

MINUTES OF THE COMMISSION MEETING HELD MAY 4, 2010

A formal meeting of The Pennsylvania Turnpike Commission convened at 10:50 a.m., May 4, 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 Joseph G. Brimmeier, Chief Executive Officer; George M. Hatalowich, Chief Operating Officer; Rich DiPiero, Director of Fare Collection; Jeffrey L. Garrett, Chief Engineer, Michael Baker Jr., Inc.; Nikolaus Grieshaber, Chief Financial Officer; Michael P. Haney, Director of Maintenance; Jeffrey L. Hess, Director of Operations/Project-West; Frank J. Kempf, Jr., Chief Engineer; Doreen McCall, Chief Counsel; Jeffrey J. Mesaric, Chief Information Officer; Valerie J. Payne, Director of Administration; Craig R. Shuey, Director of Government Affairs and Ann Louise Edmunds, Assistant Secretary Treasurer.

Also in attendance were Allen W. Baldwin, Director of Operations, Safety & Incident Response; Michael D. Begler, Director of Operations Review; 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; Mike Ryan, Michael Baker Jr., Inc.; Rick Welsh, Wells Fargo and Jeff Obrecht, Apex.



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 NEW HIRES, VACANIES AND REQUESTS TO CREATE, POST AND FILL, AND TO POST AND FILL POSITIONS IN THE FARE COLLECTION, LEGAL, ENGINEERING AND MAINTENANCE 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

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. AT THIS TIME, WE REQUEST ALL VISITORS STAND AND INTRODUCE YOURSELF.

MIKE RYAN, MICHEAL BAKER

RICK WELSH, WELLS FARGO

JEFF OBRECHT-APEX



MINUTES OF MEETING

Motion - That the Minutes of the meeting held April 20, 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. Deon; 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. Deon, 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 Work Order for the items listed in memos "a" through "f":

- a. Amendment #2 to Work Order #7 with TransCore for support software and system support services for the Express Lanes at M52 on the Mon/Fayette Expressway; for an additional \$274,664.00, increasing the not-to-exceed amount to \$6,757,533.00;
- b. Agreement with the Garden Club Federation of Pennsylvania to place a Blue Star Memorial Marker at the New Stanton Service Plaza;
- c. Agreement with Penn State Facility Engineering Institute to enable/implement an energy billing assessment evaluation and building condition assessment process; at a not-to-exceed cost of \$1,218,494.00 over 4 years;
- d. Reimbursement Agreement with PECO Energy to reimburse PECO Energy the costs associated with the relocation of their electric lines necessary for the replacement of Bridge DB-324 at MP 352.98; at a not-to-exceed amount of \$665,000.00;
- e. Reimbursable payment for Work Order #14 to TransCore for labor, equipment and project management design services for an ORT tolling solution for the West Virginia Department of Highways on the Mon/Fayette Expressway; for a not-to-exceed amount of \$138,383.97;
- f. Amendment to our agreement with CabAire, LLC for truck parking space electrification at New Stanton Service Plaza, to remove and dispose of bituminous material and replace with approved concrete at the auxiliary truck parking lot; at a not-to-exceed amount of \$15,000.

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



RIGHT-OF-WAY REQUESTS

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

- a. Approve the plans entitled, “Drawings for Authorizing Acquisition of Right-of-Way for SR 4005 (Coxes Creek Road) and Lincoln Township Road T-598 (Ream Road) and Establishing and Re-establishing Limited Access Right-of-Way for the Pennsylvania Turnpike, Contract No. 01-048-RR2U, Milepost 104.92, in Somerset County”; as prepared by the Engineering department for the Total Reconstruction Project from MP 99.00 to MP 109.00;
- b. Authorize the acquisition of Right-of-Way #1031-R14, a partial take parcel, necessary for construction of the Somerset Interchange Project, by issuing payment in the amount of \$112,312.00, payable to Nathan Zarichnak & Associates, LLC; representing fair market value, prorated taxes, recording fees and Section 710 damages; 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.

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



ADVERTISING

Motion-That the Commission approves advertising for design and construction services for the installation of Roadway Weather Information Systems from MP 10.20 to MP 317.50 and from MP A57.40 to MP A127.90-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 and the Issuance of Purchase Orders for the items listed in memos “a” through “f”:

- a. Renewal Agreements with the following vendors to provide Unleaded Gasoline 87 Octane & E85 Ethanol to various PTC Maintenance locations beginning June 1, 2010 through May 31, 2011, exercising the option to renew this contract for (one) 1 additional year:

<u>E85 Ethanol</u>	
Petroleum Traders, Inc.	\$75,409.00
<u>Unleaded Gasoline</u>	
Petroleum Traders, Inc.	1,403,540.25
Glassmere Fuel	595,575.63
Bedford Valley Petroleum	<u>330,873.75</u>

TOTAL AWARD	\$2,405,398.63
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b. Bituminous Material, to the lowest responsive and responsible bidders:

Hei-Way, LLC (Heilman)	\$12,000.00
Lindy Paving	15,000.00
IA Construction	18,000.00
Lane Construction	10,000.00
Russell Standard Corp	5,000.00
Hanson Aggregates	42,000.00
New Enterprise Stone & Lime Co.	93,000.00
Hempt Bros., Inc.	5,000.00
Pennsy Supply – Harrisburg	9,000.00
Valley Quarries	5,000.00
Reading Materials/Lebanon Materials (Annville)	5,000.00
Handwerk Materials	5,000.00
Silver Hill Quarry	14,000.00
Reading Materials/Sanatoga	9,000.00
H & K Materials	4,000.00
Eureka Stone Quarry	8,000.00
Locust Ridge Quarry	2,000.00
Dunmore Materials	2,000.00
Reading Materials/Eckley Asphalt	2,000.00
Coopersburg Asphalt	2,000.00
Pennsy Supply – West Hazelton	8,000.00
Wilkes-Barre Materials	19,000.00
Eastern Industries	12,000.00
Highway Materials	4,000.00
Glasgow	6,000.00
Seabord Asphalt	<u>5,000.00</u>
TOTAL AWARD	\$321,000.00

c. Stone, Slag, and Gravel aggregates, to the lowest responsive and responsible bidders:

