

MINUTES OF THE COMMISSION MEETING HELD DECEMBER 18, 2019

A formal telephone meeting of the Pennsylvania Turnpike Commission convened at 10:25 a.m. on Wednesday, December 18, 2019 at the Central Office located in Highspire, Pennsylvania. Present for the meeting were Yassmin Gramian, Acting Secretary of Transportation and John Wozniak, Commissioner. Available via telephone were William K. Lieberman, Vice Chair and Pasquale T. Deon Sr., Commissioner.

Also in attendance for the meeting were Mark P. Compton, Chief Executive Officer; Craig R. Shuey, Chief Operating Officer; Larry Bankert, Michael Baker Int'l.; Robert F. Brady, Director of Operations/Projects-East; Carl E. DeFebo, Jr., Director of Public Relations & Marketing; John DeRicci, Director of Maintenance; Charles L. Duncan III, Esquire, Director of Legislative Affairs; Nikolaus Grieshaber, Chief Financial Officer; Bradley J. Heigel, P.E., Chief Engineer; Doreen McCall, Chief Counsel; Ray Morrow, Chief Compliance Officer; Myneca Y. Ojo, Director of Diversity & Inclusion; Stacia A. Ritter, Esquire, Director of Policy and Fare Collection; Robert Taylor, Chief Technology Officer and Ann Louise Edwards, Assistant Secretary Treasurer.

Others present were Jamie Creason, Human Resources Analyst; Nicole Hoy, Accounting Trainee; Garth Hess, Clerk 3; Kelly Horvath, Executive Administrative Assistant; Donald S. Klingensmith, P.E., Director of Procurement & Logistics; Shawn Laudenslager, End User Support Technician; Anna Marcella, Executive Administrative Secretary; Gina M. Murray, Engineering Contracts Supervisor; Jeffrey A. Naugle, Manager of Treasury Operations; Sheri Norris, Director of Human Resources; Jesse Ream, Communication Systems Program Manager; Lynn Stakem, Senior General Accountant; Chris Will, Portfolio Manager; Steve Barber, Michael Baker Int'l; Eric Madden, JMT; Paul McNamee, KCI; Joe Romano, Larson Design; Glenn Deppert, Arora & Assoc.; Dan Cessna, Michael Baker Int'l; Mike Houser, Markosky; Michael Syklik, Earth; Lou Cortelazzi, McMahan; Ann Mark, McMahan; Tom Rowader, GPI; and Paul Archibald, TY Lin.



Mrs. Edwards 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.



SUNSHINE ANNOUNCEMENT

The Commissioners met in Executive Session prior to today's Formal Agenda Session to consider matters of personnel, which included new hires and vacancies.

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: 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 signed in a requested time to speak. If you have not done so, you are invited to do so at this time.

There were no requests to address the Commission.



MS. EDWARDS: The first item of business on the agenda is the election of Officers. We will begin with the election of a temporary Chair; the duties of the temporary Chair will be to accept nominations for Chair. Do I have a nomination for a temporary Chair?

COMMISSIONER DEON: "I nominate Vice Chair Lieberman for temporary Chair."

MS. EDWARDS: Are there any other nominations?

MS. EDWARDS: Hearing none, may I have a motion to close the nominations?

COMMISSIONER DEON: "I move to close the nominations."

MS EDWARDS: May I have a second?

COMMISSIONER GRAMIAN: "I second the motion."

MS. EDWARDS: All those in favor of closing the nominations said I, opposed?

MS. EDWARDS: Motion carries. We will now vote for Temporary Chair. All those in favor of Commissioner Lieberman for temporary Chair said I, opposed? Motion carries.

MS. EDWARDS: I would like to recognize Temporary Chair Lieberman.

TEMPORARY CHAIR LIEBERMAN: We always reorganize when we have a new Commission member, and it's normally a day of celebration; however today is tempered because earlier this morning our fellow Commissioner and friend, Barry Drew, passed away. Barry's last few months were tough, he was ill, but those of us who knew him, knew that he was a great Commissioner. He participated in the meetings and was a great counsel of the Turnpike. He has a long and storied career, both being a public defender, solicitor in Erie, a lawyer, and working in the Department of Revenue for the Commonwealth. I would ask for his bio to be written into the Minutes and I'll ask for a moment of silence for Barry Drew.

