

## MINUTES OF THE COMMISSION MEETING HELD APRIL 5, 2022

A formal meeting of the Pennsylvania Turnpike Commission convened at 11:12 a.m. on Tuesday, April 5, 2022 at the Central Office located in Middletown, Pennsylvania. Present for the meeting was Yassmin Gramian, Chair. Available via telephone were William K. Lieberman, Vice Chair; Wadud Ahmad, Secretary Treasurer 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; Carl DeFebo, Jr., Director of Public Relations & Marketing; Charles Duncan III, Chief Compliance, Legislative & Cultural Affairs (via telephone); Doreen McCall, Chief Counsel; Rick Dreher, Chief Financial Officer; Robert Brady, Director of Operations/Projects-East (via telephone); Robert Taylor, Chief Technology Officer; Thomas Porter, Michael Baker Int'l. and Ann Louise Edwards, Assistant Secretary Treasurer.

Others available via telephone were Don Klingensmith, Asst. Chief Fin. Officer for Financial Administration; Gina Murray, Senior Procurement Specialist; Kelly Horvath, Executive Administrative Assistant (in person); Kim Tosh, Debt and Derivatives Manager; Myneca Ojo, Cultural Inclusion Program Manager;

Sean Laudenslager, End User Support Supervisor (in person); Eric Epstein, Rock the Capital (in person); Steve Barber, Michael Baker Int'l. (in person); Camille Evans, Virtus; Craig Beissel, Volkert; Dante Johnson, Bancroft Capital; Ed Reese, GPD; Eric Madden, JMT; George Settelmaier, KS Engineers; Hannah Vrancken, Siebert Williams; J. Perrego, WBCM; Mike Donaghy, TY Lin; Mike Houser, Markosky; M. Kilgore, SPK; Osaze Romany, Bancroft Capital; Patrick Kane, GPI; Paul McNamee, KCI; and Wally Lorence, Geo-Mechanics.



Chair Gramian 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 reclassification, promotions, new hires and requests to create and fill positions in the Engineering Department.

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 discussed his concerns on several items being brought before the Commission for approval today, he request a policy for posting attachments to the Minutes, RTK concerns, commented on no public deliberation, requested availability to requests, along with the time of posting the Agenda for the public. Mr. Epstein’s comments are attached to the Minutes.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held March 15, 2022 be approved and filed as submitted-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



COMMUNICATION

Motion-That the Commission approve the memo received from the Chief Counsel-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



SUPPLEMENTAL AGREEMENTS

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

- a. Supplemental Agreement #1 with Stantec Consulting Services, Inc. for design of the Cashless Tolling Open Road Toll (ORT) Zones (awarded November 21, 2017), for an increase of \$2,000,000.00 for design of the demolition of the existing toll booths, canopies and toll plaza buildings and reconstruction support of the toll lane pavement associated with the conversion to full ORT; for a revised not-to-exceed amount of \$4,500,000.00;
- b. Supplemental Agreement #3 with Century Engineering, Inc. for design services for Cashless Tolling Open Road Toll (ORT) Zones (awarded November 21, 2017), for an increase of \$2,000,000.00 for design of the demolition of the existing toll booths, canopies and toll plaza buildings and reconstruction support of the toll lane pavement associated with the conversion to full ORT; for a revised not-to-exceed amount of \$5,350,000.00;
- c. Supplemental Agreement #2 with GAI Consultants, Inc. for open-end quality assurance auditing services systemwide (awarded August 15, 2017), to allow for the assignment of new Work Orders through September 2024, at no additional cost.

-was made by Commissioner Deon, seconded by Commissioner Ahmad, 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 "c":

- a. Amendment to our agreement with Mohanty Gargiulo for Swap Advisory Services, exercising the option to renew the agreement for an additional year; at a cost of \$125,000.00 and \$22,000.00 per swap transaction;
- b. Agreement with Tom Beter, Inc. d/b/a Russellton Shop 'n Save, to distribute E-ZPass Go Paks in its locations;
- c. Reimbursement Agreement with PPL Electric Utilities Corporation (PPL), to reimburse PPL the cost of the engineering and utility relocation work necessary for the replacement of Bridge NB-637 at MP A105.11; at a not-to-exceed amount of \$134,200.00.