Hansen Aggregates – Connellsville	\$28,000.00
Hansen Aggregates – Penns Park	6,000.00
New Enterprise	41,000.00
Glasgow, Inc.	11,000.00
Stone & Company	19,000.00
Tarheel Quarry LLC	19,000.00
Valley Quarry	5,000.00
Haines & Kibblehouse - Handwerk	5,000.00
Haines & Kibblehouse - Cornwall	4,000.00
Haines & Kibblehouse - Silver Hill	10,000.00
Martin Limestone	16,000.00
Haines & Kibblehouse - H & K Materials	4,000.00
Eureka Stone Quarry	2,000.00
Pennsy Supply – Harrisburg	16,000.00

Naceville Materials	5,000.00
Eastern Industries, Inc.	6,500.00
Reading Materials	5,000.00
Haines & Kibblehouse - Locust Ridge	<u>9,500.00</u>
TOTAL AWARD:	\$212,000.00

d. HVAC (Job Order Contract) District I, to the lowest responsive and responsible bidder, Mac-Service Inc., at a total award of \$1,000,000.00;

e. Renewal Agreements with the following vendors to provide septic tank pumping services at various locations, exercising the option to renew this contract for one (1) additional year:

A-Septic Tank Service	\$21,000.00
Associated Products	1,500.00
Aqua Wastewater Management	10,000.00
Burns Septic Service	21,000.00
Dalton Sanitary Service	12,000.00
Dillsburg Excavating & Septic	45,000.00
Mr John of Pittsburgh	2,000.00
Rural Wastewater Management	<u>7,000.00</u>
TOTAL AWARD:	\$119,500.00

f. Mack Tri-Axle Dump Truck with right wing plow, utilizing the Commonwealth's contract with Mack Trucks Inc., at a total award of \$216,196.09.

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



PROPERTY DAMAGE CLAIM

Motion-That the Commission approves the write off of \$13,711.96 for Property Damage Claim #DC-1197-was made by Mr. Lincoln, seconded by Mr. Deon; and passed unanimously.



IAG

Motion-That the Commission authorizes the Commission to act as the host agency for the reimbursable payment of the new IAG Executive Director's salary and benefits-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



Items Added to the Formal Agenda

SUPPLEMENT

Motion-That the Commission approves Supplemental Agreement #2 with Urban Engineers, Inc. for design management services for the Total Reconstruction projects from MP 40-48, MP 99-

109 and MP 320-326, in the amount of \$5,000,000.00, increasing the not-to-exceed amount to \$16,400,000.00-was made by Mr. Lincoln, seconded by Mr. Deon; and approved unanimously.



CHANGE ORDER

Motion-That the Commission approves Change Orders #5 for Contract #A-074.27S001-3-02 with Walsh Construction for replacement of the Lehigh River and Pohopoco Creek Bridges, for an decrease of \$1,269,771.85, decreasing the not-to-exceed amount from \$102,708,297.83 to \$101,438,525.98-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” through “c”:

- a. Change Order #2 and Final Payment for Contract #EN-00044-03 with Road-Con, Inc. for roadway and miscellaneous repairs between MP 298.33 and MP 358.11, for an increase of \$331,937.51 and a 21-day time extension; making the final contract value \$2,156,128.01, and the final amount due of \$368,421.32;
- b. Change Order #1 and Final Payment for Contract #T-338.92S001-3-02 with Road-Con, Inc. for painting of Bridge DB-140A and collision damage repairs to Bridge DB-141, for an increase of \$13,231.50; making the final contract value \$1,390,124.00, and the final amount due of \$40,769.35;
- c. Change Order #1 and Final Payment for Contract #EN-00049-03-07 with Road-Con, Inc. for roadway and miscellaneous repairs between MP 298.33 and MP 358.11, for a decrease of \$307,008.60; making the final contract value \$1,192,991.40, and the final amount due of \$26,761.66.

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



RESOLUTION

Motion-THAT THE COMMISSION APPROVES SUPPLEMENTING THE PENNSYLVANIA TURNPIKE COMMISSION’S RESOLUTION OF MARCH 3, 2010 (AS FURTHER DESCRIBED HEREIN) BY AMENDING THE DEFINITION OF “PROJECT” TO INCLUDE THE REFUNDING OF THE COMMISSION’S TURNPIKE SUBORDINATE REVENUE BOND ANTICIPATION NOTES, SERIES A OF 2010-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



FEMA SNOW ASSISTANCE

Motion-That the Commission authorizes the Chief Financial Officer to execute for and on behalf of the Commission all necessary forms to comply with the requirements of the Snow Assistance Declaration, for reimbursement aid as a result of the snow removal costs incurred due to the unprecedented snowfall in February 2010-was made by Mr. Lincoln, seconded by Mr. Pratt; and passed unanimously.



NEXT MEETING

MS. EDMUNDS: The next Commission Meeting will be held Tuesday, May 18, 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 10:56 a.m. - was made by Mr. Pratt, seconded by Mr. Deon; and passed unanimously.



PREPARED BY:

Ann Louise Edmunds
Assistant Secretary Treasurer

05-04-10

APPROVED BY:

J. William Lincoln
Secretary Treasurer

ATTACHMENT NUMBER 1
COMMUNICATIONS: MEMO RECEIVED FROM THE CHIEF COUNSEL