Commissioner Drew:

Longtime civil servant and Vietnam veteran Barry Drew of Mechanicsburg, Pa. was unanimously confirmed to the Pennsylvania Turnpike Commission on Thursday, December 10, 2015 by the Pennsylvania Senate. Pennsylvania Gov. Tom Wolf nominated Drew on Sept. 2 to fill the vacated seat of former Commissioner A. Michael Pratt of Carlisle, Pa.

Drew has a long history of bipartisan public service. He served as the Deputy Secretary of Administration at the Pennsylvania Department of Revenue from 1995 until 2011. Prior to that, he was Solicitor for the City of Erie, Pa. then Director of Administration for the County of Erie. Drew is a Vietnam War Veteran who served as a Sergeant in the United States Air Force. He holds a Bachelor of Science in Accounting from Gannon University and a Juris Doctor from the Western New England College School of Law.

TEMPORARY CHAIR LIEBERMAN: Thank you and we will now continue with the meeting.

MS. EDWARDS: Thank you, Temporary Chair Lieberman will now accept nominations for Chair.

TEMPORARY CHAIR LIEBERMAN: May I have a nomination for Chair?

COMMISSIONER DEON: I nominate Commissioner Gramian for Chair.

TEMPORARY CHAIR LIEBERMAN: Are there any other nominations?

TEMPORARY CHAIR LIEBERMAN: Hearing none, may I have a motion to close the nominations?

COMMISSIONER DEON: I move to close the nominations.

TEMPORARY CHAIR LIEBERMAN: May I have a second?

COMMISSIONER WOZNIAK: I second the motion.

TEMPORARY CHAIR LIEBERMAN: Any discussion. Hearing none, I call for the vote.

MS. EDWARDS: We will now have a roll call vote for the election of Chair.

Commissioner Deon

Commissioner Gramian

Commissioner Lieberman

Commissioner Wozniak

MS. EDWARDS: The vote is unanimous. Commissioner Gramian has been elected Chair.

MS. EDWARDS: The newly elected Chair will now accept nominations for the following offices:

Vice Chair

Secretary Treasurer

Assistant Secretary Treasurer

Assistant Secretary Treasurer

CHAIR GRAMIAN: May I have nominations for Vice Chair.

COMMISSIONER DEON: I nominate Commissioner Lieberman for Vice Chair.

CHAIR GRAMIAN: Are there any other nominations for Vice Chair?

CHAIR GRAMIAN: Hearing none, may I have nominations for Secretary Treasurer.

COMMISSIONER DEON: I nominate Commissioner Wozniak for Secretary Treasurer.

CHAIR GRAMIAN: Are there any other nominations for Secretary Treasurer?

CHAIR GRAMIAN: Hearing none, may I have nominations for two (2) Assistant Secretary Treasurer.

COMMISSIONER WOZNIAK: I nominate Ann Louise Edwards and Jeffrey Naugle for Assistant Secretary Treasurer.

CHAIR GRAMIAN: Are there any other nominations for Assistant Secretary Treasurer?

CHAIR GRAMIAN: Hearing none, may I have motion to close the nominations.

COMMISSIONER WOZNIAK: I move to close the nominations.

CHAIR GRAMIAN: May I have a second?

COMMISSIONER DEON: I second the motion.

CHAIR GRAMIAN: Any discussion, Hearing none, I call for the vote. All those in favor of closing the nominations said I, opposed?

CHAIR GRAMIAN: Motion carries.

MS. EDWARDS: We will now have a roll call vote for the election of the nominated slate of officers.
Commissioner Deon
Commissioner Gramian
Commissioner Lieberman
Commissioner Wozniak

MS. EDWARDS: The vote is unanimous. The Commission reorganization is complete. For the record:
Yassmin Gramian has been elected Chair
William K. Lieberman has been elected Vice Chair
John Wozniak has been elected Secretary Treasurer
Ann Louise Edwards and Jeff Naugle have been elected Assistant Secretary Treasurer
Congratulations. We will now proceed with the Formal Agenda.



MINUTES OF THE MEETING

Motion-That the Minutes of the meeting held December 3, 2019 be approved and filed as submitted-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



COMMUNICATIONS

Motion-That the Commission approves the memos received from the Chief Counsel and Director of Procurement & Logistics-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.



PERSONNEL

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



UNFINISHED BUSINESS

No Unfinished Business to consider.



NEW BUSINESS

INVOICE PAYMENT

Motion-That the Commission approves payment of the invoice to ACE, through our broker AON, for a total amount of \$17,929.00, which represents the premium for the Owner Controlled Insurance Program (OCIP) for the Southern Beltway, US 22 to I-79 (through June 17, 2020)-was made by Commissioner Wozniak, seconded by Commissioner Deon, and approved unanimously.



