

MINUTES OF THE COMMISSION MEETING HELD APRIL 20, 2010

A formal meeting of The Pennsylvania Turnpike Commission convened at 10:38 a.m., April 20, 2010 at the Central Office, Pennsylvania Turnpike Commission located in Highspire, Pennsylvania. Present for the meeting were Allen D. Biehler, P.E., Chairman/Secretary of Transportation; J. William Lincoln, Secretary Treasurer; Pasquale T. Deon, Sr., Commissioner and A. Michael Pratt, Commissioner.

Others present for the meeting were Joe G. Brimmeier, Chief Executive Officer; George M. Hatalowich, Chief Operating Officer; Robert F. Brady, Director of Operations/Projects-East; Rich DiPiero, Director of Fare Collection; Nikolaus Grieshaber, Chief Financial Officer; Michael P. Haney, Director of Maintenance; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; Jeffrey J. Mesaric, Chief Information Officer; Valerie J. Payne, Director of Administration; Richard Reidy, Engineer, Michael Baker Jr., Inc.; Craig R. Shuey, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Michael D. Begler, Director of Operations Review; William J. Capone, Director of Communications/Public Relations; John Christensen, Manager of Facilities & Energy Management Operations; Carl E. Defebo, Jr., Manager of Public Information-East; Derek S. Hansel, Assistant Chief Financial Officer; Donald S. Klingensmith, P.E., Manager of Contracts Administration; Donna Lapano, Executive Assistant; Anthony L. Maniscola, Special Investigator; Jeffrey A. Naugle, Manager of Treasury Operations; Robert H. Rosell, Technician of PC/LAN; Patricia F. Schlegel, Director of Human Resources; Brenda Szeles-Bratina, Director of Toll Revenue Audit; Kathy Thomas, Administrative Secretary; Kari Andren, Patriot-News and Patricia Shoop.



Ms. Edmunds led the Commissioners and staff in the Pledge of Allegiance.



The Assistant Secretary Treasurer, Ann Louise Edmunds, called the roll and declared a quorum available.



SUNSHINE ANNOUNCEMENT

MS. EDMUNDS: THE COMMISSIONERS MET IN EXECUTIVE SESSION PRIOR TO TODAY'S FORMAL AGENDA SESSION TO CONSIDER MATTERS OF PERSONNEL, WHICH INCLUDED A NEW HIRE AND VACANIES.

THE COMMISSIONERS ALSO ENGAGED IN NON-DELIBERATIVE INFORMATIONAL DISCUSSIONS REGARDING VARIOUS ACTIONS AND MATTERS, WHICH HAVE BEEN APPROVED AT PREVIOUS PUBLIC MEETINGS.



PUBLIC COMMENT

MS. EDMUNDS: THE PUBLIC IS WELCOME AT THIS TIME 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, EFFICIENT, EFFECTIVE AND DIGNIFIED MEETING, ALL PERSONS WISHING TO ADDRESS THE COMMISSION SHOULD HAVE SIGNED IN AND REQUESTED TIME TO SPEAK. IF YOU HAVE NOT DONE SO, YOU ARE INVITED TO DO SO AT THIS TIME.

COMMISSIONERS WE HAVE NO REQUESTS TO ADDRESS THE COMMISSION.



MINUTES OF MEETING

Motion - That the Minutes of the meeting held April 6, 2010 be approved and filed – was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



COMMUNICATIONS

Motion – That the Commission accepts and files the memo received from the Chief Counsel– was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PERSONNEL

Motion – That the Commission approves the Personnel as submitted – was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



UNFINISHED BUSINESS

There was no Unfinished Business to discuss.



NEW BUSINESS

Reinvestments, Liquidations and Purchase of Securities

Upon the motion by Mr. Lincoln, seconded by Mr. Pratt, the following Resolution was presented for adoption:

RESOLUTION

BE IT RESOLVED that the Pennsylvania Turnpike Commission hereby ratifies the action of the Assistant Chief Financial Officer, with the approval of the Chief Executive Officer and the

Consulting Engineer, in directing the Trustee to make the foregoing reinvestments, liquidations and purchases; and

BE IT FURTHER RESOLVED that copies of the Resolution certified by the Assistant Secretary and Treasurer shall be forwarded to the Trustee as required in Article VI, Section 602 of the 2001 Amended and Restated Trust Indenture.

The following members voted yea: Commissioners Biehler, Lincoln, Deon and Pratt. The motion passed.