-was made by Commissioner Deon, seconded by Commissioner Ahmad, 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 "n":

- a. Acquisition of Right-of-Way #6038-C3 (William Edward Regar), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$800.00 representing fair market value to William Edward Regar; 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;
- b. Acquisition of Right-of-Way #14S204 (1125 Camp Partners, LLC), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$616,668.43 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 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. Condemnation of Right-of-Way #14130, #14130-A, 14133 and #14148 (1273 Washington Pike Associates, LLC; J&D Mineral, LLC; Deklewa Partners, LLP; Alpine Partners, II; Christopher Clark), partial take parcels necessary for construction of the Southern Beltway, US 22 to I-79, by approving the following:
  - Settlement of \$443,900.00 representing estimate just compensation for R/W #14130;
  - Settlement of \$7,600.00 representing estimated just compensation for R/W #14130-A;
  - Settlement of \$297,000.00 representing estimated just compensation for R/W #14133;
  - Settlement of \$18,200.00 representing estimated just compensation for R/W #14148.Approve the full and final global settlement of the above cases including Section 710 damages for a total of \$1,516,000.00 by authorizing payment of \$749,300.00 representing the balance of settlement funds and Section 710 damages to Goldberg, Kamin & Garvin, LLP, escrow agent; authorize the appropriate Commission officials to execute the Full and Final Settlement and Release Agreements as approved by the Legal Department; and payment of the settlement funds is contingent upon Condemnees' execution and delivery of the settlement agreements as prepared by the Legal Department;
- d. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #14S050 (Land Development Corp.), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376; authorize payment of \$7,900.00 representing estimate 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;
- e. Acquisition of Right-of-Way #14S439 (Richard J. & Arlene C. Stypula), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$507.50 representing fair market value and pro-rated taxes to Richard J. & Arlene C. Stypula; 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;

- f. Acquisition of Right-of-Way #8265-B (David J. & Julie M. DiGiacomo), a total take parcel necessary for the total reconstruction project from MP A48.00 to MP A53.00 by authorizing payment of \$436,012.75 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #14S440 (George R. Everitt), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$2,022.50 representing fair market value and pro-rated taxes to George R. Everitt; 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;
- h. Acquisition of Right-of-Way #14S344A (Richard C. Smith & Tamara R. Ohler Smith), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$4,213.50 representing fair market value and pro-rated taxes to Richard C. Smith and Tamara R. Ohler Smith; 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;
- i. Acquisition of Right-of-Way #14S398A (Richard C. Smith & Tamara R. Ohler Smith), a partial take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$1,810.50 representing fair market value and pro-rated taxes to Richard C. Smith & Tamara R. Ohler Smith; 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;
- j. Acquisition of Right-of-Way #14068-A1 (William D. Monroe, Jr.), a total take parcel necessary for the total reconstruction project from MP 53.00 to MP 57.00 by authorizing payment of \$171,370.76 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 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;

- k. Access Easement of Right-of-Way #7222-A (Milford Township Fish, Game and Forestry Assoc.) necessary for the total reconstruction project from MP A38.00 to MP A44.00; and authorize the appropriate Commission officials to execute the Access Easement Agreement, as drafted by the Legal Department, for the benefit of Milford Township Fish, Game and Forestry Assoc., its successors in interest and assigns;
- l. Acquisition of Right-of-Way #6038-E (Pickering Pointe Homeowners Association, Inc.), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$25,476.50 representing fair market value and pro-rated taxes to Pickering Pointe Homeowners Association, Inc.; 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;
- m. Adopt the Proposed Property Acquisition Resolution for Right-of-Way #6038-A1 (Liongate Homeowners Association, Inc.), a partial take parcel necessary for the total reconstruction project from MP 312.00 to MP 316.00 by authorizing payment of \$64,200.00 representing estimated just compensation to counsel named at a later date; and authorize payment of statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- n. Agreement with the Borough of Jefferson Hills for the Commission to install a Dynamic Message Sign (DMS) within the limits of an existing sewer easement (on the property of Frank and Theresa Ciccanti) along the Mon/Fayette Expressway; authorize the appropriate Commission officials to execute the Agreement as approved by the Legal Department, establishing the rights and obligations of each party as related to the sewer easement and the installation of the DMS.

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



#### ADVERTISING

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

- a. Contract #EN-00232-03-04 for design/build project for fiber optic network installation between MP 75.00 and MP 247.40;
- b. Aerial mapping and survey support services.

