

MINUTES OF THE NINETY-FIFTH MEETING
JANUARY 18, 1955

Pursuant to call of the Chairman, the Ohio Turnpike Commission met in regular open session in its offices at 139 East Gay Street in Columbus, Ohio, at 11:20 o'clock A. M. on January 18, 1955, with key members of its staff, representatives of the Consulting Engineers, of the Trustee, members of the press, and others in attendance.

The meeting was called to order by the Chairman, the roll was called, and the attendance was reported to be as follows:

Present: Allen, McKay, Linzell, Shocknessy.

Absent: Teagarden.

The Chairman announced that a quorum was present.

The Chairman reported that Mr. Teagarden was out of the state but had advised, however, that if the Commission had had anything of urgent consequence to come before it he would have been there.

The Chairman reported that the City of Berea had agreed to provide water for the administration building in Strongsville. He asked the Executive Director to advise the city of the Commission's pleasure in being provided the water.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the last meeting the following had been sent to all members: 1) detail of investment transactions during December, 1954, mailed December 30, 1954; 2) traffic and revenue report for December, 1954, mailed January 5, 1955; 3) financial statements for the month of December, 1954 and the period ending December 31, 1954, mailed January 13, 1955.

The Assistant Secretary-Treasurer reported further that income from investments at the end of December, 1954 had been \$14,590,000 compared to the original forecast for that same period of \$6,411,000, or a gain of \$8,179,000. He said also that it then appeared fairly certain that the income ultimately would

equal or exceed \$16,000,000. He reported further that revenue in the first month of operation had amounted to \$86,155 and that expenses, both cash and accrual, had amounted to \$24,204, leaving a net revenue of \$61,951. He said that expenses had been controlled within the budget established by the Commission. He said also that traffic and revenue for the last half of December, 1954, had been substantially above the first half of that month due, to a considerable extent, to holiday traffic. He said further that in the first sixteen days of January 1955 the Commission's revenue had been seven per cent above that of the first sixteen days of December 1954 after adjusting the first day of December, 1954 to a full day for comparative purposes. He said further that similarly the number of vehicles in the first sixteen days of January, 1955 had been 13.8 per cent ahead of that of the same period in December, 1954. The Assistant Secretary-Treasurer said also that from the opening of the East-gate Section on December 1, 1954, through January 16, 1955, the total revenue from tolls had been \$130,110, the number of vehicles had been 328,083 of which 66.5 per cent had been passenger cars, and the total miles travelled had amounted to 4,700,000.

The Chairman said that the report of the Secretary-Treasurer was accepted as offered.

Resolution No. 1-1955 designating persons to sign requisitions, certificates, etc., under paragraphs 405, 406, 407, 408, and 506 of the Trust Agreement was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 1-1955

"WHEREAS various persons have been designated, under resolutions Nos. 50-1952, 68-1952, 72-1953, 82-1952, 441-1953, and 185-1954, heretofore adopted, to sign requisitions for payments to be made by the trustee and requisite certificates, statements, approvals, and opinions pursuant to the trust agreement dated June 2, 1952, between Ohio Turnpike Commission and The Ohio National Bank of Columbus as trustee and The National City Bank of New York as co-trustee; and

WHEREAS there have been certain changes in Commission personnel, and the Commission finds it desirable, in order to expedite the requisitioning of such payments, to designate certain persons other than those heretofore designated and to consolidate the designation of all persons authorized to sign such requisitions, certificates, statements, approvals, and opinions provided for by §§405, 406, 407, 408, and 506 of said trust agreement in one resolution;

NOW, THEREFORE, BE IT

RESOLVED that all of the aforesaid resolutions, heretofore adopted, be, and the same hereby are, rescinded as of this date and the authorizations hereinafter set forth are substituted therefor, effective immediately;

FURTHER RESOLVED that requisitions for payment of compensation or deposit of moneys, to be made by the trustee pursuant to §405 of the trust agreement shall be signed by the secretary-treasurer, or Frank C. Dunbar, Jr., or C. W. Hartford, employees of the Commission;

FURTHER RESOLVED that requisitions for payments to be made by the trustee pursuant to §406 and/or §408 of the trust agreement shall be signed by the secretary-treasurer, an officer of the Commission, or Robt. S. Beightler, or James D. Hartshorne, or John Soller, employees of the Commission;

FURTHER RESOLVED that requisitions for payments to be made by the trustee pursuant to §407 of the trust agreement and certificates required by said section shall be signed by the secretary-treasurer, an officer of the Commission, or Robt. S. Beightler, or James D. Hartshorne, or John Soller, employees of the Commission; and if any item in any such requisition is for reimbursement on account of the payment for any real property, the requisite certificate shall be signed by the secretary-treasurer, an officer of the Commission, or James D. Hartshorne, or John Soller, employees of the Commission, and by Robt. S. Beightler, or Frank C. Dunbar, Jr., or C. W. Hartford, employees of the Commission, and the requisite statement, opinion, or approval shall be signed by general counsel, or Charles E. Westervelt, Jr., one of counsel for the Commission, or Ruth L. Wilkins, one of counsel for the Commission;

FURTHER RESOLVED that certificates required by §408 of the trust agreement shall be signed by the secretary-treasurer, an officer of the Commission, or James D. Hartshorne, or John Soller, employees of the Commission, and by Robt. S. Beightler, or Frank C. Dunbar, Jr., or C.W. Hartford, employees of the Commission;

FURTHER RESOLVED that statements, opinions, and approvals required by §408 of the trust agreement shall be signed by general counsel, or Charles E. Westervelt, Jr., one of counsel for the Commission, or Ruth L. Wilkins, one of counsel for the Commission; and

FURTHER RESOLVED that requisitions for payments made pursuant to §506 of the trust agreement and certificates required by the same section shall be signed by the chairman, or vice-chairman, or secretary-treasurer, officers of the Commission, or by Robt. S. Beightler, or James D. Hartshorne, or John Soller, employees of the Commission."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director presented to the meeting bids that had been received for Contract ADM-1, Contract SB-1, Contract SB-2, Contract SB-3, Contract SB-4, Contract SB-5, Contract SB-6, Contract SB-7, and Contract SB-8, together with his, the Chief Engineer's, and the Consulting Engineers' written reports, advice, and recommendations with respect thereto.

The General Counsel presented to the meeting proofs of publication of notices of the taking of all such bids, together with his letters of advice to the Commission with respect to the bids the acceptance of which was recommended by the Executive Director.

Resolution No. 2-1955 awarding Contract ADM-1 was moved for adoption by Mr. McKay, seconded by Mr. Linzell, as follows:

Resolution No. 2-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon a contract for the construction of an administration building for the Ohio Turnpike Commission at Strongsville in Cuyahoga County, which contract is designated Contract ADM-1, and proof of said advertising is before the Commission;

WHEREAS bids for the performance of said contract have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contract were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Joseph Skilken & Co., an Ohio corporation, in the amount of \$508,850.00, for the performance of Contract ADM-1 is, and is by the Commission determined to be, the lowest and best of all said bids for the construction of the aforesaid administration building; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and the specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid administration building; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Joseph Skilken & Co., an Ohio corporation, in the amount of \$508,850.00, for the performance of Contract ADM-1 be, and hereby it is, determined to be the lowest and best of all said bids for the construction of the administration building and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting the requirements of said resolution, provided that neither of said persons shall be required to exercise the aforesaid authority to execute said contract if either of them shall receive notice that there may exist a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

Mr. McKay said that the bid prices on the administration building and on the service buildings had been pretty good all the way down the line. The Chairman said that the bid prices were very favorable prices. Mr. Allen commented that most of the successful bidders were Ohio people.

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: McKay, Linzell, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 3-1955 awarding Contract SB-1 was moved for adoption by Mr. Linzell, seconded by Mr. Allen, as follows:

Resolution No. 3-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 1, 2, and 3, which contracts are designated Contracts SB-1, SB-2, and SB-3, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon a contract for the construction of the buildings at all the aforesaid service plazas, which contract is designated Contract SB-1, 2 & 3, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of The Campbell Construction Company, an Ohio corporation, in the amount of \$919,731.00 for the performance of Contract SB-1 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 1; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of The Campbell Construction Company, an Ohio corporation, in the amount of \$919,731.00, for the performance of Contract SB-1 be, and it hereby is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 1, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may be a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Linzell, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 4-1955 awarding Contract SB-2 was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 4-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 1, 2, and 3, which contracts are designated Contracts SB-1, SB-2, and SB-3, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon a contract for the construction of the buildings at all the aforesaid service plazas, which contract is designated Contract SB-1, 2&3, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of The Campbell Construction Company, an Ohio corporation, in the amount of \$929,735.00 for the performance of Contract SB-2 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 2; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of The Campbell Construction Company, an Ohio corporation, in the amount of \$929,735.00 for the performance of Contract SB-2 be, and it hereby is determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 2, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may be a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 5-1955 awarding Contract SB-3 was moved for adoption by Mr. McKay, seconded by Mr. Allen, as follows:

Resolution No. 5-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 1, 2, and 3, which contracts are designated Contracts SB-1, SB-2, and SB-3, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon a contract for the construction of the buildings at all the aforesaid service plazas, which contract is designated Contract SB-1, 2&3, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of The W. B. Gibson Company, an Ohio corporation, in the amount of \$1,002,743.00 for the performance of Contract SB-3 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 3; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of The W. B. Gibson Company, an Ohio corporation, in the amount of \$1,002,743.00, for the performance of Contract SB-3 be, and it hereby is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 3, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that

said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may be a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: McKay, Allen, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 6-1955 awarding Contract SB-4 was moved for adoption by Mr. Linzell, seconded by Mr. McKay, as follows:

Resolution No. 6-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 4 and 5, which contracts are designated Contracts SB-4 and SB-5, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission also advertised in like manner for bids upon a contract for the construction of the buildings at both of the aforesaid service plazas, which contract is designated Contract SB-4&5, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Mosser Construction Inc., an Ohio corporation, in the amount of \$979,000.00, for the performance of Contract SB-4 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 4; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Mosser Construction Inc., an Ohio corporation, in the amount of \$979,000.00 for the performance of Contract SB-4 be, and it hereby is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 4, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may exist a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and

all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Linzell, McKay, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 7-1955 awarding Contract SB-5 was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 7-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 4 and 5, which contracts are designated Contracts SB-4 and SB-5, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission also advertised in like manner for bids upon a contract for the construction of the buildings at both of the aforesaid service plazas, which contract is designated Contract SB-4&5, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of The T. J. Hume Company, an Ohio corporation, in the amount of \$961,000.00, for the performance of Contract SB-5 is, and is by the Commission determined to be, the lowest and best of all said bids,

whether individual or in combination, for the construction of the buildings at service plaza No. 5; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of The T. J. Hume Company, an Ohio corporation, in the amount of \$961,000.00 for the performance of Contract SB-5 be, and it hereby is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 5, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission, pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may exist a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 8-1955 awarding Contract SB-6 was moved for adoption by Mr. McKay, seconded by Mr. Linzell, as follows:

Resolution No. 8-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 6, 7, and 8, which contracts are designated Contracts SB-6, SB-7, and SB-8, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon a contract for the construction of the buildings at all of the aforesaid service plazas, which contract is designated Contract SB-6, 7 & 8, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Steinle-Wolfe, Inc., an Ohio corporation, in the amount of \$959,000.00, for the performance of Contract SB-6 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 6; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Steinle-Wolfe, Inc., an Ohio corporation, in the amount of \$959,000.00, for the performance of Contract SB-6 be, and hereby it is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 6, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting the requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may exist a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: McKay, Linzell, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 9-1955 awarding Contract SB-7 was moved for adoption by Mr. Linzell, seconded by Mr. Allen, as follows:

Resolution No. 9-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 6, 7, and 8, which contracts are designated Contracts SB-6, SB-7, and SB-8, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon a contract for the construction of the buildings at all of the aforesaid service plazas, which contract is designated Contract SB-6, 7 & 8, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Beacon Construction Company, a Massachusetts corporation, in the amount of \$1,090,000.00, for the performance of Contract SB-7 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 7; and the Commission has been advised by its general counsel that said conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Beacon Construction Company, a Massachusetts corporation, in the amount of \$1,090,000.00, for the performance of Contract SB-7 be, and hereby it is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 7, and shall be accepted; and that each of the

chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting the requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may exist a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Linzell, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 10-1955 awarding Contract SB-8 was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 10-1955

"WHEREAS the Commission has duly advertised, according to law, for bids upon separate contracts for the construction of the buildings at each of service plazas Nos. 6, 7, and 8, which contracts are designated Contracts SB-6, SB-7, and SB-8, respectively, and proof of said advertising is before the Commission;

WHEREAS the Commission has also advertised in like manner for bids upon a contract for the construction of the buildings at all of the aforesaid service plazas, which contract is designated Contract SB-6, 7 & 8, and proof of said advertising is likewise before the Commission;

WHEREAS bids for the performance of each of said contracts have been received, and were duly opened and read, as provided in the published notice for said bids, and said bids are before this meeting;

WHEREAS said bids have been analyzed by the Commission's executive director, chief engineer, and consulting engineer, and they have reported thereon to the Commission with respect to said analysis and made their recommendations predicated thereon;

WHEREAS all of the aforesaid bids for said contracts were solicited on the basis of the same terms and conditions, and the same specifications with respect to all bidders and potential bidders, and the bid of Beacon Construction Company, a Massachusetts corporation, in the amount of \$1,050,000.00, for the performance of Contract SB-8 is, and is by the Commission determined to be, the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 8; and the Commission has been advised by its general counsel that said bid conforms to the requirements of §5537.04 of the Revised Code of Ohio and to the terms, conditions, and specifications in the legal notice applicable thereto, and, accordingly, the Commission is authorized to accept said bid as the lowest and best bid for the construction of the aforesaid buildings; and

WHEREAS the Commission is satisfied with the capacity of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the bid of Beacon Construction Company, a Massachusetts corporation, in the amount of \$1,050,000.00, for the performance of Contract SB-8 be, and hereby it is, determined to be the lowest and best of all said bids, whether individual or in combination, for the construction of the buildings at service plaza No. 8, and shall be accepted; and that each of the chairman and the executive director be, and each of them hereby is, authorized (1) to execute a contract with said successful bidder in the form hereto-

fore prescribed by the Commission pursuant to the aforesaid bid, and upon the condition that said successful bidder shall furnish a performance bond as heretofore approved by the Commission by and in its resolution No. 69-1952, and meeting the requirements of said resolution, provided that none of said persons shall be required to exercise the aforesaid authority if either of them shall receive notice that there may exist a defect in the bid or other cause why the contract should not be entered into; (2) to return to all other bidders the bid security furnished by each of them, respectively; (3) to return said successful bidder's bid security when the aforesaid contract has been duly executed and said performance bond furnished; and (4) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Chairman said that Mr. Allison C. Neff of the Armco Drainage & Metal Products, Inc., was attending the meeting. He said further that he wanted to take note of the fact that since the last meeting of the Commission Mr. Neff had appeared on a television program and had taken the affirmative position in favor of toll roads and very magnanimously had paid tribute to the Commission. The Chairman said that he would like to tell Mr. Neff and to have the minutes show that the Commission was grateful for his kind words. He said also that he had heard the program and that he thought that Mr. Neff certainly had done an excellent job. Mr. Neff thanked the Chairman for his remarks and said that he was glad to be of help along those lines whenever he could.

Resolution No. 11-1955 rescinding Resolution No. 128-1954 was moved for adoption by Mr. McKay, seconded by Mr. Linzell, as follows:

"WHEREAS, on August 24, 1954, the Commission found it necessary to change the location of a certain portion of Fulton-Union Road, as provided by resolution No. 128-1954, adopted by the Commission on said date; and

WHEREAS the Board of County Commissioners of Fulton County, Ohio, has now vacated that portion of said Fulton-Union Road;

NOW, THEREFORE, BE IT

RESOLVED that resolution No. 128-1954 be, and the same hereby is, rescinded."

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: McKay, Linzell, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 12-1955, adopting names for service plazas on Ohio Turnpike Project No. 1, was moved for adoption by Mr. Linzell, seconded by Mr. Allen, as follows:

Resolution No. 12-1955

"WHEREAS the Commission's executive director submitted a recommendation to the Commission with respect to the naming of the 16 service plazas which will be in operation when the remainder of Ohio Turnpike Project No. 1 is opened to traffic in October of 1955; and

WHEREAS the Commission has duly and fully considered the same;

NOW, THEREFORE, BE IT

RESOLVED that the names hereinbelow respectively indicated for the following enumerated service plazas be, and the same hereby are, adopted:

Service Plaza #1 --North	(Mahoning County)	MAHONING VALLEY
Service Plaza #1 --South	(Mahoning County)	GLACIER HILLS
		2589.

Service Plaza #2--North	(Portage County)	PORTAGE
Service Plaza #2--South	(Portage County)	BRADY'S LEAP
Service Plaza #3--North	(Cuyahoga County)	GREAT LAKES
Service Plaza #3--South	(Cuyahoga County)	TOWPATH
Service Plaza #4--North	(Lorain County)	MIDDLE RIDGE
Service Plaza #4--South	(Lorain County)	VERMILION VALLEY
Service Plaza #5--North	(Sandusky County-east)	ERIE ISLANDS
Service Plaza #5--South	(Sandusky County-east)	COMMODORE PERRY
Service Plaza #6--North	(Sandusky County-west)	BLUE HERON
Service Plaza #6--South	(Sandusky County-west)	WYANDOT
Service Plaza #7--North	(Lucas County)	OAK OPENINGS
Service Plaza #7--South	(Lucas County)	FALLEN TIMBERS
Service Plaza #8--North	(Williams County)	INDIAN MEADOW
Service Plaza #8--South	(Williams County)	TIFFIN RIVER"

The Chairman said that staff members in the Department of Information and Research had done a great deal of research to develop the names. He said further that the names all had an Ohio connotation and that he thought that they were picturesque and that the travellers on the turnpike would be impressed with them.

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Linzell, Allen, McKay, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 13-1955, appointing Acting Deputy Executive Director, was moved for adoption by Mr. Allen, seconded by Mr. McKay, as follows:

Resolution No. 13-1955

"RESOLVED that T. J. Kauer be, and hereby he is, in addition to his other duties, appointed to serve as acting deputy executive director at his and the Commission's mutual pleasure and until a deputy executive director be appointed; and that in such capacity he shall have the authority and responsibility of the deputy executive director, to wit: all authority and responsibility of the executive director during the absence or disability of the executive director, and, at other times, to the extent specified by the executive director."

The Chairman explained that Colonel Charles P. Smith had been the Deputy Executive Director and that because it was felt that the Deputy Executive Director must be an engineer and because the Executive Director

was going to be away for several weeks, the resolution appointing an Acting Deputy Executive Director had been prepared.

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Allen, McKay, Linzell, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

Resolution No. 14-1955, ratifying actions of Administrative officers, was moved for adoption by Mr. McKay, seconded by Mr. Linzell, as follows:

Resolution No. 14-1955

"WHEREAS the executive director, deputy executive director, executive assistant, chief engineer, general counsel, assistant secretary-treasurer, comptroller, chief of the right-of-way section, and director of information and research of the Commission have, by various written and oral communications, fully advised the members of the Commission with respect to their official actions taken on behalf of the Commission since the Commission's last meeting, and the Commission has duly reviewed and considered the same;

NOW, THEREFORE, BE IT

RESOLVED that all official actions taken by the aforesaid administrative officers of the Commission on its behalf since the Commission's meeting on December 22, 1954 are hereby ratified, approved, and confirmed."

The Chairman said that he wanted to mention that one of the administrative acts of the Executive Director since the last meeting had been the appointment by him of Mr. C. W. Hartford as his Administrative Assistant in addition to Mr. Hartford's other duties.

A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: McKay, Linzell, Allen, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted.

The Executive Director reported that construction of Ohio Turnpike Project No. 1 was still slightly ahead of schedule with some 65.14 percent having been completed on December 31, 1954, as compared with a scheduled completion percentage of 64 on that date. He said further that perhaps a half dozen contractors were behind schedule and that those contractors were being called in for discussions at the Columbus offices of the Commission. He said that those meetings were being attended by representatives of the Consulting Engineers, by the Chief Engineer, and by the Executive Director. He said that the planning of those contractors would have to be very carefully done to insure opening on October 1, 1955. The Executive Director said also that he thought that it was going to be possible to accomplish that opening.

The Executive Director reported further that he and Mr. Allen had attended a meeting in Indiana on January 4, 1955, which had been called by the Governor of Indiana. He said also that the meeting had been attended by toll road representatives of several states and that it had accomplished nothing. He said that it had been decided that another meeting would be held on February 21, 1955, at which time the governors of the several states in that part of the United States and representatives of turnpike authorities of those states would be invited.

The Executive Director reported also that a contract for surgical and hospitalization insurance covering all employees of the Commission had been awarded and would go into effect on February 1, 1955.

The Executive Director reported further that he had spent two days on the Eastgate Section the previous week and had found, as he had expected to find, some deficiencies in operations. He said further that the section definitely was turning out to be a test section as had been expected and that the Commission was going

to benefit a great deal by the experience that was being gained in operations there. He said that monetary returns from operation of this section had been considerably larger than had been anticipated at the time the so-called expedited C-4a & 5a Contract had been awarded at an additional cost of some \$396,000.

The Executive Director recalled that in August 1954 he had directed a letter to the firm of Carpenter, Lehman, Dunlap & Free in regard to the acquisition of certain rights of way located in Lorain County by that partnership, wherein there appeared to perhaps have been some question as to whether or not one member of the firm might have breached his statutory duty of disinterested representation of the Commission. He said further that after further correspondence and investigation and after consultation with the Chairman and with the General Counsel, he had requested in a letter to the firm on September 10, 1954 that the partnership remit to the Commission a sum of \$5,877.50, which had been the cost price of two parcels of land in Lorain County which the Commission had purchased. He said also that it had been the unanimous opinion of the Chairman, the General Counsel, and himself that there might have been some self-interest attending those transactions. The Executive Director said that sometime after that letter had been written a report had been submitted by the Auditor of State which similarly indicated that the partnership might have had some self-interest in the purchase of the real estate. He said further that the findings of the Auditor's report had been submitted to the Grand Jury of Lorain County in early October, 1954 by the prosecuting attorney of Lorain County and that apparently the Grand Jury had made no finding against the partnership. He said that the Grand Jury had recommended that the report be submitted to the State Board of Real Estate Examiners to check upon possible unethical practices but that so far as he knew that board had never had any report from the grand jury and had never taken any action and that he was not sure that the board had even ever received the report from the State Auditor.

The Executive Director said further that on December 23, 1954, he had directed a memorandum to the Chief of the Right-of-Way Section asking that he make a study of the entire matter and advise the Executive Director as to whether or not the Commission had suffered any monetary loss in the acquisition of the two subject parcels of land in Lorain County which were at issue. He said also

that in late December, 1954, he had received from the Chief of the Right-of-Way Section a memorandum making an analysis of the entire acquisition of the two parcels in which the Chief of the Right-of-Way Section had concluded that there had been no monetary loss whatsoever to the Commission. The Executive Director said that he had discussed the matter since with the Chairman, with other Members, with the General Counsel, and with the Chief of the Right-of-Way Section and that it had been the unanimous opinion that it would be an injustice to the partnership of Carpenter, Lehman, Dunlap & Free, an organization which had rendered exceptionally fine service generally in acquiring necessary rights of way for the easterly half of Ohio Turnpike Project No. 1, if the Commission did not withdraw the demand made in the Executive Director's letter of September 10, 1954, that the partnership make restitution. He said that, therefore, he planned, unless the Commission should otherwise direct, to write to the partnership and withdraw the demand contained in his letter of September 10, 1954.

The Chairman said that if there was nothing to restore to the Commission, there was nothing to seek restitution of. He said further that if the Chief of the Right-of-Way Section and the Executive Director had concluded after full analysis that the Commission had suffered no monetary loss, and if the Grand Jury of Lorain County and other public agencies had had an opportunity to consider whether or not there had been even an ethical impropriety, and neither criminal nor ethical breach had been found, it would seem that the Executive Director would have a moral duty to rescind the letter. Mr. McKay said that that was agreeable to him. Mr. Allen said that the partnership itself had taken a firm stand, that there was nothing that it felt had been wrong. The Chairman said that the action proposed by the Executive Director was agreeable with the Commission.

The Executive Director reported that in response to his request to the Chairman for the enunciation of a Commission policy with regard to the treatment of Commission employees who may have been injured in the course of employment on Ohio Turnpike Project No. 1, the Chairman had appointed a committee consisting of the Executive Assistant, the General Counsel, the Comptroller, and the Executive Director to make a study of the matter. He said that a study was being made by the committee.

The General Counsel reported that the demurrer which he had advised the Commission he contemplated filing in the Sun Oil Company case had been filed. He said further that the Sun Oil Company had not made good its threat to take an appeal from the action of the Common Pleas Court of Franklin County in denying a preliminary injunction.

The General Counsel reported further on the status of current litigation affecting the Commission. Mr. McKay said that he thought that the Legal Department had done an excellent defensive job in the last few months.

The Director of Highways reported that the Controlling Board had approved the expenditure of some highway funds in the amount of \$705,000 to continue the study of the proposed second turnpike project from Cincinnati to Conneaut with a Toledo spur. He said that two firms of engineering consultants had already started on a more thorough investigation of the line and of traffic and revenue. He said also that toward the end of 1955 reports on engineering and traffic and revenue for proposed Ohio Turnpike Project No. 2 would be completed. He said further that he intended to have the Governor's approval on a one-mile band as had been done by his predecessor on Ohio Turnpike Project No. 1 and that he intended also to have the Governor's approval on a pinpointed line at a later date.

The Chairman said that there was almost universal misapprehension about who developed the line. He said further that the Commission did not develop a line. He said that the line was developed by the Director of Highways and his consulting engineers and was incorporated in the report of those engineers submitted to the Director of Highways. He said also that then that line was brought to the Governor of Ohio for his approval. The Chairman said further that after that line should be approved it would come to the Commission which, under the law, was authorized to construct, and maintain, and operate toll roads at locations approved by the Governor. He said further that after the Governor should approve the line upon recommendation of the Director of Highways and upon all of the supporting engineering criteria which should be before him, the Commission would make its determination as to construction, and having made that determination, it would defend the line as developed by the Director and by the consulting

engineers and as approved by the Governor.

The Chairman said also that because of the controversies between Elyria, Maumee, the Cleveland Metropolitan Park Board, and the Commission, the misapprehension had grown that the Commission developed the line. He said that the Commission had nothing to do with the development of the report. He recalled that when the report was being developed on Ohio Turnpike Project No. 1 he, as Chairman of the Commission, regularly mentioned that the Director of Highways was keeping the Commission advised of his progress but that he was not required to, and that it had been as a courtesy that the Director of Highways had kept the Commission advised of the progress of the studies of Turnpike Project No. 1. He said further that it was a courtesy again, and a courtesy that might or might not be extended by the Director of Highways, to keep the Commission advised of what was going on with regard to Ohio Turnpike Project No. 2. The Chairman said further that he thought that it was beneficial that the Commission should have some knowledge of developments of Project No. 2 but that the Director of Highways was not required to give it any information. He said also that the expenditures of the Director of Highways were eligible for reimbursement if they should be approved by the Commission but that the statute was silent about when the Commission should give approval. He said that when Mr. T. J. Kauer had been Director of Highways he had sought the Commission's approval before he entered into contracts with consulting engineers on Ohio Turnpike Project No. 1. He said that he thought that the choice was that of the Director of Highways in the absence of any legislative or judicial determination.

The Chairman said that he thought that it was wholesome that it be understood that the turnpike line was developed by the Director of Highways and his consulting engineers and that it was approved by the Governor, and that then the Commission received it and proceeded in accordance with its best judgment upon it. He said further that the Commission did not have the authority to change the line from its approved location so, all statements to the contrary notwithstanding, the Commission only defended as a good soldier the determinations made by those with the ordained authority to make the determinations. Mr. McKay said that the only power the Commission had was to accept or reject the report. Mr. McKay agreed with the Chairman that if the Commission should proceed, using the findings of the

report, it certainly was required to reimburse the Director of Highways. The Chairman said that the Governor, before he had approved the line finally for Ohio Turnpike Project No. 1, had held public hearings. He said further that the Governor had advised him that he would expect to hold public hearings again, probably late in 1955, on the line which the Director of Highways had referred to as the pinpointed line of the new project.

The Chairman said that it was his understanding from information the Governor had received through the Council of State Governments that it was expected that the states would be given credit in the highway program of the President for moneys that had been expended within the respective states for the construction of toll roads. He said further that, therefore, there was no reason why the toll road program might not proceed as it was proceeding under the Director of Highways and under the Governor with studies because whichever way the President's program should go, no time would have been lost between then and the following fall. He said also that if the United States would decide to lend in its entirety the amount of money required, that would be feasible, and if the United States should choose to credit the states so that other roads should be built, that would be desirable, so that it was almost impossible to be wrong in proceeding as the Director of Highways and the Governor were proceeding at that time.

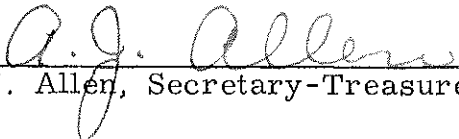
There being no further business to come before the Commission, a motion was made by Mr. Linzell, seconded by Mr. McKay, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all members present responded to roll call. The vote was as follows:

Ayes: Linzell, McKay, Allen, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:29 o'clock P. M.

Approved as a correct transcript of the
proceedings of the Ohio Turnpike Commission


A. J. Allen, Secretary-Treasurer