AGREEMENTS

Motion-That the Commission approve the negotiation and execution of the Work Orders and Agreements for the items listed in memos “a, b and d”; item “c” is being removed from the Agenda:

- a. Two Work Orders under our Programmatic Agreement with First Pennsylvania Resource, LLC, to supply wetland mitigation credits (required by the U.S. Army Corps of Engineers and the PA DEP), for mitigation shortages on two Commission roadway projects (Allegheny River Bridge at 0.99 acres shortage and the total reconstruction from MP 40.00 to MP 48.00 at 0.60 acres shortage); at a not-to-exceed amount of \$80,000.00 per acre of wetland credit; and authorize execution of the required Release of the previously-recorded Conservation Easement;
- b. Reimbursement Agreement with Duquesne Light Company for Duquesne Light to procure the materials for the relocation of several Duquesne Light facilities necessary for the construction of Sections A, B and C of the Mon/Fayette Expressway; at a not-to-exceed amount of \$15,895,000.00;
- d. Settlement Agreement and Release with William R. and Joann C. Andrews & Silver Creek Nursery; approve the settlement and authorize the appropriate officials to execute necessary documents.

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



RIGHT-OF-WAY REQUEST

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

- a. Approve the plans entitled, “Drawings for Acquisition of Right-of-Way for Contract No. T-238.09S001-4, replacement of Bridge No. EB-117 at Milepost 238.09 in Cumberland County from STA 612+00 to Sta 628+84.00”, as prepared and approved by the Engineering Department;
- b. Acquisition of Right-of-Way #4021-G (Tressler Lutheran Services, Successor in interest by merger to Lutheran Social Services-Central Penn Region, n/k/a Diakon Lutheran Social Ministries), a partial take parcel necessary for construction of Bridge EB-311 by authorizing payment of \$9,000.00 representing fair market value to Diakon Lutheran Social Ministries; authorize 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 an executed Temporary Construction Easement as approved by the Legal Department;

- c. Acquisition of Right-of-Way #3382-I2 (Michael E. and Susan C. Ryder), a total take parcel necessary for the expansion of the New Cumberland maintenance facility, by authorizing payment of \$175,382.98 representing fair market value and pro-rated taxes to Michael E. and Susan C. Ryder; 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;
- d. Acquisition of Right-of-Way #14S282 (Oakhurst Management, Inc.), a total take parcel necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$66,425.42 representing fair market value, pro-rated taxes and recording fees to Universal Settlement Services of Pennsylvania, 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. 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 #6402-B (Nancy O. Brown), a partial take parcel necessary for the total reconstruction project from MP A20.00 to MP A30.00 by authorizing payment of \$89,056.30 representing estimated just compensation and statutory delay damages to Nancy O. Brown; and authorize the payment of additional statutory damages as calculated by the Right-of-Way Administrator and approved by the Chief Counsel;
- f. Acquisition of Right-of-Way #14081-D1 (Andrew J. and Amanda D. Roth), a total take parcel necessary for the total reconstruction project from MP 49.00 to MP 53.00 by authorizing payment of \$116,596.84 representing fair market value, pro-rated taxes and recording fees to Tri-State Paralegal Service, 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 owners is contingent upon the delivery of a deed as prepared by the Legal Department;
- g. Acquisition of Right-of-Way #14S287 and Right-of-Way #14S291 (Robert W. and Christa E. Wilson), total take parcels necessary for construction of the Mon/Fayette Expressway, Rt. 51 to I-376, by authorizing payment of \$685,239.73 representing fair market value, pro-rated taxes, recording fees to Babst Calland Clements & Zomir, PC, escrow agent; also authorize payment of \$70,335.00 representing personal property loss damages to Robert W. and Christa E. Wilson; authorize the appropriate Commission officials to execute the Agreement of Sale and other documents that may be required for closing; 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 Wozniak, seconded by Commissioner Deon, and passed unanimously.



SUPPLEMENTAL AGREEMENTS

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

- a. Supplement #1 for design management services for the Mon/Fayette Expressway with HDR, Inc., for an increase of \$7,700,000.00 for continued service through bidding of the S.R. 51 to S.R. 837 section of the Mon/Fayette Expressway; for a revised not-to-exceed amount of \$27,700,000.00;
- b. Supplement #1 for design services for the total reconstruction project from MP 308.00 to MP 312.00 with Gannett Fleming, Inc., for an increase of \$5,000,000.00 to complete the final design; for a revised not-to-exceed amount of \$17,000,000.00

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



PURCHASE ORDERS

Motion-That the Commission approves the Award of Bids and Issue Purchase Orders for the items listed in memos “a” through “j”:

- a. Diesel motor fuel and heating/emergency generator fuel, exercising the option to renew the agreements for an additional year (January 1, 2020 - December 31, 2020):

Petroleum Traders	\$203,000.00
Glassmere Fuel Service	33,000.00
Talley Petroleum	60,000.00
PAPCO, Inc.	310,000.00
Naughton Energy Corp.	50,000.00
Mansfield Oil Co.	-152,000.00
Riggins, Inc.	<u>0.00</u>
TOTAL RENEWAL:	\$504,000.00

- b. Mower parts, exercising the option to renew the agreements for an additional year (January 1, 2020 - December 31, 2020):

Cherry Valley Tractor	\$ 87,000.00
Lacal Equipment, Inc.	12,000.00
Messicks Farm Equipment	<u>2,000.00</u>
TOTAL RENEWAL:	\$101,000.00

- c. Three (3) Scorpion truck mounted attenuators with arrow boards, utilizing the Commonwealth’s contract with Traffix Devices, Inc.; at a total award of \$109,278.36;

- d. Facilities contracts for capital replacement, upgrade and repair services (January 1, 2020 – December 31, 2021), to the lowest responsive and responsible bidders; and approval for staff movement of funds between contracts as needed during the contract term:

ELECTRICAL

TSB, Schultheis Electric	\$2,500,000.00	District 1
Clark Contractors	250,000.00	District 2
Clark Contractors	150,000.00	District 3
Clark Contractors	350,000.00	District 4
Clark Contractors	<u>200,000.00</u>	District 5
ELECTRICAL TOTAL:	\$3,450,000.00	

GENERAL

Clark Contractors	\$4,500,000.00	District 1
Clark Contractors	2,700,000.00	District 2
Clark Contractors	700,000.00	District 3
Clark Contractors	1,350,000.00	District 4
Clark Contractors	<u>1,200,000.00</u>	District 5
GENERAL TOTAL:	\$10,450,000.00	

LANDSCAPING

The U Company, LLC	\$5,000,000.00	District 1
The U Company, LLC	2,000,000.00	District 2
Strauser Nature's Helper	4,000,000.00	District 3
M & M Landscaping	5,000,000.00	District 4
Strauser Nature's Helper	<u>2,000,000.00</u>	District 5
LANDSCAPING TOTAL:	\$18,000,000.00	

HVAC

McKamish, Inc	\$ 650,000.00	District 1
MARC Service, Inc.	650,000.00	District 2
NO BIDS RECEIVED	(will be re-bid)	District 3
3B Services, Inc.	300,000.00	District 4
3B Services, Inc.	<u>300,000.00</u>	District 5
HVAC TOTAL:	\$1,900,000.00	

PLUMBING

Clark Contractors	\$1,400,000.00	District 1
Clark Contractors	600,000.00	District 2
Clark Contractors	200,000.00	District 3
Clark Contractors	600,000.00	District 4
Clark Contractors	<u>350,000.00</u>	District 5
PLUMBING TOTAL:	\$3,150,000.00	

TOTAL AWARDS: \$36,950,000.00

- e. Maintenance, service and repair of generators in Districts 1 & 2 (January 2, 2020 -November 30, 2022), to the lowest responsive and responsible bidder, Premium Power Services, LLC; at a total award of \$500,545.00;
- f. Maintenance, service and repair of generators in Districts 3, 4 & 5 (January 2, 2020 -November 30, 2022), to the lowest responsive and responsible bidder, Premium Power Services, LLC; at a total award of \$564,200.00;
- g. Generator/ATS replacements systemwide (phase two), utilizing the Commonwealth’s contract with Premium Power Services; at a total award of \$538,231.00;
- h. Gradall hydraulic excavator, utilizing the Commonwealth’s contract with Highway Equipment & Supply Co.; at a total award of \$463,464.00;
- i. Inspection and testing of fire alarm and sprinkler systems, exercising the option to renew the agreements for an additional year (January 1, 2020 – December 31, 2021):

Siemens Industry, Inc.	\$250,000.00	
Kistler O’Brien Fire	<u>50,000.00</u>	
TOTAL RENEWAL:	\$300,000.00	
- j. Trash and refuse removal services, exercising the option to renew the agreements for an additional year (January 1, 2020 – December 31, 2020):

Waste Management of PA	\$102,000.00	District 1
Weavers Sanitation Services, Inc.	57,000.00	District 2
Republic Services of PA	53,000.00	District 3
Waste Management of PA	70,000.00	District 4
Waste Management of PA	<u>41,000.00</u>	District 5
TOTAL RENEWAL:	\$323,000.00	

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



AWARD OF CONTRACTS

Motion-That the Commission approves the Award of Contracts for the items listed in memos “a” and “b”:

- a. Contract #A-037.50T001-3-04 for the replacement of Bridge NB-202 at MP A40.13, to the lowest responsive and responsible bidder, Deblin, Inc.; at a not-to-exceed amount of \$5,772,620.14 and a contingency of \$200,000.00;
- b. Contract #T-053.00T001-3-04 for the replacement of Bridge WB-456 at MP 54.95, to the lowest responsive and responsible bidder, Plum Contracting, Inc.; at a not-to-exceed amount of \$11,239,988.26 and a contingency of \$500,000.00.

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



CHANGE ORDERS/FINAL PAYMENTS

Motion-That the Commission approves the Change Orders and Final Payments for the items listed in memos “a” through “c”:

- a. Change Order #17 for Contract #S-006.00X002-3-08 for construction of the Southern Beltway, Section 55B between MP S11.17 and MP S14.31 with Joseph B. Fay Co., for an increase of \$976,500.26 for the excavation of carbonaceous shale material, elimination of plants for pond conversion, overhead costs, street sweeping, downtime, inlet cap, guiderail and placing topsoil; for a revised not-to-exceed amount of \$99,950,056.94;
- b. Change Order #3 and Final Payment for Contract #T-166.00R001-3-02 for bituminous resurfacing between MP 166.01 and MP 173.25 with New Enterprise Stone & Lime Co., Inc., for a decrease of \$131,057.12 to balance items to actual work completed, changes for drainage, erosion and sedimentation control, payment reduction for post mounted signs, line eradication and lane rental fees; for a final contract value of \$19,404,489.76 and final amount due to the contractor of \$440,715.15;
- c. Change Order #2 for Contract #EN-00115-03-07 for construction of ORT Cashless Tolling facility between MP A123.29 and MP A123.51 with J.D. Eckman, Inc., for an increase of \$150,000.00 to make modifications to the tolling gantry area and a 154-day time extension; for a revised not-to-exceed amount of \$2,652,129.74.

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



PSPC AWARD

Motion-That the Commission approves the award of services and authorize the negotiations and execution of an agreement with the selected firm(s) for the items listed in memos “a” and “b”:

- a. T00126/T00127, two (2) firms for open-end geotechnical engineering services systemwide:
 - Earth, Inc.-AWARDED
 - GeoMechanics, Inc.-AWARDED
 - Gannett Fleming, Inc.

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

- b. RFP T00122/T00123/T00124, three (3) firms for open-end engineering design services systemwide:
 - Rettew Associates, Inc.-AWARDED
 - Whitman Requardt & Associates, LLP-AWARDED
 - Borton-Lawson Engineering, Inc.-AWARDED
 - Dewberry Engineers, Inc.
 - Arora and Associates, P.C.

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



OVER-DIMENSIONAL/OVER-WEIGHT VEHICLES

Motion-That the Commission approves the implementation of a \$37 flat administrative fee and an additional \$0.24 per ton mile charge for over-dimensional/over-weight vehicles traveling on the Pennsylvania Turnpike system, effective January 5, 2020-was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously



NEXT COMMISSION MEETING

The next meeting of the Pennsylvania Turnpike Commission will be held on Tuesday, January 14, 2020 beginning at 10:00 a.m.



CHAIR GRAMIAN

Chair Gramian thanked the staff for welcoming her aboard; and recognized Commissioner Barry Drews' service and hard work for the Commission. The Commission extends our condolences to his family and the Chair asked that the meeting be adjourned in memory of Commissioner Drew.



ADJOURNMENT

Motion-That this meeting of the Pennsylvania Turnpike Commission be adjourned in memory of Commissioner Barry Drew at 10:44 a.m. -was made by Commissioner Wozniak, seconded by Commissioner Deon, and passed unanimously.

