

MINUTES OF THE 368TH MEETING OF THE OHIO TURNPIKE COMMISSION

November 8, 1990

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street in Berea, Ohio at 3:12 p.m., on November 8, 1990, with key members of the staff; a representative, William R. Fleischman, of the consulting engineers, J. E. Greiner Company-Ohio; a representative, Fred Newman, of the trustee, Ameritrust Company National Association; one member of the media, Pauline Thoma, The (Cleveland) Plain Dealer; 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: Bernard B. Hurst, Edwin M. Bergsmark,
Charles R. Pinzone, Clarence D. Rogers, Jr.

Absent: Douglas E. Fairbanks

A motion was made by Mr. Bergsmark, seconded by Mr. Hurst that the minutes of the meeting of August 8, 1990, which had been examined by the Members, be approved without reading.

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

Ayes: Mr. Bergsmark, Mr. Hurst, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the minutes stood approved with all Members present voting in the affirmative.

The Chairman said the meeting was the 368th of the Ohio Turnpike Commission and was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Mr. Fairbanks was unable to attend the meeting because of a last minute situation that arose in Columbus.

The Chairman reported further that since the Members would be discussing the preliminary budget for next year at the meeting, it was appropriate to mention the Commission's financial experience for the first nine months of 1990, because that information supplied the basis for next year's projected income, which was part of the budget analysis.

The Chairman said further that total revenues from January through September 1990 amounted to \$73,517,442, an increase of 1.2% over the same period in 1989. He said passenger car toll

income came to \$24,841,994, up 5.9%, while toll revenue from commercial vehicles was \$38,522,772, a slim increase of only .1%.

The Chairman said further that in addition to the resolution concerning the 1991 preliminary budget, there were three other resolutions before the Members. He said copies of the resolutions had been placed in the Members' folders and they would be explained and presented during the course of the appropriate committee or staff report.

The Chairman said further that it had been requested by General Counsel that the Commission meet in executive session.

The Chairman said further that General Counsel advised that the Commission was a party to pending litigation involving the appropriation of certain property required for the Turnpike interchange at State Route 2 in Lucas County and that, in accordance with Section 121.22 of the Revised Code of Ohio, Subsection (G) (3), he requested that a conference be held with the Commission Members in executive session concerning that litigation.

The Chairman said further that in accordance with Section 121.22 (G) he requested a motion calling for the holding of an executive session by the Commission for the purpose of conferring with counsel concerning the pending litigation.

A motion was made by Mr. Pinzone, seconded by Mr. Bergsmark that the Commission Members meet in executive session.

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

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Hurst,
Mr. Rogers

Nays: None

The Chairman declared the motion stood approved with all Members present voting in the affirmative and he said the executive session would be brief.

(The Members left the conference room at 3:18 p.m. and returned at 3:45 p.m.)

The Chairman said the executive session was concluded and it would be duly noted in the minutes of the meeting. He said the Commission would then resume the regular meeting.

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

Mr. Pinzone said that since the last Commission meeting the following had been distributed to the Members:

- 1) Weekly traffic statistics
- 2) Investment Transactions which occurred during August, September and October 1990
- 3) Draft of the Commission Meeting Minutes of August 16, 1990
- 4) Traffic Accident Analysis through October 1990
- 5) Traffic and Revenue Report for August, September and October 1990
- 6) Financial Statements for August, September and October 1990
- 7) Expense and Budget Report for the First Nine Months of 1990
- 8) Litigation Report for the Third Quarter of 1990
- 9) Annual Report, Greiner Engineering, Consulting Engineer
- 10) News Release #3: Resumption of Turnpike Construction Projects

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

Mr. Pinzone said that under the terms of the current Trust Agreement, the Commission must adopt a preliminary budget for 1991 by November 15. He said that, as in the past, the various department heads had developed the detailed budget items according to the many various accounts included in the Commission's Chart of Accounts and that tabulation had been furnished to the Members. He said those items were too numerous to list individually in the budget resolution to be considered by the Commission.

Mr. Pinzone said further that revenues for 1991, were projected at \$97,050,000, which was up \$1,225,000 or 1.3% from the 1990 estimate. He said further that projection was consistent with the Commission's actual experience during the past year.