AGREEMENTS

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

- a. Amendment to our agreement with Travelers Marketing, Inc. for advertising and sponsorship opportunities at the Commission’s interchanges, to include advertising and sponsorship opportunities at other locations along the Turnpike;
- b. Reimbursement Agreement with Borough of Middletown to reimburse the Borough the costs associated with the relocation of their electric lines necessary for the replacement of Bridge EB-314 at MP 251.08; at a not-to-exceed amount of \$27,400.00;
- c. Amendment to our agreement with TransCore for communications systems maintenance; to exercise the option to renew the agreement for an additional year;
- d. Ratify the following amendments to the IAG Operating Agreement and IAG Reciprocity Agreements:

<u>Amendment</u>	<u>Agreement</u>	<u>Purpose</u>
#4	Operating Agreement	Modifies aspects of the term and voting procedure for Chair of Executive Management Committee
#5	Operating Agreement	Authorizes additional form of membership
#1	Reciprocity Agreement II	Amends effective term of the agreement to 3 years
#2	Reciprocity Agreement II	Amends effective term of the agreement to 4 years

- e. Agreement with HAKS Engineers, Architects and Land Surveyors for design consultation on the roadway and bridge reconstruction project from MP 250.75 to MP 251.17; at a not-to-exceed amount of \$2,500,000.00;
- f. Supplemental Agreement with Dominion Gas Transmission for the relocation of their gas facilities for the total reconstruction project from MP 67.00 to MP 75.00; for an increase of \$258,791.39, increasing the not-to-exceed amount from \$445,178.00 to \$703,969.39.

-was made by Mr. Deon, seconded by Mr. Lincoln; and passed.



RIGHT-OF-WAY REQUESTS

Motion – That the Commission approves the Right-of-Way Requests for the items listed in memos “a” through “j”:

- a. Authorize the acquisition of Right-of-Way #14136, a total take parcel, necessary for construction of the Southern Beltway, by issuing payment in the amount of \$201,088.39, payable to Coon and Company, Escrow Agent; representing fair market value, prorated taxes, recording fees and Section 710 fees; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
- b. Authorize the acquisition of Right-of-Way #17953, a total take parcel, necessary for construction of the Southern Beltway, by issuing payment in the amount of \$907,097.14, payable to Coon and Company, Escrow Agent; representing fair market value, prorated taxes and recording fees; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon his delivery of a deed prepared by the Legal Department;
- c. Authorize the acquisition of Right-of-Way #17962 and 17962-01, a total take parcel, necessary for construction of the Southern Beltway, by issuing payment in the amount of \$178,433.77, payable to Coon and Company, Escrow Agent; representing fair market value, prorated taxes and recording fees. Authorize the issuance of payment in the amount of \$29,673.00, payable to Louis M. & Ruth A Chauvet d/b/a Chauvet’s Asphalt Paving, representing business dislocation damages. Authorize the issuance of payment in the amount of \$750.00, payable to William A. Johnson, Esquire, representing Section 710 fees. Authorize the appropriate Commission officials to execute the agreements of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon their delivery of a deed prepared by the Legal Department;
- d. Authorize the acquisition of Right-of-Way #17947 and #17947-01, a total take parcel, necessary for construction of the Southern Beltway, by issuing payment in the amount of \$192,741.03, payable to Coon and Company, Escrow Agent; representing fair market value,

- prorated taxes, recording fees and Section 710 fees. Authorize the issuance of payment in the amount of \$2,500.00, payable to Barbara I. Mikitin, representing search costs. Authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owners is contingent upon the delivery of a deed prepared by the Legal Department;
- e. Authorize settlement of Right-of-Way #17922, a total take parcel, previously approved at the December 1, 2009 Commission Meeting (Item F-3g), necessary for construction of the Southern Beltway, by issuing settlement payment in the amount of \$55,544.36, payable to Coon and Company, Escrow Agent; representing fair market value, prorated taxes and recording fees; authorized the payment of statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer; and payment of the fair market value to the property owners is dependent upon their delivery of a deed prepared by the Legal Department;
 - f. Authorize the acquisition of Right-of-Way #6423-A, a partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00, by issuing payment in the amount of \$54,253.00, payable to City Line Abstract Company, Escrow Agent; representing fair market value, prorated taxes and recording fees; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
 - g. Authorize the acquisition of Right-of-Way #6405-RA, at partial take parcel, necessary for the total reconstruction project from MP A20.00 to MP A30.00, by issuing payment in the amount of \$13,551.50, payable to City Line Abstract Company, Escrow Agent; representing fair market value, prorated taxes and recording fees; authorize the appropriate Commission officials to execute the agreement of sale, authorize the payment of additional statutory damages as calculated by the Legal Department and approved by the Chief Executive Officer, and payment of the fair market value to the property owner is contingent upon the delivery of a deed prepared by the Legal Department;
 - h. Adopt the proposed Property Acquisition Resolution for a total take parcel, necessary for the I-95 Interchange project; authorize payment of Estimated Just Compensation in the amount of \$500.00 payable to Buckley, Brion, McGuire, Morris & Sommer LLP, Escrow Agent; authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer; and authorize the transfer of the property condemned to Bristol Township, for \$1.00, by fee simple deed upon completion of the required stream mitigation work;
 - i. Adopt the proposed Property Acquisition Resolution for Right-of-Way #3177-D, a partial take parcel, necessary for the total reconstruction project from MP 199.00 to MP 227.00; authorize payment of Estimated Just Compensation in the amount of \$10,000.00 payable to Stevens & Lee, P.C., Escrow Agent; and authorize payment of statutory damages and costs as calculated by the Legal Department and approved by the Chief Executive Officer;

