awards for two years (September 5, 2023 - August 31, 2025), to the lowest responsive and responsible bidder, Fully Promoted; at a total award of \$295,000.00.

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



CHANGE ORDERS

Motion-That the Commission approve the Change Orders for the items listed in memos "a" and "b":

- a. Change Order #25 for Contract #S-006.00X002-3-10 for construction of the Southern Beltway SR 0576, Section 55C2-1 between MP S17.04 and MP S19.23 with Walsh Construction Company for an increase of \$1,291,509.18 for normal quantity adjustments, additional work resulting from Tropical Storm Ida, basin work, grading, drainage, subbase, retaining wall, extra punch list items, gabions, extra work for ramp openings, utilities and electrical work; for a revised not-to-exceed amount of \$189,716,592.29;
- b. Change Order #2 for Contract #T-013.21S001-3-03 for roadway and bridge reconstruction between MP 12.02 and MP 14.01 with Joseph B. Fay Co. for an increase of \$5,204,935.74 for shaft casings storage costs and railroad crossing protective measures; for a revised not-to-exceed amount of \$275,207,697.69.

-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 T00240, design services for the replacement of Bridge B-544D at MP 168.13, the highly recommended firms in alphabetical order:

- Rettew Associates, Inc.-AWARDED
- Larson Design Group, Inc.
- Stahl Sheaffer Engineering

Staff briefing by Brad Heigel

COMMISSIONER LIEBERMAN: What is the amount of the contract?

BRAD HEIGEL: The amount of the contract is \$3.5 million.

The Commission has selected firm Rettew Associates, Inc. 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.

- a motion was made by Commissioner Deon; seconded by Commissioner Lieberman, passed unanimously.



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, September 19, 2023 beginning at 11:00 a.m.



POST FORMAL

Craig Shuey, Chief Operating Officer, recognized Thomas Macchione, Director of Traffic Engineering & Operations, who gave a presentation on an update of the Automatic Work Zone Safety program.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:40 a.m. -was made by Commissioner Deon, seconded by Commissioner Logan, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards
Asst. Secretary Treasurer

Dr. Keith Leaphart
Secretary Treasurer

ATTACHMENTS:

Memo received from the Chief Counsel

Memo received from Madison Hinkle, Community Advocate with the Mountain Watershed Association