Mr. Pinzone said further that the total proposed 1991 budget of Current Expenses and Bond Interest was \$61,163,770, compared to the budget of \$54,302,311 for 1990, which was \$6,861,459 or 12.6% higher. He said the biggest single item of increase, amounting to \$3,206,667, was for partial funding of the bond retirement account in anticipation of retirement of the outstanding bonds on June 1, 1992. He said that although those funds wouldn't actually be spent in 1991, the Trust Agreement required the Commission to begin in 1991 to set aside the money required for the bond retirement. He said the rest of the increase reflected the impact of moderate inflation, projected increased employee expense and sharper increases in certain other items. For example, one increase was \$950,000 for employee insurance, which was a reflection of the Commission's actual

experience for insurance. He said a list of those and other items amounting to more than \$100,000, which account for most of the total increase, was in each Member's folder. He said, also, a complete printout of all the proposed budget amounts by the accounts in the Commission's Chart of Accounts had been furnished to the Members.

Mr. Pinzone said the Executive Director, Allan V. Johnson, was required to present one matter concerning the budget at that time and after that Mr. Johnson would read the resolves of the resolution.

The Executive Director said that the item he was required to report on was contained in resolution No. 2-1990, adopted by the Commission earlier in 1990. He said that resolution stipulated that the Executive Director should report to the Commission on the anticipated liability of the employee severance plan at the time of action on the preliminary budget, so that the Commission would be assured that there were sufficient funds held under that severance plan.

The Executive Director said further that the estimate of the potential liability under that plan was still the same as it was in March, which was \$15 million and there were sufficient funds in that account to meet the liability, when and if it occurred. He said he thought the Commission was in compliance with that requirement.

The Executive Director said further that, as Mr. Pinzone said, he would read the resolves. He said the Members had before them a draft resolution for the Preliminary Budget of Revenues, Current Expenses (Expenditures) and Capital Improvement Fund Requirements. He said that for revenues, the estimated amount was \$97,050,000. He said for Current Expenses or Expenditures the amount for Administration and Insurance was \$17,178,301. He said for Operations it was \$40,369,952, Bond Interest - \$408,850, and Principal - \$3,206,667. He said the Estimated Capital Improvement Fund Deposits were the difference between the Estimated Revenues and the regular budget expenses and that came to \$35,886,230. He said he recommended that the resolution be adopted.

A resolution adopting the preliminary budget for the fiscal year 1991 and providing for capital improvement fund requirements during said year was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 15-1990

"WHEREAS, it is provided by Article V, Section 5.01 of the trust agreement dated as of September 1, 1984, between the Commission and AmeriTrust Company National Association, Cleveland, Ohio, as trustee, that on or before the 15th day of

November in each fiscal year, the Commission will adopt a preliminary budget of revenue and current expenses (expenditures) for the ensuing fiscal year;

"WHEREAS, the Commission's executive director and comptroller have submitted a preliminary budget of revenues and current expenses (expenditures) for the fiscal year 1991 to the Commission, and have recommended the adoption thereof, and said budget is now before the Commission;

"WHEREAS, the Commission's consulting engineer, J. E. Greiner Company-Ohio, after consultation with the Commission's executive director and its deputy executive director-chief engineer, have estimated that the capital improvement fund requirements relating to the improvement, maintenance, and repair of the turnpike for the fiscal year 1991 will be adequately covered by the estimated deposits to that fund.

"NOW, THEREFORE, BE IT

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

1991

Preliminary Budget of Revenues, Current Expenses
(Expenditures) and Capital Improvement Fund Requirements

Revenues		\$97,050,000
Current Expenses (Expenditures)		
Administration & Insurance	17,178,301	
Operations	40,369,952	
Bond Interest	408,850	
Principal	<u>3,206,667</u>	
Total Expenses (Expenditures)		61,163,770
Estimated Capital Improvement Fund Deposits		\$35,886,230"

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

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Hurst,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 15-1990.

The Chairman said the report of the Committee on Budget and Finance was accepted as offered. He ascertained there would be no reports from the Committee on Legal and Audit and the Committee on Service Plazas. He said the report of the Committee on Employee Relations would be received.