- j. Authorize the transfer of Commission property along Harrity Road to the PA Department of Transportation and accept the payment of \$2,900.00 as fair market value from the Department; authorize the appropriate Commission officials to execute the temporary construction easement and the Interagency Agreement, and delivery of the deed to the Department is contingent upon receipt of the fair market value.

-was made by Mr. Lincoln, seconded by Mr. Deon; Mr. Biehler abstained.

MR. BIEHLER: I ABSTAIN ON THE BASIS THAT AS AN EX-OFFICIO MEMBER OF THE COMMISSION AND SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, I WOULD BE VOTING ON AN AGREEMENT FOR ITEM F-3J, BETWEEN TWO PARTIES, BOTH OF WHICH I HAVE A RELATIONSHIP WITH.

The motion passed.



ADVERTISING

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

- a. Workers' Compensation Third Party Administrator for the Commission's Self-Insured Workers' Compensation program;
- b. Contract #A-086.28S001-3-02 for ramp resurfacing and rehabilitation of Bridge NB-603 at MP A86.28.

-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



AWARD OF BIDS, CHANGE ORDER AND ISSUANCE OF PURCHASE ORDERS

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

- a. Software maintenance support services for Cognos reporting tool, to IBM Corporation; at a total award of \$118,500.00;
- b. Two (2) 2011 Ford F550 2WD with Versalift body uplift, utilizing the Commonwealth's contract with Apple Ford; at a total award of \$224,084.00;
- c. Preventative maintenance of MGE UPS units to American Power Conversion; at a total award of \$152,947.68.

-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



AWARD OF CONTRACT

Motion-That the Commission approves the Award of Contract #EN-00036-03-03 for wide area signing between MP 242.10 and MP 357.50 and MP A34.20 and MP A124.50, to the lowest

responsive and responsible bidder, Collinson, Inc., at a total award of \$262,051.20; with a contingency amount of \$25,000.00 -was made by Mr. Deon, seconded by Mr. Pratt; and passed unanimously.



Items Added to the Formal Agenda

FINAL SELECTION

Motion-That the Commission approves the consultant selection recommendation from the Technical Review Committee and authorizes the negotiation and execution of a contract with the first firm listed to provide engineering design services for the complete replacement of overhead Bridge NB-736 at MP A128.87; at a not-to-exceed amount of \$1,200,000.00:

Reference #5-071

Borton-Lawson Engineering, Inc.

CECO Associates, Inc.

Alfred Benesch & Co.

Whitney, Bailey, Cox & Magnani, LLC

-was made by Mr. Lincoln, seconded by Mr. Pratt; and approved unanimously.



SUPPLEMENT

Motion-That the Commission approves Supplemental Agreement #2 with Michael Baker Jr., Inc. for construction overview services on phase 2 portion of the Mon/Fayette Expressway, in the amount of \$745,469.13, increasing the not-to-exceed amount to \$2,494,343.15-was made by Mr. Lincoln, seconded by Mr. Pratt; and approved unanimously.



CHANGE ORDER AND FINAL PAYMENT

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

- a. Change Order #2 for Contract #EN-00049-03-02 with New Enterprise Stone & Lime Inc. for roadway and miscellaneous repairs between MP 75.39 and MP 179.44, for an increase of \$1,400,000.00, increasing the not-to-exceed amount from \$1,200,000.00 to \$2,600,000.00;
- b. Change Order #4 for Contract #M-015.30X001-3 with Golden Triangle Construction Co., Inc. for construction of Section 51E2 of the Mon/Fayette Expressway, for a 181-day time extension.

-was made by Mr. Deon, seconded by Mr. Lincoln; and passed unanimously.



NEXT MEETING

MS. EDMUNDS: The next Commission Meeting will be held Tuesday, May 4, 2010 beginning at 10:00 am.



ADJOURNMENT

MS. EDMUNDS: Commissioners, I have no other items for consideration, if you have nothing further, I request a motion for adjournment.

Motion – That this meeting of The Pennsylvania Turnpike Commission be adjourned at 10:43 a.m. - was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

04-20-10

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1

COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL