

MINUTES OF THE ONE HUNDRED AND EIGHTY-FIRST MEETING  
December 1, 1964

Pursuant to bylaws, the Ohio Turnpike Commission met in regular session in the conference room of the Division of Right of Way of the Ohio Department of Highways at 139 East Gay Street in Columbus, Ohio at 11:00 A. M. eastern standard time on December 1, 1964 with the key members of the staff; representatives, Mr. Fred S. Cresswell and Mr. Harvey A. Harnden, of the Consulting Engineers; a representative, Mr. Robert H. Bartholomew, of the Trustee; a representative, Mrs. Russel Lucas, of the Auditor of State; 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: Masheter, Teagarden, Chastang, Redman, Shocknessy.

Absent: None.

The Chairman announced that a quorum was present. He remarked that the date marked ten years since the Commission opened the 22 miles of the Eastgate Section of the turnpike and that in October 1965 it would be ten years since the whole turnpike was opened. He said the Commission certainly had had a good staff. He said the Commission had a magnificent Executive Director, that Maj. Gen. Robt. S. Beightler was the Commission's Executive Director when the Eastgate Section was opened and that Mr. Frank C. Dunbar was the Commission's Executive Director when the whole turnpike was opened. He said the Commission had had three General Counsel: Mr. Dunbar, Mrs. Ruth Wilkins and Judge Lockwood Thompson. He said the Commission had had the J. E. Greiner Company as its Consulting Engineers from the beginning and had had John Soller as Comptroller and James D. Hartshorne as Director of Information and Research from the beginning. He said that Russell S. Deetz, currently the Deputy Executive Director, was the man who actually ran the Eastgate Section as the first executive director on a portion of the turnpike. He called attention to pictures of the opening of the Eastgate Section from the archives of the Commission, which were on display.

A motion was made by Mr. Teagarden, seconded by Mr. Chastang, that the minutes for the meeting of November 3, 1964 which

had been examined by the Members of the Commission and on which the corrections suggested by the Members had been made be approved without reading.

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

Ayes: Teagarden, Chastang, Redman, Masheter, Shocknessy.

Nays: None.

The Chairman said the minutes of the meeting of November 3, 1964 stood approved with all Members voting in the affirmative.

The Chairman said he wanted to congratulate the General Counsel upon the new edition of the Ohio Turnpike Act, indexed and annotated, dated December 1, 1964. He said the edition represented a great deal of work and would be a very useful pamphlet for the Commission. He said he was glad to have it brought up to date.

The Chairman welcomed Mrs. Lucas back to the meeting after an absence of two months. He said the Commission was glad to have Mrs. Lucas back and asked her to convey to the Auditor of State, the Honorable Chester W. Goble, the respects of the Commission and its best wishes. He said the Commission had known him long, and had known him very happily, and had known him very well for the faithful public servant he had always been. He said General Goble had always understood the Commission's problem and he was sure the State of Ohio would benefit by his tenure. He said General Goble had not had greater good wishes from anybody than he had from the Commission, that while many people had had long experience with General Goble as a public official, none had had a more satisfactory experience than the Commission had had in the past. The Chairman said the Commission was glad that he was the Auditor of State and assured him of its cooperation. The Chairman said he had already congratulated Governor Rhodes on behalf of the Commission and on behalf of himself on the appointment. He said the appointment did the Governor honor and the State proud.

The Chairman reported that the revenue for November was about \$2,100,000 - the best revenue of any November to date. He said revenue was about \$1,670,000 more in the first eleven months of 1964 than for the eleven months of 1963. He said it appeared the revenue for 1964 would exceed the estimate of \$27,000,000 which was made a year before by \$1,000,000 or more. He said revenue for 1964 already was

\$26, 632, 000 and unquestionably the revenue for December would bring it over \$28, 000, 000, which would be a million more than the estimate which was made a year before. He said the estimate, when it was made the year before, gave him some concern about making it but the first eleven months had almost made it.

The Chairman reported further that on November 13, 1964 seven miles of Interstate Route 71 were opened in Medina County from Ohio Route 18 to Ohio Route 303, and on November 19 the approximately 80 miles from Harrisburg in southern Franklin County to the Circle Freeway in northern Hamilton County were opened and that traffic was being taken on into downtown Cincinnati on Interstate Routes 275 and 75. He said he did not believe he had ever seen more enthusiastic public reaction upon the completion or partial completion of a public improvement than he saw on the 19th of November. He said the whole public was represented that day. He said that as the official party drove down from Columbus to Cincinnati there were throngs of people all along the way, at every interchange and on the overpasses. He said it was a "nasty" day and people were out just to see the beginning of the flow of traffic. He said that when he returned home that evening from Cincinnati the traffic was flowing on I-71 just as if it had been in use for many months. He said it was just amazing how quickly the new highway had seemed to be integrated with the state highway system.

The Chairman said also that he had told the Director of Highways at an I-71 meeting that he did not think the Director needed him any more on I-71. He said he told the Director that a Department that was as well headed as the Highway Department was and as well staffed as the Highway Department was really didn't need an outlander to help out on the job. He said the Director of Highways, Governor Rhodes, and the Ohio Division Engineer of the Bureau of Public Roads, Mr. William E. Reed, and some of the newspapers also all disagreed with him so he was telling the Commission as he had already said at Cincinnati that he would stick with the job a little longer.

Mr. Masheter said he would like to report to the Commission that the Mayor of Cincinnati at the meeting in Cincinnati on November 19, when that subject came up, asked for the expression of the people at the luncheon to show whether they wanted Mr. Shocknessy to stay on the job. He said the audience got up to a man demanding his continuance with his extra curricular duties.

The Chairman said also that that was a day of great satisfaction. He said he never saw public officials react more pleasantly. He said there

was not a single negative reaction that day.

Mr. Chastang asked that there be incorporated in the minutes of the meeting a letter addressed to the Chairman under date of November 23, 1964 by the City Manager of the City of Cincinnati, Mr. W. C. Wichman. He asked the Assistant Secretary-Treasurer to read the letter, which he did. The letter follows:

"November 23, 1964

"Mr. James W. Shocknessy  
Huntington National Bank  
Columbus, Ohio

"Dear Mr. Shocknessy:

"On November 19, 1964, Cincinnati was pleased to attend the State of Ohio's ribbon-cutting ceremony for Interstate Route 71 between Harrisburg, Ohio and Hamilton County. This opening, months ahead of schedule, testifies to the tremendous effort put forth by everyone and your ability to coordinate and expedite this improvement to a successful conclusion.

"Cincinnati wishes to express to you at this time our personal appreciation for the work you have done on this outstanding project. It is another living monument to one man who has harnessed the efforts of many in expediting an improvement urgently needed by humanity.

"Everyone in the Cincinnati area was certainly reassured by your awareness of the need for continuing in our joint efforts to complete I-71 between the Circle Freeway and the core area of Cincinnati. We also trust that the expression of those at the noon luncheon clearly indicates everyone's feeling toward a man who is so earnestly wanted and needed in carrying forward the work that still lies ahead.

"We wish to extend to you our kindest regards and are looking forward to working with you in the future on the remaining projects of I-71 within Hamilton County.

"Sincerely,

/s/ W. C. Wichman  
"W. C. Wichman  
"City Manager"

The Chairman reported also that the 33rd and 34th fatal accidents of 1964 occurred on the turnpike during the month of November; one on November 14th apparently from driver inattention, and the latest one on November 25th, when a man in a small car went east in the westbound lane, apparently brought about by driver confusion which in turn was brought about by the usual way that driver confusion came about. He said it was not easy to go east in the westbound lane if one had not had some external and internal cause for dulling one's wits. He said the Commission could not control and even the state editor of The Cleveland Press could not control a driver who got on the turnpike in a condition that would cause him to go west when he should be going east, or to go east when he should go west.

The Chairman said that in the absence of questions, the report of the Chairman would be accepted as offered. He said the report of the Secretary-Treasurer would be received.

The Assistant Secretary-Treasurer reported for the Secretary-Treasurer that since the last meeting the following had been sent to all Members:

1. Traffic and Revenue Report for October 1964.
2. Accountants' report with respect to the Construction Fund for the period ending September 30, 1964.
3. Financial Report as of October 31, 1964.
4. Draft of the minutes for the November 3, 1964 meeting.

The Chairman said that in the absence of discussion the report of the Secretary-Treasurer would be accepted as offered. He said the report of the Committee on Budget and Finance would be received.

The chairman of the Committee on Budget and Finance, Mr. Redman, reported that the Committee had for consideration of the Commission a resolution adopting the annual budget. He said the resolution confirmed what the Committee submitted originally on the preliminary budget.

A resolution adopting annual budget for the fiscal year 1965 was moved for adoption by Mr. Redman, seconded by Mr. Chastang, as follows:

Resolution No. 15-1964

"WHEREAS the Commission, by resolution No. 12-1964, adopted a preliminary budget for the fiscal year 1965, and caused copies thereof to be filed with the trustee and mailed to the consulting engineer and the principal underwriters;

"WHEREAS no request whatsoever for a public hearing thereon has been made to the Commission by any person or persons whomsoever;

"WHEREAS pursuant to Sec. 505 of the trust agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank of New York), as co-trustee, the Commission desires finally to adopt a budget of income and current expenses for the fiscal year 1965, to be designated the "Annual Budget"; and

"WHEREAS Sec. 505 of the trust agreement provides that the total appropriations in any division of the annual budget will not exceed the total appropriations in the corresponding division of the preliminary budget;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered same, hereby adopts the following budget:

Annual Budget of Income and Current Expenses  
For the Fiscal Year 1965

Income	\$28,000,000
Current Expenses	
Administration & Insurance	924,970
Operations	4,635,430
Trust Indenture Expense	<u>138,600</u>
Total Current Expenses	\$ 5,699,000

"FURTHER RESOLVED that the Commission hereby determines that the total appropriations in any division of the budget aforesaid do not exceed

the total appropriations in the corresponding division in the preliminary budget heretofore adopted by resolution No. 12-1964; and

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said "Annual Budget" with the trustee and to mail copies thereof to the consulting engineer and to the principal underwriters forthwith."

Mr. Chastang asked what was the basis for the estimate of revenue - \$28,000,000 - for 1965 being lower than the prospective income for 1964. Mr. Redman replied that the estimate for 1965 represented a generally conservative approach. He said it was predicated on the experience that if one finds more money at the end of the year, then nobody feels bad. The Chairman said he wouldn't want to estimate higher than \$28,000,000 for 1965 because if one estimated higher than \$28,000,000 one was inviting suggestions for expenditures based upon the higher rather than the lower estimate. He said he thought there was nothing to do but keep the figure conservative.

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

Ayes: Redman, Chastang, Masheter, Teagarden, Shocknessy.

Nays: None.

The Chairman announced that the budget for the year 1965 was adopted with an income estimate of \$28,000,000 and an expense estimate of \$5,699,000 with all Members voting in the affirmative. The resolution was identified as No. 15-1964.

The chairman of the Committee on Budget and Finance reported further that the Committee recommended a transfer in the 1964 budget of \$10,000 from Administration and Insurance to Trust Indenture Expense. He said the Executive Director and he had reviewed the matter and found that the total estimated budget for 1964 would not be exceeded but that the transfer would be necessary in order not to have Trust Indenture Expense above budget.

A resolution adopting amendment to annual budget for the fiscal year 1964 was moved for adoption by Mr. Redman, seconded by Mr. Teagarden, as follows:

Resolution No. 16-1964

"WHEREAS, pursuant to Sec. 505 of the trust agreement dated June 1, 1952, entered into between the Ohio Turnpike Commission and The Ohio National Bank of Columbus, as trustee, and The National City Bank of New York (now First National City Bank of New York), as co-trustee, the Commission, by resolution No. 14-1963, adopted an annual budget for the fiscal year 1964;

"WHEREAS, pursuant to Sec. 505 of the said trust agreement, the Commission may, at any time, adopt an amended or supplemental annual budget for the remainder of the then current fiscal year;

"WHEREAS experience in the operation of the Ohio Turnpike now indicates that while there is no need for supplementary budget allowances for the remainder of the current fiscal year, an amendment of allocations as between Administration & Insurance on the one hand and Trust Indenture Expense on the other, is required to cover actual expenses for the remainder of the current fiscal year; and

"WHEREAS an amendment to the annual budget for the remainder of the year 1964 has been submitted to the Commission and the adoption thereof has been recommended by the Commission's Budget and Finance Committee; and said amendment to the budget is now before the Commission;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission, having duly and fully considered the same, hereby adopts the following amendment to the previously adopted budget of current expenses for the fiscal year 1964;

Amendment to Annual Budget for Fiscal Year 1964

Expenses:

Administration & Insurance (decrease in estimate)	-\$10,000
Operations (unchanged)	0
Trust Indenture Expense (increase in estimate)	+\$10,000
Total	\$ 0

"FURTHER RESOLVED that the assistant secretary-treasurer is hereby instructed to file a copy of said amendment to annual budget with



the trustee and to mail copies thereof to the consulting engineers and the principal underwriters forthwith."

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

Ayes: Redman, Teagarden, Masheter, Chastang, Shocknessy.

Nays: None.

The Chairman announced that the resolution for amendment was adopted with all Members voting in the affirmative. The resolution was identified as No. 16-1964. The Chairman said he thought once again that the resolution was an example of good management because the Committee was not asking for more money but merely transferring within the budget money that had already been assigned.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Teagarden, reported that the plans of the Committee for major restaurant renovation during 1965 included the remodeling of Portage and Mahoning Valley Service Plazas operated by the Howard Johnson Company; the remodeling of Erie Islands and Vermilion Valley Service Plazas operated by the A. B. C. Consolidated Corporation; and the enlargement and modernization of the inside snack bar at Indian Meadow Service Plaza: operated by the Gladioux Corporation.

The chairman of the Committee reported further that the A. B. C. and the Buddies contracts were for ten years with a terminal date of September 30, 1965 and the Howard Johnson contract was for eight years with a terminal date of January 13, 1966. He said each contract provided that the operator might extend the term of the contract for an additional five-year period by giving written notice to the Commission not earlier than thirteen months prior to the terminal date, and, in the case of the Howard Johnson contract, not later than twelve months prior to the terminal date. He said the thirteen-month period for the A. B. C. and the Buddies contracts commenced September 1, 1964; however, the thirteen-month period in the Howard Johnson contract did not commence until December 14, 1964.

The chairman of the Committee said also that because the renovation plans for the plazas designated took into consideration the methods

employed by the existing operators and because those plans involved considerable expense not only to the Commission but to the operators as well, it was deemed advisable by the Committee and the operators that a determination with respect to extension of the contracts should be made as early as possible so that renovation plans could proceed accordingly. The chairman of the Committee said also that notice of extension in keeping with the terms of the contracts was served by the A. B. C. Consolidated Corporation under date of October 30, 1964 and by Buddies Lunch System, Inc. under date of November 2, 1964. He said that because the Howard Johnson Company, by terms of its contract, could not file notice until December 14, 1964, the Committee had asked that company's intention with respect to filing such notice and was advised under date of November 9, 1964 that it was the company's intention to exercise the five-year extension option provided for under the contract and would furnish written notice of its intention to extend the contract prior to January 14, 1965.

The chairman of the Committee said also that although the Commission under the terms of the contracts might, within sixty days after receipt of such notice, notify the operator in writing that it was not satisfied with the manner in which the operator had theretofore performed his operations under the contract and refused to assent to such extension, timely prosecution of the renovation program did not permit such a delay in making a determination. He said that copies of all three letters from the operators were furnished to members of the Committee, to the Supervisor of Service Plazas and to the Consulting Engineers upon receipt with a request that each of the members give his attention to the notices and that he place in writing his reactions thereto for the benefit of the other members so that an informed membership could meet and make a determination with the least possible delay.

The chairman of the Committee said also that, accordingly, the Committee met that morning to consider its recommendation with respect to the notices served by A. B. C. Consolidated Corporation and by Buddies Lunch System, Inc. and a notice of intention filed by Howard D. Johnson Co. He said it was deemed necessary that the Committee seek additional information with respect to the corporate relationship between the operators of contracts TR-2 and TR-3 before arriving at its conclusion. He said that to facilitate doing so the Committee would seek from the operators an extension of the sixty-day answer date to permit further consideration.

The chairman of the Committee said also that all Members of the Commission had been furnished with the material before the Committee for their consideration.

In response to a question by the Chairman, the General Counsel said that if the Commission took no action on the requests for extension the contracts were extended automatically. The Chairman said he knew that and did not want that. He said he wanted the Commission to be able to see the file that was before it that morning. He said he had run through the file and he had some rather firm views about the inter-corporate relationships which gave him some pain. He said he wanted to know personally that if those contracts were extended by the Commission's silence the Commission was properly keeping silent. He said he was further of the opinion that there might be certain concessions which some of those operators ought to make to the Commission. The Chairman said the Commission had had an experience of nine years in the business and he had never seen anything that if he had a chance to do something about after nine years experience he wouldn't do something about it. He said he did not think it would be lawful to give any concession to the operators because their contracts were the subject of bids. He said he knew that over the years the Executive Director for one had said the Commission did not have a right to do thus and so under the contracts. The Chairman said that if there were any rights that the Commission would like to have that it could get under the existing contracts at the time of renewal, he would like to know that before the Commission sat silent and let the contracts automatically renew. He said he did not want to take any chances. He said that if it were necessary for the Commission to have a special meeting before the first of January 1965 he wanted it understood that the Commission would have a special meeting. Mr. Teagarden said there were certain things in connection with the contracts that must be cleared before the Committee could make recommendations. The Chairman said there had been a little bit too much fluidity in the corporate structures of those operators for him to say that he was at all certain that they were entitled to an automatic renewal. He said every one of the operators had changed operating structure and he wanted to be sure that they were entitled to an automatic renewal. He said he was not saying they were not but he was saying he was not certain they were. He said that maybe by the Commission's action it consented to a novation with respect to those corporate structures but it was certain that the Commission had not given consent to the changes. He said the operators had perhaps assigned contracts from one corporation of their own to another of their own, had reorganized internally and made changes. He said he was not at all certain but that those actions did not constitute technical assignments.

In response to a question by Mr. Chastang as to whether the contracts could be extended for a lesser time, the General Counsel said that apparently the operators thought they were giving the Commission the notice required under the contracts because the notices specifically

mentioned five years. He said that as to whether the operators might take a lesser extension or the Commission award a lesser extension, he supposed that if the Commission could award a five-year extension it could award a lesser extension. He said that if the Commission had the ability to consent to the additional five years he would assume the Commission could make it a lesser amount than that without prejudice.

In response to a question by Mr. Redman, the General Counsel said that the only possibility of termination for cause was unsatisfactory performance by the operators. With respect to the Chairman's comment on possible assignment, the General Counsel said that several times Section 20 of the contracts reciting that "operator shall not sublet demised premises or any part thereof nor shall he make any assignment without the written consent of the Commission" had been pointed out in letters from the Executive Director to the operators and the operators had said there had been no assignment. In response to a question by Mr. Chastang as to how a new corporation got the right to operate the restaurant if there had been no assignment, the General Counsel said he would assume there was a contract of management.

The Chairman said the notices had been given by the original contractors and the Commission did not know whether an original contractor was currently a shell. He said everything might have been taken out of the original contractor and nothing left but a shell in the original contractor and there might be an operation by a straw of the original contractor. Mr. Chastang said that if the original lessee had changed its corporate structure and that corporation was no longer in operation, and the new corporation was, obviously there had been an assignment in fact if not actually by legal document. The Chairman said that was what he believed. He said he was not willing to sit by and let that thing go on. He said he wanted to know who the real parties in interest were as distinguished from the corporate names that the Commission was dealing with. Mr. Chastang said a review of the corporate structures of the operators might disclose that transfers were made to the new corporations on a basis of an asset.

The Chairman said he was not saying that the Commission had any good reason to cancel any of the contracts on the basis of performance nor was he saying that the Commission did not have such reason. He said that, however, neither was he saying that the Commission did not have a right based on some corporate action which might or might not have invalidated the existing relationship. He said the Commission would stand ready to meet later in December if the Executive Director, General Counsel, and chairman of the Committee thought it desirable to do so because the Commission was not being just perfunctory about those things. Mr. Redman said he would like to have some financial information on the assignees available at that meeting.

The chairman of the Committee said that the Committee would get the information desired by the Commission before the next meeting of the Commission. He asked that each Member read all of the reports of the members of the Committee especially the report of the General Counsel. The Chairman said the report of the General Counsel was a very good report. He said the operators had got to understand that the Commission expected them to have the same stability that the Commission had. He said the Commission continued in business and in existence and he did not want to be renewing automatically with a shell. He said that he was unenthusiastic about the proposed waiver. The General Counsel said that if he had to decide that matter right then he would say he would prefer not to have the waiver. The Chairman said the course of corporate change had got to be reconciled with realities and that then was the time to do it.

Mr. Chastang said that on the occasion of a stop he made at Indian Meadow Service Plaza restaurant it seemed to him that more and more space was being taken up by coke machines, sandwich machines, milk machines, all kinds of machines. He asked whether the operator installed his own machines at will or got permission from the Commission. The Deputy Executive Director said approval by the Commission was necessary for installation. He said he did not recall any additional machines being installed in the previous six months. The Chairman directed that a physical inventory of the vending machines at that restaurant be made.

The Chairman said the report of the Committee on Service Plazas would be accepted as offered. Mr. Chastang said the report of the Committee on Interchange Development would be made by the Executive Director. The Chairman said the reports for the Committee on Interchange Development and of the Executive Director would be received.

The Executive Director reported for the Committee on Interchange Development that reports and supporting information relating to studies made in the vicinity of Interchange No. 9 had been received from the Ohio Department of Highways. He said the Ohio Turnpike was Interstate Route 80 between Interchange No. 9 and Interchange No. 1. He said I-80 left the Ohio Turnpike at Interchange No. 9 and crossed the Cleveland metropolitan area in an easterly direction in the vicinity of existing State Route 17 and rejoined the turnpike at Interchange No. 13. He said that to provide a continuous free flow of traffic over the Interstate Route in itself would not be a difficult problem to resolve but the problem was complicated by the problem of having to serve the needs of traffic on U. S. Route 20 and State Route 10. The Executive Director said also that the Department had under study a new route to accommodate the traffic needs of U. S. 20 and S. R. 10, the new route crossing the Ohio Turnpike at the Interchange No. 9

and connecting into I-80 at that point. He said the material was being assembled for presentation to the Committee and for discussion with the Department. He said it was a real tricky problem but he thought it could be resolved.

The Executive Director reported for himself that in keeping with the recommendation of the Department of Highway Safety that the complement of personnel assigned to District 10 of the Ohio Highway Patrol be augmented by the addition of 15 patrol officers, and the approval of that recommendation by the Commission, he had submitted a proposed supplement to the contract between the Commission and the Department of Highway Safety to increase the number of patrolmen assigned to the Ohio Turnpike from 59 to 74. He said the proposed supplement had been approved by Colonel Anson B. Cook, Superintendent of the Highway Patrol, and the additional trained personnel would be assigned as promptly as they became available. He said that when all those officers became available the total complement assigned to District 10 would be 96.

The Executive Director reported further that at its meeting in December 1963 the Commission authorized the Executive Director to excuse employees of the Commission working at the Administration Building either on the day prior to Christmas or the day prior to New Years, if the employees were not otherwise excused, provided the necessary personnel were present in order that essential operational functions of the Ohio Turnpike were maintained. He said that in accordance with that authority it was expected to excuse a portion of the employees on Thursday, December 24, 1964, and the remainder on Thursday, December 31, 1964. He said schedules for employees to be excused would be recommended by the various departmental supervisors and coordinated so that essential operational functions were maintained.

The Executive Director reported further that as was usual at that time of the year he had a proposal to grant permission for certain employees to defer until the next year vacation leave accumulated but for a variety of reasons not taken during 1964. He said that again it had been possible to show a slight improvement over the previous year in numbers of employees involved and in total number of days to be deferred. He said the list for 1964 contained four fewer names and a reduction of ten days from the list of 1963. The Executive Director said also that although it had been possible to show only a modest improvement each year, the list in the last several years had reduced the 1960 list from 40 employees and 327-1/2 days to 20 employees and 182-1/2 days. He said it was recommended that the Commission take favorable action to permit those employees listed on a resolution prepared for the purpose to defer the days

of vacation leave listed opposite their names to the calendar year 1965.

A resolution authorizing deferment of annual vacation of certain named employees of the Commission from the calendar year 1964 until the calendar year 1965 was moved for adoption by Mr. Teagarden, seconded by Mr. Chastang, as follows:

Resolution No. 17-1964

"WHEREAS certain of the Commission's employees have, during the calendar year 1964, accumulated but not taken certain vacation leave, as indicated in the chart hereinbelow set forth; and

"WHEREAS said employees have requested that such accumulated vacation leave for the calendar year 1964 be deferred until the calendar year 1965, and the department heads concerned therewith have recommended such deferment;

"NOW, THEREFORE, BE IT

"RESOLVED that the employees hereinbelow listed are hereby granted permission to defer the accumulated vacation leave hereinbelow set forth opposite their respective names, until such time or times in the calendar year 1965 as shall be designated by such department heads as are charged with that responsibility:

<u>Employee</u>	<u>1964 Vacation Leave Accumulated But Not Taken During Calendar Year 1964</u>
Anders, W. R.	7-1/2
Burnham, W. R.	6-1/2
Carrizzo, John	5
Deetz, Russell S.	22
Hartford, C. W.	46-1/2
Hartshorne, J. D.	9
Heil, John	2
Kappel, Norman	3
Knott, Gertrude	12
Kobie, Ralph	4
McBride, Paul C.	5
Meeker, E. W.	6
Miller, Herman	6
O'Grady, Walter	7
Ployhart, Joseph	15
Reid, Ted	2
Rief, Paul	4
Smith, Roberta	5
Soller, John	10
Van Oster, Russell	5"

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

Ayes: Teagarden, Chastang, Redman, Masheter, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with all Members voting in the affirmative. The resolution was identified as No. 17-1964.

A resolution accepting proposal for Consulting Engineering services was moved for adoption by Mr. Chastang, seconded by Mr. Teagarden, as follows:

Resolution No. 18-1964

"WHEREAS the J. E. Greiner Company is presently performing the duties of consulting engineers in connection with the maintenance and operation of the Ohio Turnpike under a three-year agreement, which was originally executed under date of December 26, 1961, and which by its terms expires on December 31, 1964;

"WHEREAS the J. E. Greiner Company and the Commission desire to renew their said agreement for a one-year period beginning January 1, 1965 under the same terms and conditions set forth in the agreement for maintenance and operation for the three-year period commencing January 1, 1962 and terminating at midnight on December 31, 1964;

"WHEREAS said J. E. Greiner Company, a partnership, has submitted to the Commission under date of November 25, 1964 a proposal for renewal for a one-year period of the present three-year agreement for maintenance and operation; and

"WHEREAS the Commission now desires to accept the same;

"NOW, THEREFORE, BE IT

"RESOLVED that the proposal of the J. E. Greiner Company, a partnership, dated November 25, 1964 with respect to renewal of service for a one-year period beginning January 1, 1965 and terminating as of midnight December 31, 1965 be, and the same hereby is, accepted; and

"FURTHER RESOLVED that the executive director be, and hereby he is, authorized and empowered to execute a renewal agreement on behalf



of the Commission carrying into effect the proposal for renewal of its services for a one-year period commencing January 1, 1965 and terminating as of midnight December 31, 1965, except as either the J. E. Greiner Company or the Commission may, upon not less than thirty days' notice in writing, earlier terminate the said agreement, and cause said agreement to be delivered to said J. E. Greiner Company on behalf of the Commission."

Mr. Chastang said that as he understood it the J. E. Greiner Company was finishing up a three-year agreement as Consulting Engineers and proposing that the authorization be extended for another year under the same terms and conditions.

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

Ayes: Chastang, Teagarden, Masheter, Redman, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted. The resolution was identified as No. 18-1964.

At this point Mr. Redman was excused and left the meeting.

The Executive Director reported further that it was with sadness he reported the death of T. P. Heden, Eastern District Toll Supervisor, on Wednesday, November 25, 1964. He said his death followed open-heart surgery on Tuesday, November 17. He said Mr. Heden was 59 years of age and was employed on November 15, 1954 as District Toll Supervisor for the opening of the Eastgate Section on December 1, 1954. He said that, being one of the first employees in toll collection and the first field supervisor, Mr. Heden contributed substantially to the procedures currently effective and much of the respect enjoyed by that Department could be attributed to his efforts.

The Chairman asked the Assistant Secretary-Treasurer to send a letter to Mr. Heden's widow expressing the Commission's sorrow at the loss of her husband. He said Mr. Heden was a very competent man.

The Executive Director reported further that the Commission was losing another of its long-time staff members through resignation. He said Mr. Wesley L. Hottenstein, Assistant to the Chief Engineer and a landscape architect by training, was leaving the service of the Commission

on Friday, December 11, 1964 to take a position with the Office of Research and Development of the Bureau of Public Roads in Washington. He said Mr. Hottenstein came with the Commission in the fall of 1955 following the opening of the turnpike to traffic. He said he would expect that the opportunity for Mr. Hottenstein in a large measure was a result of the Commission's program for the treatment of turf through the use of herbicides and inhibitors, which program was instigated and developed by him. He said the Commission's best wishes went with Mr. Hottenstein in this new venture for him.

The Chairman said that Mr. Hottenstein did a good job. He said he remembered that very well. Addressing the Deputy Executive Director, the Chairman said that Mr. Hottenstein's program should be kept going.

The Chairman said that in the absence of further discussion the reports of the Committee on Interchange Development and of the Executive Director would be accepted as offered. The Chairman ascertained that the Director of Highways had no report. The Chairman said the Director of Highways was entitled to equal credit with him and more in the letter from the City Manager of Cincinnati.

The Chairman ascertained that the General Counsel, the Consulting Engineers, and the Director of Information and Research had no reports.

The Chairman said he got a complaint from a member of the General Assembly the previous night about the condition of snow and ice on the turnpike between Warren Interchange and Akron Interchange. He ascertained that the Director of Information and Research had talked to the member, Representative Bishop Kilpatrick, that morning and that Mr. Kilpatrick did not say he was delayed but referred to the slowness of travel particularly in the eastbound roadway.

The Deputy Executive Director said he had made an investigation and found that it began snowing about 8:00 A. M. the previous morning and between 8:00 o'clock and noon approximately four inches of snow fell on the section of the turnpike referred to by Mr. Kilpatrick. He said it was a very heavy snowfall at times. He said also that at that time there was an accident involving a truck and a passenger car on the eastbound roadway. He said that accident did not block traffic for very long but it did hold up the Commission's snowplows which were plowing snow. He said the plows were tied up behind the accident so that they were a little late in getting around the complete circuit. He said visibility was down to

almost zero at times and traffic was slowed up because of the heavy snowfall.

The Chairman directed that a letter be written to Mr. Kilpatrick. The Chairman said he did not overlook anything and that was something he did not have to overlook. He said it was the first time he had ever been attacked on the condition of the highway. He said he mentioned the complaint at the meeting because it had happened the previous night and its disposition demonstrated the way the Commission handled all complaints. He said anybody who stopped him on the street and shook him up or shook him up any place was likely to hear something authoritative about it within twenty-four hours.

A resolution ratifying actions of administrative officers was moved for adoption by Mr. Teagarden, seconded by Mr. Chastang, as follows:

Resolution No. 19-1964

"WHEREAS the executive director, deputy executive director, chief engineer, general counsel, assistant general counsel, secretary-treasurer, assistant secretary-treasurer, comptroller, and the 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 on November 3, 1964, 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 November 3, 1964 hereby are ratified, approved, and confirmed. "

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

Ayes: Teagarden, Chastang, Masheter, Shocknessy.

Nays: None.

The Chairman declared the resolution adopted with the four Members present voting in the affirmative. The resolution was identified as No. 19-1964.

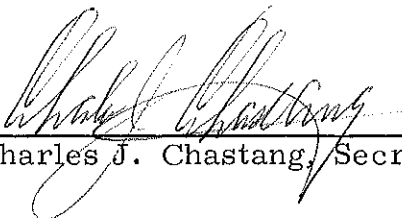
There being no further business to come before the Commission, a motion was made by Mr. Chastang, seconded by Mr. Teagarden, that the meeting adjourn subject to call of the Chairman. A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Chastang, Teagarden, Masheter, Shocknessy.

Nays: None.

The Chairman declared the meeting adjourned. The time of adjournment was 12:30 o'clock P. M.

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

  
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Charles J. Chastang, Secretary-Treasurer