The co-chairman of the Committee on Employee Relations, Louis J. Disantis, said the subcommittee of the Committee on Employee Relations, as in previous years, had begun its meeting with those employee representatives of the non-union groups and supervisory field personnel and administration building personnel. He said the subcommittee was in the process of reviewing the discussions and would be holding more meetings among themselves and the full committee. He said the committee was scheduled to present its recommendations to the Executive Director prior to December 1.

The Chairman said the report of Committee on Employee Relations was accepted as offered. He ascertained there would be no reports from the Director of Transportation and the Committee on Safety. He said the report of the Executive Director would be received.

The Executive Director, Mr. Johnson, said that first of all he wanted to introduce some of the Commission's staff people at the meeting who didn't normally attend. He said he especially wanted to introduce Leslie Gaines. He said Mr. Gaines had been promoted from Assistant Minority Business Enterprise Coordinator to the Coordinator position and had officially joined the administrative staff of the Commission.

The Chairman said he welcomed Mr. Gaines aboard the administrative staff.

The Executive Director said further that Lieutenant Paul Ash from District 12 of the Ohio State Highway Patrol was in attendance, as were Fred Newman, Ameritrust, and the Executive Director's Secretary, Barbara Lesko. He said the Members knew all the other staff members at the meeting.

The Executive Director said also that the rest of his report would consist of introducing and explaining the remaining resolutions that were before the Commission.

The Executive Director said further that the first was a resolution which was entitled resolution authorizing release of interest in parcel Nos. 140A-1 and 141-S. He said those parcels were easements acquired during the construction of the Turnpike, which were on State Route 21 (Brecksville Road) in the City of

Brecksville. He said that, of course, all the right-of-way that was acquired by the Commission was done so in the name of the State of Ohio. He said the parcels were a sliver of property acquired to widen State Route 21 over 35 years ago. He said the parcels were not needed for the operation of the Turnpike. He said the City of Brecksville had requested that the Commission's interest in the parcels be transferred to the city so that the development of the adjoining property could be accomplished by the city without any question of ownership.

The Executive Director said further that he had a diagram to show the Members that the parcels were considerably north of the Turnpike. He said the resolution to accomplish a transfer of the Commission's interest in the parcels was sort of complicated. He said, first of all, the Commission's interest in the property had to be transferred to the Ohio Department of Transportation and it, in turn, had to relinquish the interest to the city through the statutory authority of the Director of Transportation. He said the Commission had worked with ODOT before on similar parcel transfers. He said the City of Brecksville had adopted a resolution on that matter and made the request to the Commission for the property transfer. He said the next step for the Commission would be to adopt the resolution so that the staff could work with the right-of-way section of ODOT to accomplish the transfer.

Mr. Bergsmark asked if the City of Brecksville wanted it for their use.

The Executive Director said that the City of Brecksville did want the property for their use. He said there would be no real change to the road and there was no monetary value involved. He said he recommended that the resolution be adopted.

A resolution authorizing release of interest in parcel Nos. 140A-1 and 141-S was moved for adoption by Mr. Bergsmark, seconded by Mr. Hurst as follows:

RESOLUTION NO. 16-1990

"WHEREAS, the Commission purchased in the name of the State of Ohio a perpetual easement for public highway purposes over a parcel of real estate designated as Parcel No. 141A-1, located in the City of Brecksville, Ohio, and a fee simple interest in Parcel No. 141-S located in the City of Brecksville, Ohio;

"WHEREAS, the purchases of the aforesaid parcels were for the realignment and widening of S.R. 21 as a result of the construction of Ohio Turnpike Project No. 1;

"WHEREAS, the City of Brecksville has requested that the Commission take any and all action necessary to release its interest in Parcel Nos. 140A-1 and 141-S and the Council of the City of Brecksville, by Resolution No. 2716, has requested that the State of Ohio, through the Department of Transportation, transfer to the City the state's interest in Parcel Nos. 140A-1 and 141-S;

"WHEREAS, the consulting engineers, by letter dated November 1, 1990, have advised the Commission that the subject parcels are no longer needed for the construction and operation of the Turnpike;

"WHEREAS, the deputy executive director-chief engineer by letter dated November 5, 1990, has advised the Commission that the subject parcels are no longer needed for the construction and operation of the Turnpike;

"WHEREAS, the Commission has determined, based on the recommendations of the consulting engineer and the deputy executive director-chief engineer that Parcel Nos. 140A-1 and 141-S are no longer needed for the construction, operation and maintenance of the Ohio Turnpike;

"NOW, THEREFORE, BE IT

"RESOLVED, that the executive director and general counsel, are authorized and directed to take any and all action necessary on behalf of the Commission or by or through the appropriate officers of the State of Ohio to convey Parcels 140A-1 and 141-S to the City of Brecksville; and

"FURTHER RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to execute an interagency transfer of the Commission's jurisdiction to the Director of the Ohio Department of Transportation for subsequent transfer to the City of Brecksville, as permitted by statute."

Mr. Hurst asked who held the underlying fee to the parcels.

General Counsel, James C. McGrath, said it was held by the State of Ohio.

Mr. Hurst asked that if the Commission had an easement then who was the owner.

Mr. McGrath said it probably would be the abutting property owner. He said he couldn't say exactly who owned the property. He said there were two parcels and one, 141-S, was fee simple, held in the name of the state.

Mr. Hurst asked if there was any reversion clauses in the Commission's easement agreements.

Mr. McGrath said there was not, to the best of his knowledge, any such clauses, but before taking any action he would check that out specifically.

Mr. Hurst said the Commission would be vacating the easement.

Mr. McGrath said the property was a perpetual easement for public highway purposes. He said he thought the City of Brecksville might want to continue it as a perpetual easement.

Mr. Hurst said that he assumed the City of Brecksville would not resell the property to a private investor and that it would remain in public use.

Mr. McGrath said that was correct.

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

Ayes: Mr. Bergsmark, Mr. Hurst, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 16-1990.

The Executive Director said that the next resolution was a resolution ratifying and amending resolutions No. 10-1989 and No. 6-1990 declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted.

The Executive Director said further that the resolution involved a parcel required to build the Turnpike interchange with State Route 2 in Lucas County. He said that since the resolutions previously mentioned were adopted there had been a slight change in requirements for that property. He said the resolution before the Members would change the description of the property that was being acquired by appropriation if, in fact, that finally turned out to be the case.

The Executive Director said further that the parcel was one scheduled for trial later in November. He said discussions continued in an attempt to complete the acquisition by negotiations, but the staff needed to be ready for trial, if indeed that proceeded.

Mr. McGrath said that parcel 8WL-1 was approximately a tenth of an acre. He said it would be used for some additional drainage. He said that parcel 8T-1 was a temporary easement.

A resolution ratifying and amending resolutions No. 10-1989 and 6-1990 declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 17-1990

"WHEREAS, Resolution No. 10-1989 and Resolution No. 6-1990 dealt with the appropriation of certain parcels of real estate owned by Seaway Sand & Stone, Inc. and needed for the construction of Toll Interchange 3-A;

"WHEREAS, an additional parcel of real estate owned by Seaway Sand & Stone, Inc. is needed for the construction of Toll Interchange 3A, namely Parcel 8 WL-1, and it is necessary to change the location of Parcel 8 T-1;

"WHEREAS, the Commission has been advised by its general counsel that the property owner has waived compliance with the provisions of Chapter 164 of the revised code concerning Parcel 8 WL-1 and the relocation of Parcel 8 T-1 and has further been advised by its general counsel that the properties aforesaid are necessary for the construction of Toll Interchange 3-A;

"NOW, THEREFORE, BE IT

"RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owners and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Seaway Sand & Stone, Inc.	2190 Whitehouse-Spencer Rd. Swanton, Ohio 43558
County Auditor of Lucas County	One Government Center Toledo, Ohio
County Treasurer of Lucas County	One Government Center Toledo, Ohio

Parcel No. 8 WL-1

All right, title and interest in fee simple, including limitation of access, in the following described property:

Situated in Lucas County, Swanton Township, Town 7 North, Range 9 East, in Section Three (3) and in the State of Ohio, bounded and described as follows:

Commencing at the intersection of East Line of Section Three (3) and the West Line of Section Two (2) and the Centerline of Whitehouse-Spencer Road (60' R/W), said point also being the East (1/4) Corner of Section Two (2) and the West (1/4) Corner of Section Three (3) and having a Railroad Spike with a Cross Cut on top of Pavement; thence North $01^{\circ}30'08''$ East, along said Centerline and Section lines, and the Proposed Westerly Limited Access of Ramp A, and the Grantor's property line, 1572.01 feet to a point in the Existing Southerly Limited Access Line of the Ohio Turnpike; the principal place of beginning, said place of beginning at Sta. 212+23.29, 145.00 ft. right of centerline of Ohio Turnpike; thence south $01^{\circ}30'08''$ west along the centerline of Whitehouse-Spencer Road, 10.67 feet to a point in the Proposed Southerly Limited Access Line of the Ohio Turnpike, said point being Sta. 212+27.01, 155.00 feet right of the centerline of the Ohio Turnpike, thence north $68^{\circ}02'12''$ West, along said line, 452.01 feet to an angle point in said line, said point being at Sta. 207+75.00, 155.00 feet right of the centerline of the Ohio Turnpike; thence North $21^{\circ}57'48''$ East, along said Line, 10.00 feet to a point in the Existing Southerly Limited Access Line of the Ohio Turnpike, said point being at Station 207+75.00, 145.00 feet right of the Centerline of the Ohio Turnpike; thence South $68^{\circ}02'12''$ East, along said Line, 448.29 feet to the principal place of beginning, containing 0.103 Acres, 4501.50 Sq. Ft. more or less, subject to all legal highways. The bearings referred to herein are based on a recorded Centerline Plat recorded in Volume 60, Pages 41 and 42, for the Ohio Turnpike, dated October 17, 1952 and used for the determination of angular measurements.

Description prepared by H.N.T.B. is based on a Survey made by Thomas G. Gergich, Registered Surveyor No. S-7146.

Parcel No. 8-T-1

Construction easement for the construction of an access drive over the following described property:

Situated in Lucas County, Swanton Township, Town 7 North, Range 9 East, in Section Three (3) and in the State of Ohio, bounded and described as follows:

Commencing at the East quarter (1/4) corner of Section Three (3) and the centerline of Whitehouse-Spencer Road (60' R/W); thence North 89°41'28" West, along the East and West centerline of Section Three (3), 661.12 feet to a point in the Proposed South Limited Access Line of Ramp A and a point in the Grantor's corner, said Grantor's property is recorded in Volume 1935, Page 227, said point being at Station 88+78.05, 374.45 feet right of the Baseline of Ramp A; thence North 89°41'28" West, along said East and West centerline of Section Three (3) and the Grantor's property line and Limited Access Line, 475.94 feet to a point in the Proposed West Limited Access Line of Ramp A, said point being at Station 87+36.65, 80.00 feet left of the Baseline of Ramp A, the principal place of beginning; thence North 89°41'28" West, along the Grantor's property line, 919.95 feet, to a point in the Proposed East Temporary Right of Way Line of Ramp A, thence South 00°47'23" West, along the Grantor's property line, 1284.79 feet to a point in the Existing North Right of Way Line of State Route Two (2); thence South 64°25'08" West, along Existing North Right of Way Line of State Route Two (2), 66.97 feet to a point in the Proposed West Temporary Right of Way Line; thence along the following courses of said Temporary Line; North 00°47'23" East, 1364.04 feet; thence South 89°41'28" East, 754.54 feet, being at Station 87+17.54, 309.70 feet left of the Baseline of Ramp A; North 73°01'46" East, 145.35, feet being at Station 88+00.00, 190.00 feet left of the Baseline of Ramp A; North 44°09'29" East, 111.80 feet, being at Station 89+00.00, 140.00 feet left of Baseline of Ramp A; North 17°35'32" East, 100.00 feet, to a point in the Proposed Slope Easement Line of Ramp A, said point being at Station 90+00.00, 140.00 feet left of the Baseline of Ramp A; thence South 37°37'48" East, along said Slope Line, 87.66 feet to a point in the Proposed West Limited Access Line of Ramp A, being at Station 89+50.00, 68.00 feet left of the Baseline of Ramp A; thence South 20°48'41" West, along said Line, 213.69 feet to the principal place of beginning, containing 147,730 sq. ft., 3.39 Acres, more or less, subject to all legal highways. The bearings referred to herein are based upon a Recorded Centerline Plat recorded in Volume 50, Pages 41 and 42, for the Ohio Turnpike dated October 17, 1952 and used for the determination of angular measurements.

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be

commenced, and Resolution Nos. 10-1989 and 6-1990 are hereby ratified and amended in part in accordance with this resolution.

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Hurst,
Mr. Rogers

Nays: None

The Chairman declared the resolution approved with all Members present voting in the affirmative. The resolution was identified as No. 17-1990.

The Executive Director said further the final resolution was a resolution to authorize the Executive Director to take immediate action concerning award of a contract for invitation No. 3098-C. He said it was a project whereby contaminated soil at the Turnpike's Amherst maintenance building had to be removed and disposed of in a safe manner. He said the contamination developed over the years from the operation of the sign shop and paint removal operations that somehow soaked into the ground. He said it was an Ohio Environmental Protection Agency requirement under current regulations that the material be properly removed. He said the staff had been working with the Ohio EPA for some time and the contract would exceed \$250,000. He said he was asking for authority pursuant to taking bids on the contract.

Mr. Bergsmark asked whether the contaminated soil would be disposed of in Ohio or outside the state.

The Deputy Executive Director-Chief Engineer, G. Alan Plain, said the contract stipulated that it be disposed of in Ohio and it probably would have to be incinerated.

Mr. Hurst said ODOT had the same situation in Marietta for a new bridge over the Ohio River. He said he understood the contractor had to dispose of the contaminated material in South Carolina.

The Executive Director said he didn't think the Amherst contaminated soil would have to be shipped that far since there was a place for it in Ohio. He said part of the contract cost would be for transportation of the material.

Mr. Bergsmark asked if the staff had an estimated cost for the contract.

The Executive Director said bids had been taken once before and they had been rejected. He said that from that experience he knew it would cost between \$500,000 and \$1.2 million.

Mr. Hurst said it was often hard to find a stopping point in such situations once digging began and the proper testing was done.

Mr. Bergsmark asked the Executive Director to inform the Commission should the bids be exorbitant.

The Executive Director said he would not award the contract if the bids were too high. He said that if he didn't award the contract he would report on it at the December Commission meeting. He said there was some time restraint to have the work done as soon as possible because the Ohio EPA and the staff had been working on the situation for a while.

A resolution authorizing the Executive Director to take immediate action concerning award of contract for invitation No. 3098-C was moved for adoption by Mr. Hurst, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 18-1990

"WHEREAS, the Commission has advertised for proposals for the furnishing to the Commission of all equipment, tools, vehicles and service to excavate and dispose of Toluene waste contaminated soil, located at the Commission's Amherst Maintenance Building, such contract being designated as Invitation No. 3098-C;

"WHEREAS, it is estimated that the cost of the contract will exceed the \$250,000 limit of authorization heretofore granted by the Commission to the executive director with respect to the awarding of such contracts;

"WHEREAS, the Commission desires to delegate to the executive director authority to make award of the contract pursuant to Invitation No. 3098-C so that such award may be made immediately as soon as appropriate;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of the contract for Invitation No. 3098-C, as set forth above, if, in the opinions of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best interest of the Commission for an award to be made by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to award and enter into any contract or contracts and to take whatever other action, on behalf of the Commission, the executive director, with the approval of the deputy executive director-chief engineer and the consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive

director under any resolution heretofore adopted, provided that any award made and contract entered into pursuant to authority granted herein shall be approved by general counsel; and

"FURTHER RESOLVED that the executive director shall inform the Commission of the actions taken hereunder."

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

Ayes: Mr. Hurst, Mr. Bergsmark, Mr. Pinzone,
Mr. Rogers

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 18-1990.

The Executive Director said also that he would report on the Turnpike/State Route 2 interchange project. He said the Army Corps of Engineers had agreed with the staff on the extent of the wetlands in the area, which had shrunk a great deal from what they had been some time ago. He said all of the so-called wetlands that were on the south side of the Turnpike had been finally, at the staff's strong insistence, declared to have been artificially created and they were no longer wetlands under the jurisdiction of the Corps. He said there remained about two acres north of the Turnpike which would be affected and a mitigation plan proposed by the staff had been basically accepted by the Corps.

The Executive Director said further the bids would be advertised for the final contract for that interchange project. He said four contracts had been awarded for the project. He said the first contract was done in 1989, which was the rebuilding of the State Route 2 bridge over the Turnpike. He said the second one was for building the toll plazas and the third was for widening a portion of State Route 2, which was under contract and under construction. He said the fourth contract was awarded in October for the building of the two new mainline bridges on the Turnpike that had to be built to carry the ramps under the Turnpike.

The Executive Director said further that the last thing left was the actual construction of the ramps from under the aforementioned bridges down to State Route 2. He said the staff was in a position to seek bids on that contract, which should be done in December. He said he expected that the interchange would be open in November 1991. He said he would report to the Commission when those bids were taken. He said he would ask Mr. Plain to

give the Members an update on the remaining construction contracts.

Mr. Plain said the 1990 construction projects were nearly completed. He said there remained only one bi-directional traffic zone on the mainline near the Warren (#14) Interchange. He said that project was scheduled for completion by November 20th. He said all the work would be done before the Thanksgiving holiday period.

Mr. Bergsmark asked about the progress of the Turnpike/I-75 Interchange.

Mr. Plain said bids would be advertised late in November for a contract to build the toll plaza. He said the contract would be awarded in December and the interchange would be opened in November 1991.

Mr. Bergsmark asked when the new I-75 interchange with State Route 795 would be opened.

Mr. Hurst said bids for constructing the interchange would be advertised and a contract awarded sometime in 1991 and it would be completed in 1992.

Mr. Bergsmark said he thought everyone had been trying to speed up the process so that it would be opened at the same time as the Turnpike/I-75 interchange was opened.

Mr. Hurst said ODOT had to work under Federal guidelines because Federal funding was involved in the project.

The Executive Director said ODOT had a monthly meeting in Columbus to discuss the status and progress of the project. He said the November meeting day coincided with the Commission meeting so he was unable to attend. He said he would make sure that there would be another meeting with ODOT before the next Commission meeting to allow him to have the very latest information to report to the Members in December.

The Chairman asked when all the Turnpike construction zones would be cleared.

Mr. Plain said the last mainline zone would be down on November 20.

The Executive Director said also he would report on the Joint Select Committee studying the Turnpike. He said he had reported to the Members in August that the committee had held four public hearings. He said he thought there might be another meeting in the Toledo area in November. He said he hoped the committee completed its work sometime soon and action could be taken by the Ohio General Assembly in 1990.

The Chairman said the report of the Executive Director was accepted as offered. He said the report of General Counsel would be received.

General Counsel said, as most everyone knew, Patricia Blackmon, Staff Counsel in the Legal Department, had been elected to the Eighth District Court of Appeals on November 6 and she would be leaving the Commission staff. He said everyone hated to see her go, but she was going to a wonderful position. He said she would be leaving in January.

The Chairman said the report of General Counsel was accepted as offered. He said the report of the consulting engineers would be received.

Mr. Fleischman said the consulting engineers annual report had been delivered to the staff offices on October 1, as required by the Trust Agreement.

The Chairman said the report of the consulting engineers was accepted as offered. He ascertained there would be no reports from the trustee and the Director of Information and Research.

The Chairman said the date for the next Commission meeting would be December 20, if that was acceptable to the Members. He said the meeting would be held at 11:00 a.m. and it would be followed by the annual Christmas luncheon.

The Chairman said Mr. Pinzone was leaving the day after the meeting for a trip to Russia.

There being no further business before the Commission, a motion was made by Mr. Pinzone, seconded by Mr. Bergsmark, 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: Mr. Pinzone, Mr. Bergsmark, Mr. Hurst,
Mr. Rogers

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 4:16 p.m.

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


Charles R. Pinzone, Secretary-Treasurer