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



### PURCHASE ORDERS

Motion—That the Commission approves a Change Order and the Issuance of Purchase Orders for the items listed in memos “a” through “f”:

- a. Compu-Spread parts contract, exercising the option to renew the agreement for an additional year (May 2022 – April 2023) with Trius, Inc.; at a cost of \$200,000.00;
- b. Palo Alto Firewall cluster and IoT subscription with ePlus Technologies (originally procured via the COSTARS contract), to migrate CheckPoint Firewall and security platform to Palo Alto Networks and extend the agreement an additional year (through May 2023) as Palo Alto offers more advanced security features, performance increase in hardware, and wider support for emerging technologies; at a cost of \$1,475,899.28;
- c. Debt Management software with SS&C Technologies, Inc., exercising the option to renew the agreement for an additional year (April 25, 2022 – April 24, 2023); at a cost of \$87,435.00;
- d. Forcepoint data loss prevention suite software implementation, license fee and technical support (for 1 year after implementation) to improve information security and protect from data breaches, utilizing the Commonwealth’s contract with CDW Government LLC/CDW LLC; at a cost of \$141,002.00;
- e. Video wall upgrade for the Traffic Operations Center to upgrade existing components for the flat panel display, utilizing the Commonwealth’s contract with Vistacom, Inc.; at a cost of \$437,686.00;
- f. Replacement of UPS units for the Mon/Fayette Expressway, utilizing the Commonwealth’s contract with Schaedler Yesco Distribution, Inc.; at a cost of \$438,666.00.

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



### CONTRACT AWARD

Motion-That the Commission approves the Award of Contracts for the item listed in memos “a” through “c”:

- a. Contract #EN-00115-03-10 for construction of tolling facilities between MP 290.70 and MP 330.60, to the lowest responsive and responsible bidder, Road-Con, Inc.; at a not-to-exceed amount of \$11,645,653.10 and a contingency of \$550,000.00;
- b. Contract #T-235.00R002-3-02 for asphalt resurfacing between MP 235.51 and MP 241.98, to the lowest responsive and responsible bidder, New Enterprise Stone & Lime Co., Inc.; at a not-to-exceed amount of \$6,024,590.35 and a contingency of \$300,000.00;

- c. Contract #T-047.00R002-3-02 for asphalt resurfacing between MP 47.05 and MP 56.38, to the lowest responsive and responsible bidder, Eurovia Atlantic Coast, LLC; at a not-to-exceed amount of \$26,714,177.85 and a contingency of \$1,200,000.00.

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



#### CHANGE ORDERS

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

- a. Change Order #1 and Final Payment for Contract #A-059.00R003-3-02 for asphalt resurfacing between MP A61.00 and MP A68.10 with Lehigh Valley Site Contractors for a decrease of \$235,776.88 to balance items to actual work completed, and changes for emergency repairs and post mounted signs; for a final contract value of \$7,099,439.64 and final amount due to the contractor of \$260,054.11;
- b. Change Order #13 for Contract #T-355.00P001-3-14 for widening and reconstruction of S.R. 95, Section D20 with James D. Morrissey, Inc., for a decrease of \$758,144.17 to balance items to actual work completed, changes for rock drilling, ride quality incentives, fencing, seeding and soil supplements, erosion control, drainage and stormwater management items, temporary bypass credits and electrical work items; for a revised not-to-exceed amount of \$121,677,906.46;
- c. Change Order #5 and Final Payment for Contract #T-148.50R001-3-02 for slope repairs and remediation between MP 146.05 and MP 159.64 with Cottle's Asphalt Maintenance, Inc. for a decrease of \$408,263.64 to balance items to actual work completed, rock netting, toll-by-plate reimbursement, and relocation of an existing sign; for a final contract value of \$10,810,708.17 and final amount due to the contractor of \$394,215.59;
- d. Change Order #6 and Final Payment for Contract #T-355.00P001-3-18 for the Route 13 Connector for the I-95/I-276 Interchange with James D. Morrissey, Inc. for a decrease of \$618,935.29 to balance items to actual work completed, changes for guiderail, stub pole, time clock, temporary electrical service, asphalt mix designs, milling and pavement markings; for a final contract value of \$17,743,409.89 and final amount due to the contractor of \$187,924.12.

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



#### NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, April 19, 2022 beginning at 11:00 a.m.





ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned at 11:20 a.m.-was made by Commissioner Deon, seconded by Commissioner Ahmad, and passed unanimously.



PREPARED BY:

APPROVED BY:

Ann Louise Edwards  
Assistant Secretary Treasurer

Wadud Ahmad  
Secretary Treasurer

ATTACHMENT:

Memo received from the Chief Counsel  
Memo received from Eric Epstein