

MINUTES OF THE 375th MEETING OF THE OHIO TURNPIKE COMMISSION

April 13, 1992

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the lodge at Maumee Bay State Park in Oregon, Ohio, at 11:11 a.m., on April 13, 1992, with key members of the staff; a representative, Richard Fetzer, of the trustee, Ameritrust Company National Association; a representative, David Millstone of the fiscal and labor counsel, Squire, Sanders & Dempsey; two members of the media, Pauline Thoma, The (Cleveland) Plain Dealer, and John Lis, The (Toledo) Blade; 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: Joseph J. Vukovich, M. Ben Gaeth, Ronald L. Zook, Edwin M. Bergsmark, Charles R. Pinzone, James H. Brennan

Absent: Jerry Wray, Umberto P. Fedeli

A motion was made by Mr. Bergsmark, seconded by Mr. Pinzone that the minutes of the meeting of March 9, 1992, 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. Pinzone, Mr. Zook, Mr. Brennan

Nays: None

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

The Chairman said the meeting was the 375th of the Commission and it was being held in the Barney Quilter Lodge of the Maumee Bay State Park as indicated at the last meeting. He said the Commission's Vice Chairman Umberto Fedeli was unable to attend the meeting, and Ronald L. Zook was attending the meeting as ODOT Director Jerry Wray's designated representative and was entitled to vote.

The Chairman said he had created some confusion at the last Commission meeting when he spoke of looking at a new Turnpike interchange at State Route 61 in Erie County, when he meant to say State Route 51 in Ottawa County. He said the minutes had been corrected, but he did want to apologize for any confusion his error might have caused. He said he had a question for

General Counsel, James C. McGrath, regarding the minutes. He said that on page 21 of the minutes there were comments concerning the fact that the Commission had not heard back from General Motors regarding the possibility of them letting the Commission use some of the land they owned for the new Turnpike interchange at Lordstown. He asked Mr. McGrath if there was anything new on that subject.

Mr. McGrath said that he had talked to officials at General Motors and they had indicated that they would contribute the property for the interchange at no cost to the Commission. He said the paperwork on the transfer of the property had not been completed, but the situation looked favorable.

The Chairman said it was the general custom to have the Executive Director, Allan V. Johnson, introduce those in attendance. He said that would be exceedingly difficult at that meeting, but perhaps Mr. Johnson could introduce those folks that he recognized and knew.

The Executive Director said he wouldn't introduce the staff members sitting around the conference table. He said David Millstone from Squire, and Dempsey, the Commission's fiscal and labor counsel, was in attendance. He said John McGowan, an appraiser for the Commission, who was working on some of the turnpike's right-of-way projects, was sitting at the table, as was Pauline Thoma of The (Cleveland) Plain Dealer, whom the Commission thought was never going to be seen again. He said she had miraculously reappeared and he hoped that meant she would be covering the Commission in the future. He said also at the meeting were Mike Corcoran, from the Fostoria Chamber of Commerce and a representative of the I-73/74 committee, and Julian Moore, from the same committee. He said that also seated at the table was State Representative Fred Deering, and Dick Fetzer, who was with the Commission's trustee, Ameritrust Company National Association.

Mr. Bergsmark said he would like to recognize Jim Cooper from Donaldson, Lufkin and Jenrette, and Dave Snavely and Ted Hahn from The Trust Company of Toledo.

The Executive Director said he also would like to introduce Captain Henry Williams, Commander of the Turnpike District of the Ohio State Highway Patrol.

The Chairman said the man for whom the lodge was named had just entered the meeting room. He said he offered a happy birthday last Thursday for State Representative Barney Quilter.

Representative Quilter said he had been looking for Representative Deering, whom he found in the meeting room.

The Chairman said the Commission was meeting in Representative Quilter's legislative district.

The Executive Director said there also were several Commission employees in the entrance to the meeting room. He said he recognized Phil Bailey and Tom Harris. He said also present was Dennis Painter, International Representative of District 7 of the United Electrical, Radio and Machine Workers of America in Ohio, Michigan and Indiana.

The Chairman said that in compliance with the Turnpike Act, copies of the Commission's 1992 annual report, which contained the independent auditors' report approved by the Auditor of State, were delivered on March 31 to the Governor's office and to the offices of the legislative leaders. He said that distribution was required and was made by April 1. He said the report also was being mailed to other members of the General Assembly, who had requested copies, to elected state officials, to newspapers and selected radio and television stations and to other interested parties. He said the truth of the matter was that anyone could have a copy of the annual report since it was public information.

The Chairman reported also that the primary reason for the meeting was to act on a number of resolutions, draft copies of which had been previously sent to the Members and also were in the Members' folders. He said the resolutions would be explained and introduced during the various committee and staff reports.

The Chairman said further that if there were no questions, the meeting would proceed to the committee reports starting with the Secretary-Treasurer's report from Mr. Bergsmark.

Mr. Bergsmark said that the following listed items had been sent to the Members since the last regular meeting of the Commission on March 9, 1992:

1. Weekly traffic statistics
2. Investment transactions which occurred during March 1992
3. Draft of the Commission Meeting minutes of March 9, 1992
4. Traffic Accident Analysis for February and March 1992
5. Traffic and Revenue Report for March 1992
6. The Ohio Turnpike Commission Comprehensive Annual Financial Report for 1991
7. Financial Statements for February and March 1992
8. Litigation Report for first quarter of 1992
9. News Release #1 - Commencement of construction on Turnpike

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He ascertained there would be no report from the Committee on Budget and Finance. He said the report of the Committee on Audit/Legal would be received.

The Chairman of the Committee on Audit/Legal, Mr. Vukovich, said that at the last Commission meeting he reported that the

audit of the Commission for 1991 was nearing completion and that the result would be included in the Commission's annual report, which was required to be completed before April 1 and submitted to the Governor and appropriate offices of the General Assembly. He said the audit and annual report had been completed and he was pleased to report that, once again, there were no adjustments required in any of the Commission's accounts and financial statements and there were no findings of noncompliance against the Commission. He said that, in summary, the general financial status of the Commission accounts and activities were in excellent condition.

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

The Executive Director, Mr. Johnson, said he first wanted to report on the tripartite agreement, which had been an item of discussion by the Commission for more than nine years. He said he was pleased to report that drafts of a modified agreement had been exchanged with the Federal Highway Administration in Washington. He said the Commission's draft had been sent to the FWHA first and they had responded with a draft that he had received the week before the Commission meeting.

The Executive Director said further that he had spoken to the Deputy Chief Counsel of the FWHA about the matter. He said it appeared that any differences were minor at that point and those differences could be resolved by the end of April.

The Chairman said the agreement would then be completed comfortably ahead of the June 1, 1992, deadline.

The Executive Director said the Chairman was correct.

The Executive Director said he next wanted to report on the Governor's Cabinet meeting in Archbold on March 13, which he and the Chairman had attended. He said that at that time the Governor had announced, during the course of the public portions of that meeting, that he wanted the Ohio Turnpike Commission to be involved in economic development around the state. He said that because the Cabinet meeting was being held in Northwest Ohio, the governor had emphasized economic development in that part of the state.

The Executive Director said also that he wanted to mention that the Chairman, he and Mr. Zook had met with the Governor on March 25. He said the Governor had asked the Commission and ODOT to prepare a memorandum of understanding on how the Commission might be involved in both the Maumee River crossing project in the Toledo area and the I-73/I-74 corridor project, which was to

run from Toledo south through the Columbus area, and then across the state border around the Portsmouth area. He said that before that meeting the Chairman, he and the Commission's legislative liaison, Pat Patton, had attended a meeting of the I-73/I-74 task force, which met in Columbus, and the Commission's intentions to participate in the process to help develop that project were expressed.

The Executive Director said further that the next meeting of the Task Force was scheduled for April 15 in Columbus and he hoped to attend that meeting. He said certainly Mr. Patton would attend, but he thought they both would be able to make it. He said Julian Moore and Mike Corcoran both were on the Task Force and they were in attendance at the Commission meeting.

The Executive Director said also that he wanted to note for the record the deaths of two former Commission employees, who had died within the last two months. He said they were both prominent in the history of the Turnpike. He said the first was James Hartshorne, one of the very first employees of the Commission, who was employed in 1952, just after the bonds were sold to finance the Turnpike.

The Executive Director said further that Jim Hartshorne was employed as the Director of Information and Research for the Commission. He said Mr. Hartshorne had come to the Commission from The (Cleveland) Plain Dealer, where he had been a journalist for many years. He said Mr. Hartshorne had also served as Executive Assistant to the Chairman and Deputy Executive Director. He said Mr. Hartshorne had served for a short time as Acting Executive Director. He said Jim Hartshorne died on February 6 at the age of 90.

The Executive Director said further that the other former Commission employee who had passed away was Lockwood Thompson. He said Mr. Thompson had been the Commission's General Counsel from the time the Commission had moved its headquarters from Columbus to Berea in 1956 until he resigned in 1973. He said that, upon resigning, Mr. Thompson had made an absolute, emphatic point that he wasn't retiring. He said he could tell the Commission that he knew first hand that Mr. Thompson did not retire. He said Mr. Thompson was active in the practice of law and in many other activities until he died on March 27, also at the age of 90. He said Mr. Thompson had a distinguished career outside the Commission and was involved in a wide variety of activities, too long to mention. He said he thought it was appropriate to note for the record the passing of those two men.

The Chairman said it would seem as though being associated with the Ohio Turnpike Commission was a good ticket to a long life.

The Executive Director said two former Commission Members, O. L. Teagarden and Murray Seasongood, lived to be 95 years of

age. He said the Commission must be too hard on the staff members because they had five fewer years to look forward to.

The Chairman said he wondered if Mr. Quilter, the speaker Pro Tem of the Ohio House of Representatives, would like to make any comments or if he was just at the meeting as an observer.

Mr. Quilter said he was at the Commission meeting only as an observer, but he thanked the Chairman for taking notice of him.

The Executive Director said the next items in his report were the introduction of the resolutions to award contracts that were before the Commission. He said that, as the Commission Members were aware, the staff had been working on the plans for two important projects involving interchanges on the Turnpike. He said the first of the resolutions was, for a project that was entitled Resolution Awarding Contract CIP 55-92-04. He said it was a contract to build the interchange portions of the new interchange between the Turnpike and the roadway system at the General Motors Lordstown complex in Trumbull County. He said there were seven bidders on the project. He said tabulations of the bids had been furnished to the Members.

The Chairman said the bid tabulations contained 76 pages and he had read through them all.

The Executive Director said further that the low bid had been submitted by Kirila Contractors, Inc. of Brookfield, Ohio, in the amount of \$5,836.530.45. He said the bids had been analyzed and reviewed by the Commission's outside consultants, both the consultant who prepared the plans and the Commission's general consultant, Greiner Engineering, Inc.- Ohio. He said the bids also had been analyzed by the Commission's General Counsel and other members of the staff. He said he would read the resolved of the resolution as follows:

"RESOLVED that the bid of Kirila Contractors, Inc. of Brookfield, Ohio, in the amount of \$5,836.530.45, for the performance of Contract CIP 55-92-04, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said he recommended that the resolution be adopted.

The Chairman asked if the low bid on the contract was more than \$1 million below the staff's cost estimate.

The Executive Director said the Chairman was correct. He said excellent bids had been received on the contract.

A resolution awarding contract CIP 55-92-04 was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 9-1992

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for construction of Interchange 14A and 14B at Milepost 215.1 and 216.4, located in Trumbull County which contract has been designated CIP 55-92-04 and is commonly referred to as the Lordstown Interchange;

"WHEREAS, seven bids for the performance of said contract were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of Kirila Contractors, Inc. of Brookfield, Ohio, in the amount of \$5,836,530.45, for the performance of Contract CIP 55-92-04 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by Kirila Contractors, Inc. of Brookfield, Ohio;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Kirila Contractors, Inc. of Brookfield, Ohio in the amount of \$5,836,530.45, for the performance of Contract CIP 55-92-04, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and

is accepted, and that the chairman and executive director, or either 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) 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: Mr. Bergsmark, Mr. Pinzone, Mr. Zook,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 9-1992.

The Executive Director said the next item was a resolution to award contract CIP 55-92-01. He said that was a contract to relocate the existing Westgate toll plaza, which was all part of the project to build a new interchange with State Route 49 in Williams County, very close to the Indiana border. He said there were only two bids on the contract, but they were both good bids by good contractors. He said the low bid was received from The Great Lakes Construction Company of Cleveland, Ohio. He said he would read the last resolved of the resolution as follows:

"RESOLVED that the bid of The Great Lakes Construction Company of Cleveland, Ohio, in the amount of \$4,806,351.12, for the performance of Contract CIP 55-92-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract."

The Executive Director said further that the bids had been analyzed by the Commission's consulting engineer who did the design, the general consultant, Greiner, the staff, the Chief Engineer and General Counsel. He said he recommended that the resolution be adopted.

The Chairman said that, as he recalled, the low bid on the contract was below the estimate.

The Executive Director said the Chairman was correct.

A resolution awarding contract CIP 55-92-01 was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION 10-1992

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for construction of a new toll plaza at Milepost 2.8, located in Williams County, Ohio which contract has been designated CIP 55-92-01 and is commonly referred to as the new Westgate Interchange;

"WHEREAS, two bids for the performance of said contract were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer and the Commission's consulting engineer, and they have submitted reports concerning such analyses and those reports are before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analyses;

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by the bidders and has determined that there is satisfactory evidence of compliance with the Commission's Minority Business Enterprise Program;

"WHEREAS, all bids for said contract were solicited on the basis of the same terms and conditions and the same specifications, and the bid of The Great Lakes Construction Company of Cleveland, Ohio, in the amount of \$4,806,351.12, for the performance of Contract CIP 55-92-01 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07 (B), Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by The Great Lakes Construction Company of Cleveland, Ohio;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Great Lakes Construction Company of Cleveland, Ohio, in the amount of \$4,806,351.12, for the performance of Contract CIP 55-92-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director,

or either 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; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) 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: Mr. Pinzone, Mr. Bergsmark, Mr. Zook,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 10-1992.

The Executive Director said that earlier that morning he spoke to the Northwest Regional Meeting of the Travel Association of Ohio at the Maumee Bay Lodge and he appreciated the fact that the Commission agreed to meet at the lodge so that he might fulfill that speaking engagement before the Commission meeting.

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, Mr. McGrath, said the Members had in their folders five resolutions dealing with the appropriation of real estate. He said the first resolution dealt with the relocation of Latcha Road in Wood County and affected property held by Sharon Ramirez, Trustee, and the Huntington Bank of Wood County. He said the staff had negotiated that particular parcel on a number of occasions and had been unable to reach a resolution of those negotiations. He said he was asking that the Commission approve a resolution authorizing the filing of an appropriation action. He said he would read the final resolved in the resolution as follows:

"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."

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adopted by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 11-1992

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the relocation of Latcha Road, Wood County, Ohio;

"BE IT FURTHER 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/ Place of Business</u> |
|---|--|
| Sharon L. Ramirez, Trustee | 823 Circlevue Drive Toledo, OH 43615 |
| The Huntington Bank of Wood County, Trustee | 130 S. Main Street Bowling Green, OH 43402 |
| Huntington National Bank of Columbus, Trustee, c/o John L. Shockley | 41 South High Street 10th floor Columbus, OH 43215 |
| Harold F. Bateson, Wood County Auditor | One Courthouse Square Bowling Green, OH 43402 |
| Robert Van Horn Wood County Treasurer | One Courthouse Square Bowling Green, OH 43402 |

"The aforementioned property to be appropriated is described as follows:

Right of Way to be Acquired in
Conjunction with the Relocation of Latcha Road
(Fee Simple)

A legal description is attached as Exhibit "A";

"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."

All that part of the south ninety (90) acres, more or less, of the southwest one hundred and twenty (120) acres of the southwest 1/4 of Section 19, Town 7 North, Range 12 East, Lake Township, Wood County, Ohio, bounded and described as follows, with the bearings used herein, being based on the centerline bearing of the Ohio Turnpike, as referred to in the "Plat of Highway Center Line Survey", recorded in Volume 10, Page 68, of the Wood County Recorder's Office:

Commencing at the southwest corner of said section 19; then proceeding along the west line of Section 19 (also being the centerline of Tracy Road), North 00° 05' 15" East 1109.00 feet; then South 89° 54' 45" East 30.00 feet to intersect the easterly right-of-way line of Tracy Road, and being the Point of Beginning of the herein described parcel; then South 27° 44' 17" East 85.10 feet; then South 77° 28' 18" East 146.49 feet; then South 55° 28' 54" East 112.81 feet; then South 38° 52' 03" East 113.75 feet; then South 21° 41' 06" East 97.55 feet; then South 10° 43' 05" East 249.66 feet; then South 23° 18' 36" East 196.61 feet; then South 41° 49' 04" East 244.79 feet to intersect the existing northeasterly right-of-way line of a Highway easement, as acquired in Deed Volumes 334, Page 517 and 334, Page 512 (Parcel 56 F-2) of the Wood County Recorder's Office, said point being a perpendicular distance of 160.00 feet north of the south line of said Section 19; then proceeding along the existing northeasterly right-of-way line of said highway easement the following two (2) courses: North 47° 45' 46" West 400.28 feet and North 60° 24' 26" West 37.21 feet; then departing from said highway easement, north 10° 43' 05" West 379.75 feet; then north 36° 22' 59" West 86.27 feet; then North 52° 14' 29" West 87.24 feet; then North 77° 28' 18" West 114.18 feet; then South 41° 26' 11" West 44.99 feet to intersect the existing northeasterly right-of-way line of a highway easement, as acquired in the above said Volumes and designated as Parcel 56 F-1; then proceeding along the existing northeasterly right-of-way line of said highway easement, the following two (2) courses: North 04° 01' 51" West 69.62 feet and North 05° 37' 23" West 50.25 feet to intersect the existing easterly right-of-way line of Tracy Road; then proceeding along the existing easterly right of way line of Tracy Road, North 00° 05' 15" East 64.59 feet to the Point of Beginning. Containing 1.869 acres, more or less.

Subject to all legal highways and easements of record.

Exhibit "A"

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. Pinzone, Mr. Zook,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 11-1992.

General Counsel said he had four other resolutions for appropriation all dealing with the Lordstown interchange. He said the first resolution dealt with the Consolidated Rail Corporation property, the second parcel was real estate owned by Imperial Motor Homes, Inc., the third was owned by Lyle and Shelley Holton, and the fourth parcel was owned by D.J. & J. Enterprises.

General Counsel said further that in each one of those parcels the staff had been unable to close negotiations in order to reach a final resolution. He said he wanted to mention that the D. J. & J. parcel had a title defect and that appropriation was more a method of clearing title than resolving a dispute.

General Counsel said that for each one of those resolutions he would read the last resolved as follows:

"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."

General Counsel said the first resolution before the Members was property owned by Consolidated Rail Corporation.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriations be begun and prosecuted was moved for adoption by Mr. Bergsmark and seconded by Mr. Pinzone as follows:

RESOLUTION NO. 12-1992

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with Ellsworth-Bailey and Hallock-Young Roads and the Ohio Turnpike in the vicinity of Milepost 215.4 in Trumbull County, Ohio;

"BE IT FURTHER 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 Business</u> |
|---|--|
| Consolidated Rail Corporation c/o John W. Hindman, Property Manager | 100 Fleet Street Pittsburgh, Pennsylvania 15220 |
| Edward Bush Auditor, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |
| David Hines Treasurer, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |

"The aforementioned property to be appropriated is described as follows:

Parcel No. 2 WL- Fee Simple

A legal description is attached as Exhibit "A";

"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."

Parcel No. 2 WL

Situated in the Village of Lordstown, County of Trumbull, and State of Ohio, and being part of the lands of the Grantor located in Lot 62, and Lot 73, who claim title by instrument of Record of Deed Book 1073 at Page 159 of the Deed Records of Trumbull County, and being more fully described as follows:

Commencing at the intersection of the centerline of the Ohio Turnpike with the centerline of Ellsworth Bailey Road; thence North $00^{\circ} 47' 06''$ West along the centerline of Ellsworth Bailey Road for a distance of 152.56 feet to a point in the existing limited access right of way line of the Ohio Turnpike; thence, along said existing limited access right of way line, North $52^{\circ} 38' 15''$ West for a distance of 165.53 feet to the true place of beginning for the tract of land described herein; thence, North $52^{\circ} 38' 15''$ West along the existing limited access right of way line for a distance of 34.18 feet to a point; thence continuing along the existing limited access right of way line by the arc of a curve to the right having a radius of 17,068.73 feet, a chord bearing of North $46^{\circ} 35' 25''$ West, and a chord distance of 3596.37 feet, for an arc distance of 3603.05 feet to a point; thence, continuing along the existing limited access right of way line, North $40^{\circ} 32' 34''$ West for a distance of 224.73 feet to a point in the line between Lot 61 and Lot 62; thence North $01^{\circ} 56' 26''$ West along the Lot line for a distance of 24.04 feet to a point; thence South $40^{\circ} 51' 51''$ East along the proposed limited access right of way line for a distance of 242.17 feet to a point; thence South $43^{\circ} 14' 38''$ East, and continuing along the proposed limited access right of way line for a distance of 665.00 feet to a point; thence South $43^{\circ} 17' 13''$ East along said proposed limited access right of way line for a distance of 665.00 feet to a point; thence South $67^{\circ} 43' 26''$ East along the proposed limited access right of way line for a distance of 1225.85 feet to a point; thence South $22^{\circ} 16' 34''$ West and continuing along said proposed limited access right of way line for a distance of 38.00 feet to a point; thence South $67^{\circ} 43' 26''$ East along said proposed limited access right of way line for a distance of 150.00 feet to a point; thence North $22^{\circ} 16' 34''$ East along the proposed limited access right of way line for a distance of 38.00 feet to a point; thence, continuing along said proposed limited access right of way line, thence South $67^{\circ} 43' 26''$ East for a distance of 263.09 feet to a point; thence North $89^{\circ} 13' 36''$ East along the proposed limited access right of way line for a distance of 148.30 feet to a point on the existing right of way line of Ellsworth Bailey Road; thence South $03^{\circ} 58' 43''$ West along the existing right of way line of Ellsworth Bailey Road for a distance of 163.70 feet to a point; thence South $00^{\circ} 47' 06''$ East and continuing along the existing right of way line of Ellsworth Bailey Road for a distance of 765.92 feet to the true place of beginning, and containing 19.362 acres of land, more or less, and being 0.903 ac. in Lot 62, and 18.459 ac. in Lot 73.

The above description was prepared by Richard John Swan, Registered Professional Surveyor, No. 6574, in November, 1991, and is based on a survey made by ms consultants, inc. in November, 1991.

Exhibit "A"

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

Ayes: Mr. Bergsmark, Mr. Pinzone, Mr. Zook,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 12-1992.

General Counsel said the next resolution before the Commission dealt with property owned by Imperial Mobile Homes, Inc.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Pinzone, seconded by Mr. Zook as follows:

RESOLUTION NO. 13-1992

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with Ellsworth-Bailey and Hallock-Young Roads and the Ohio Turnpike in the vicinity of Milepost 215.4 in Trumbull County, Ohio;

"BE IT FURTHER 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 Business</u> |
|---|--|
| Imperial Mobile Homes, Inc. | 3293 Ellsworth-Bailey Rd. Warren, Ohio 44481 |
| Edward Bush Auditor, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |
| David Hines Treasurer, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |

"The aforementioned property to be appropriated is described as follows:

Parcel No. 3 WL- Fee Simple

A legal description is attached as Exhibit "A";

"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."

Parcel No. 3 WL

Situated in the Village of Lordstown, County of Trumbull, and State of Ohio, and being part of the lands conveyed to Imperial Mobile Homes, Inc. by instrument of record in Deed Book 238 at Page 282 of the Deed Records of Trumbull County, and being more fully described as follows:

Commencing at the intersection of the Trumbull/Mahoning County line with the centerline of the Ohio Turnpike; thence North $52^{\circ} 38' 15''$ West along the centerline of the Ohio Turnpike for a distance of 1341.81 feet to a point on the line between Lot No. 4 and Lot No. 78; thence South $02^{\circ} 29' 00''$ East along the Lot Line for a distance of 162.81 feet to a point on the existing southerly limited access right of way line; thence North $52^{\circ} 38' 15''$ West along the existing southerly limited access right of way line for a distance of 325.03 feet to a point; thence South $88^{\circ} 59' 34''$ West along the existing southerly limited access right of way line for a distance of 8.05 feet to a point which is the true place of beginning for the tract of land described herein, said point being the grantor's easterly property corner; thence South $88^{\circ} 59' 34''$ West along the grantor's southerly property line for a distance of 381.95 feet to a point on the proposed limited access right of way line; thence North $31^{\circ} 56' 35''$ West along the proposed limited access right of way line for a distance of 14.68 feet to a point; thence North $17^{\circ} 56' 04''$ West and continuing along the proposed limited access right of way line for a distance of 124.14 feet to a point; thence North $00^{\circ} 29' 20''$ East and continuing along said proposed limited access right of way line for a distance of 201.54 feet to a point on the existing southerly limited access right of way line which is also the grantor's northerly property line; thence South $52^{\circ} 38' 15''$ East along the existing southerly limited access right of way line and the grantor's northerly property line for a distance of 536.19 feet to the true place of beginning, and containing 1.573 acres of land, more or less.

The above description was prepared by Richard John Swan, Registered Professional Surveyor, No. 6574, in November, 1991, and is based on a survey made by ms consultants, inc. in November, 1991.

Exhibit "A"

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

Ayes: Mr. Pinzone, Mr. Zook, Mr. Bergsmark,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 13-1992.

General Counsel said the next resolution before the Commission concerned real estate owned by Lyle and Shelley Holton.

A resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 14-1992

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with Ellsworth-Bailey and Hallock-Young Roads and the Ohio Turnpike in the vicinity of Milepost 215.4 in Trumbull County, Ohio;

"BE IT FURTHER 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> |
|---|--|
| Lyle M. Holton and Shelley M. Holton | 8933 Tod Avenue S. Warren, OH 44481 |
| Edward Bush Auditor, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |
| David Hines Treasurer, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |

"The aforementioned property to be appropriated is described as follows:

Parcel No. 6 WL- Fee Simple

A legal description is attached as Exhibit "A";

"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."

Parcel No. 6 WL

Situated in the Village of Lordstown, County of Trumbull, and State of Ohio, and being all the residue of 36.55 acre tract conveyed to Ellen May Greenwalt by instrument of record in Deed Book 642, at Page 366 of the Deed Records of Trumbull County and being more fully described as follows:

Commencing at the intersection of the Trumbull/Mahoning County line with the centerline of the Ohio Turnpike; thence North 52° 38' 15" West along the centerline of the Ohio Turnpike for a distance of 1341.81 feet to a point on the line between Lot No. 78 and Lot No. 4; thence North 02° 29' 00" West along the lot line for a distance of 169.25 feet to a point on the existing northerly limited access right of way line, and the true place of beginning for the tract of land described herein said point also being the grantor's southwesterly property corner; thence North 02° 29' 00" West along the line between Lot No. 78 and Lot No. 4 for a distance of 643.10 feet to a point which is the grantor's northwesterly property corner; thence North 87° 58' 35" East along the grantor's northerly property line for a distance of 710.35 feet to a point at the grantor's northeasterly property corner; thence South 00° 20' 20" West along the grantor's easterly property line for a distance of 701.48 feet to a point; thence South 87° 58' 35" West and continuing along the grantor's property line for a distance of 369.17 feet to a point; thence South 01° 26' 00" East and continuing along the grantor's property line for a distance of 199.10 feet to a point on the existing northerly limited access right of way line of the Ohio Turnpike, said point also being the grantor's southeasterly property corner; thence North 52° 38' 15" West along the existing limited access right of way line, and the grantor's southerly property line for a distance of 405.41 feet to the true place of beginning, and containing 11.734 acres of land, more or less.

The above described Parcel 6 WL encompasses all of the land of the grantor in Lot No. 4, being bounded on the West and North by the General Motors Corporation, on the East by D.J. & J. Enterprises, and on the South by the Ohio Turnpike.

The above description was prepared by Richard John Swan, Registered Professional Surveyor, No. 6574, in November, 1991, and is based on a survey made by ms consultants, inc. in November, 1991.

Exhibit "A"

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. Zook,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 14-1992.

General Counsel said the next resolution before the Commission dealt with the parcel owned by D. J. & J. Enterprises.

A resolution 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 and seconded by Mr. Pinzone as follows:

RESOLUTION NO. 15-1992

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of a toll interchange with Ellsworth-Bailey and Hallock-Young Roads and the Ohio Turnpike in the vicinity of Milepost 215.4 in Trumbull County, Ohio;

"BE IT FURTHER 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> |
|--|---|
| D.J.&J. Enterprises a partnership, c/o Dale E. White | 2202 S.W. Racquet Club Drive, Palm City, Florida 34990-2649 |
| Edward Bush Auditor, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |
| David Hines Treasurer, Trumbull County | 160 High Street Administration Building Warren, OH 44481 |

"The aforementioned property to be appropriated is described as follows:

Parcel No. 7 WL- Fee Simple

A legal description is attached as Exhibit "A";

"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."

Parcel No. 7 WL

Situated in the Village of Lordstown, County of Trumbull, and State of Ohio, and being part of the residue of a 107.27 acre tract conveyed to D.J.&J. Enterprises by instrument of record in Deed Book 1022, at Page 713 of the Deed Records of Trumbull County and being more fully described as follows:

Commencing at the intersection of the Trumbull/Mahoning County line with the centerline of the Ohio Turnpike; thence North 52° 38' 15" West along the centerline of the Ohio Turnpike for a distance of 1341.81 feet to a point on the line between Lot No. 78 and Lot No. 4; thence North 02° 29' 00" West along the lot line for a distance of 169.25 feet to a point on the existing northerly limited access right of way line; thence South 52° 38' 15" East along the existing northerly limited access right of way line for a distance of 405.41 feet to a point, said point being the true place of beginning for the tract of land described herein, said point also being the grantor's southwesterly property corner; thence North 01° 26' 00" West along the grantor's westerly property line for a distance of 99.57 feet to a point on the proposed limited access right of way line; thence South 44° 12' 45" East along the proposed limited access right of way line for a distance of 529.69 feet to a point on the existing northerly limited access right of way line and the grantor's southerly property line; thence North 52° 38' 15" West along the existing northerly limited access right of way line and the grantor's southerly property line for a distance of 461.58 feet to the true place of beginning, and containing 0.411 acres of land, more or less.

The above description was prepared by Richard John Swan, Registered Professional Surveyor, No. 6574, in November, 1991, and is based on a survey made by ms consultants, inc. in November, 1991.

Exhibit "A"

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. Pinzone, Mr. Zook,
Mr. Brennan

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 15-1992.

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

The Executive Director said the representative of the consulting engineers, Mr. Fleischman, had an emergency and was unable to attend the Commission meeting. He said Mr. Fleischman had asked him to report on his behalf that the consulting engineers' annual inspection of Turnpike facilities was under way and on schedule.

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

The Chairman said he had received two requests for people to be able to speak to the Commission at the meeting. He said the first was Representative Fred Deering. He said Mr. Deering had assured him that he would confine his remarks to no more than five minutes.

Representative Deering said he appreciated the opportunity to discuss with you much of his concerns and that's regarding highways. He said, as you know, in 1979, I first lost on the first increase in the fuel taxes and since then have been successful in getting 14 cents carried the budget all those years. He said, so I have a real interest in highways in this state and real concerned about economic development because that's one of the reasons we all know it's important that we have adequate infrastructure, adequate highways. He said that since northwest Ohio is the only part of the state that does not have a four-lane freeway, there's a lot of expense going to be involved in one way or the other, seeing to it that this may take place. He said we do have several alternatives we're speaking and talking about.

Representative Deering said further that, of course, the Turnpike was one of those areas that we should be considering. He said, I'm real concerned even more so when I read and hear that we might have another tollway with 73 and then another one with the bridge. He said, you wanted to strangulate us in

northwest Ohio because we have been complacent in accepting this as a way of funding highways and allowed this effort to get fuel taxes has been paid by this part of the state as well as the rest a part of the state. He said he thought it was important that he brought to your attention some of the various problems that we have. He said that, for instance, he had some materials that he wanted passed out to the Members.

The Chairman said he had a copy.

Representative Deering said he had a map of the unemployment as it regarded the State of Ohio. He said he had done that for several months and had just asked for the Interstate system of the state to be placed upon that map. He said that wherever the Interstate system was, you could see very clearly, and several other persons that brought this to his attention, other than just him, as coming up as his own idea, you could see that that is where the greatest amount of economic development was, and the lowest unemployment. He said, as a matter of fact, if you look in the southwest Ohio area, you'll see 25 percent of the growth and jobs in the last year and also of the property value increases have been in southwest Ohio in the Cincinnati area. He said four counties where they have a tremendous Interstate system there. He said, and then as well you follow up and you can see the white marks here, the white counties and they just trace right to the Interstate system. He said that and of course we, in northwest Ohio or northern Ohio, wherever we do not have Interstate systems, you can see unemployment is much higher. He said it is very graphic here. He said you can see that.

Representative Deering said further, that so what I'm asking and concerned about is especially that this part of the state where we do not have a four-lane highway. He said you give us the consideration of thinking about that economic development. He said that with it is an article there are several other things here. He said you can see that first part of the handout it also shows the effect of tolls on the Maumee Bay State, or Maumee Bridge, the adverse effect it has. He said, also included an economic study report of Dr. Moon who very clearly emphasizes in five different points about the effects of Interstates versus tollways. He said then also the testimony of Mr. Schneider of the Schneider Carriers who very graphically, if you read that. He said, I've highlighted these areas so you don't have to read all these handouts. He said it tells there that the route that they use is Route 6 to 20 to 250 to 224 and they avoid the tolls of the Turnpike. He said we are familiar with that happening, especially, and I've given you a folder, a handout here regarding parallel highways, which graphically show the problems in all these particular communities, like Bellevue needs a bypass. He said like Monroeville, and all these particular areas, like Route 30.

Representative Deering said further the problems and the fatalities and the accident rates that prevail because we have a lot of traffic that's avoiding the tolls strictly because the tolls, they're avoiding it. He said, and then what it's creating is that a high safety factor, accident rate, and I have a particular map here in the handout here that gives you that also. He said it indicates and shows you the difference between the various types of highways. He said we know the Turnpike is a very safe highway. He said it's comparable to our Interstate system. He said, we should get as many people to utilize it and, like I'm saying, I'm real concerned about that portion, especially of northwest Ohio where we do not have any alternate four-lane freeways in which to travel. He said force these people onto these other particular highways of lesser abilities to handle the traffic and creating a lot of inconvenience to a lot of local communities.

Representative Deering said further, and I'll just conclude this very quickly by saying I've also indicated to you here a sheet showing you and indicating to you the increases just in the state fuel taxes. He said, like I said it's gone up 14 cents in since the last 10 years. He said between the federal and state we'll have an increase in excess of \$1 billion in that period of time. He said we did that for a very purpose to see to it that we could make adequate highways. He said, I was very much interested because Mr. Johnson knows. He said, he and I have had our acquaintance go way back, goes way back to, goes way back to Mr. Shocknessy, Mr. Teagarden. He said Mr. Teagarden was a member of my community who got me involved years earlier, to get into this whole Turnpike situation because he felt this part of the state should have a toll-free facility.

Representative Deering said further, so I felt it necessary to get the funding because it's time when we originally talked about this we couldn't do it because we didn't have funding. He said, and today we've addressed that and Ohio is one of the top states in the nation as far as its amount of fuel taxes and I'm just urging your consideration, deliberations in the future about taking care of this as one of the alternatives. He said, of taking care of our four-lane freeway for northwest Ohio. He said, like I say, we have several other under study but I think that you should be given the choice and consideration and concern for some of our problems up here.

The Chairman asked if anyone had any questions of Representative Deering.

Mr. Bergsmark said he didn't have a question, but just wanted to make a point. He said that he wanted to review the traffic statistics for the Turnpike's Stony Ridge-Toledo (No. 5) Interchange. He said the traffic at that interchange basically stayed the same in the first three months of 1992 versus 1991, which was about 1,100,000. He said, however, what he thought was

really noteworthy was the fact that in 1991 the Maumee-Toledo (No. 4) Interchange had 773,721 vehicles through its gates. He said that by adding the traffic volume at Airport-Swanton (No. 3A) and Perrysburg-Toledo (No. 4A) Interchanges together with the Maumee-Toledo Interchange traffic resulted in a total of 1,353,876. He said that basically there were 600,000 new vehicles that entered the Turnpike at 3A and 4A. He said that aside from justifying why the Commission built the new interchanges, the traffic statistics showed that an awful lot of people were getting off of Interstate Route 75 and getting on the Turnpike.

The Chairman said those statistics were of particular interest since they occurred during a time of economic recession.

Mr. Bergsmark said he thought the 600,000 new vehicles exiting I-75 onto the Turnpike were helpful to the northwest part of the state.

Representative Deering said, Mr. Chairman, I'd like to make one point here. He said, what I did was my concern is from where 90 hits the Turnpike. He said from that point on, see, we do not have a four-lane that goes across the state. He said, so what I've done is taken your annual reports and I thought I had included that in the packet. He said, but from that point on to the western area, only generates 32 percent of the persons getting off of the exits. He said so, in other words, it does create a problem for you, with only 30 percent of the people traveling in that 60 percent in mileage, in putting the necessary interchanges. He said you could not compete with the interchanges like I-75. He said I-75, 50 percent of the growth in this whole state sits on that one interchange because of these or that one interstate because the interchange is 3 some miles apart. He said when you have such you'll have these concentrated places like Mr. Bergsmark said here, like Route 3 we're real thrilled with, Mr. Johnson and I talked about that years ago. He said, and also the airport. He said, and these kind of areas. He said, but we have a lot of these places where the traffic generated is not sufficient to pay for an interchange because your interchange is more costly, and you're not going to generate the traffic and then you've got the overhead, which I have a chart here which shows you which your overhead costs are for just collecting the fee, about 20 percent of your revenue compared to one tenth of one percent for the Interstate system. He said, so I'm saying that I'm, you know, I'm not having, your eastern portion definitely, you have the traffic, you have the closeness of the interchanges to pay. He said, but here in the northwest, it's going to be real difficult for you to be cost effective in building the number of interchanges that you need. He said, I think that's really the thrust of my whole concern.

The Chairman said he thanked Representative Deering.

The Chairman said also that earlier in the morning Dennis Painter, who was the chief negotiator for the union folks, asked if he could address the Commission. He said he would ask Mr. Painter to address the Commission at that time and begin by introducing himself.

Mr. Painter said he was Dennis Painter and he was the International Representative for District 7, which covered the states of Ohio, Michigan, and Indiana, for the United Electrical, Radio, Machine Workers of America, or UE for short. He said the Turnpike union had recently organized and currently was in contract negotiations with the Commission regarding wages and benefits for the next three years for the employees of the Ohio Turnpike.

Mr. Painter said further that the union representatives were at the Commission meeting to try to raise with the Commission some issues that they thought were of prime importance. He said the reason that the union chose that day was that at no time that he was aware of did the contract negotiations happen in a vacuum. He said that, on the other hand, the contract negotiations, with the exception of informing the employees, basically had been contained. He said there had been a reason for that containment in that it was a new union and they thought that they had some ground to cover in a new contract. He said the UE was a fair union and they would deal with things fairly and represent the membership in a fair way.

Mr. Painter said further that the time had come that the union could no longer maintain contract negotiations in a vacuum. He said the reason being that it was the union's understanding that the Commission Members had something to say about what ended up on the negotiating table. He said to what degree the Members had a say in the negotiations was not clear, but it appeared to the union that there was at least some participation.

Mr. Painter said further that the negotiations were nearing an end and had reached the most difficult portion, which, of course, was economic. He said he thought the union had extensive discussion on the issues that had been put on the table. He said both sides had been able to address their concerns. He said that in one fashion or another the issues had been addressed and there had been a meeting of the minds in many areas. He said that being so close to the end of negotiations the union wanted to make sure that the Commission was aware, at least, of the union's concerns and its position on some items.

Mr. Painter said further that he had heard different things about the Ohio Turnpike. He said he traveled quite a bit and he wanted to compliment the employees, as well as the Commission on the upkeep of the Turnpike. He said the union was looking at the issue of money and he understood that there was an increase in Turnpike traffic. He said the union had looked at the history of

the Turnpike and traffic had especially been good in the last ten years. He said there had been a drop in traffic in 1991, but in the long term he thought it would pick up. He said that the long term was what the union was negotiating for its membership. He said the union wanted to come out of the negotiations with a decent contract that its membership could live with. He said a contract that reflected the work that the employees had been able to do for the Commission over the last three years, and were willing to do in the coming years. He said the union wanted to put its issues before the Commission and make sure they were considered and talked about before the final proposals were put on the table.

Mr. Painter said further that the union's main areas of concern centered around five issues. He said he would only talk about three of them. He said those three were wages, insurance and the sick leave policy. He said the income of the Commission had been so that it could afford to provide health insurance to its employees at no cost to the individual. He said he thought that free insurance coverage should continue in the future. He said the union was aware of the increased cost of insurance, but the union could not respond to that situation in the manner the Commission's negotiating representatives had requested.

Mr. Painter said further that the Commission's last proposal called for employees to pay \$25 a month for dependent coverage. He said the union thought such an employee contribution was unfair. He said the union agreed that insurance coverage had increased and it had offered a proposal for cost containment. He said the union's proposal would call for between 15 and 20 percent cost containment over what the Commission currently spent for the same coverage.

Mr. Painter said further that the union understood that there had to be some form of limit on insurance, but they didn't want that limit to be at the expense of the employees. He said he thought the union had responded in a manner that would answer the Commission's insurance problem, at least to a point.

Mr. Painter said further that the second issue was a sick leave policy. He said the current Commission sick leave policy stipulated that 15 days were allocated each year and unused sick leave could accumulate. He said the sick leave days could be used for personal time, for bereavement leave and for the individual's personal illness. He said unused sick leave could accumulate and there currently was no limit to that accumulation.

Mr. Painter said further that the union's membership felt that the current sick leave policy had worked and they wished to continue that policy. He said the union had responded to the Commission's position that they needed to reduce the liability that they had regarding that policy. He said that was not to say that the union had done what the Commission would wish it to do,

but they had tried to make steps into meeting that concern. He said the union wanted the current sick leave policy to continue.

Mr. Painter said further that the last thing he wanted to address was the wages. He said there currently was no cost of living increase on the Turnpike, but a general wage increase was given. He said what the Commission currently had on the table was a wage freeze for 1992. He said the Commission further proposed two and a half percent and three percent wage increases for succeeding years. He said that was out of the norm of what the cost of living had been and the employees, especially the first year, would be taking a severe cut in wages. He said the union didn't think the Commission's wage proposal reflected the Turnpike's income and was not fair to the employees. He said the proposed wage increases for the second and third years would be eaten up by inflation if inflation continued at the rate of somewhere between four and six percent. He said the union felt the Commission's wage proposal was inadequate even for the membership to keep its same level of buying power that they had in the last couple of years.

Mr. Painter said further that the union wants its membership to prosper as the Turnpike had prospered. He said his records indicated there were funds available. He said the union asked that the Commission funnel some of those funds back to the employees and it also asked that there be no cut in the benefit level. He said the union understood that the Commission had to grow and there were a number of Turnpike projects which the Commission would like to undertake in the future. He said the union was asking the Commission not to funnel all that money into that direction.

Mr. Painter said further that he had with him a written statement he'd like to share with the Commission. He said that, as he said before, he wanted to raise some issues because negotiations were near the end. He said he thought that both sides had worked very hard to try to address each other's concerns. He said both sides had not always agreed. He said there had been differences of opinion both in philosophy and on the proposals themselves. He said he felt they had been able to almost complete what he thought would be a good contract for both sides.

Mr. Painter said further that before reading the statement he wanted to note that the union members present at the Commission meeting were a reflection of both maintenance personnel and toll collectors from across the Turnpike and they were on hand in case someone had any questions. He said he would then read the written statement as follows:

"We have brought a representative delegation of workers to this meeting to make sure you are aware of some concerns we have regarding the current status of contract negotiations involving

an effort by the Ohio Turnpike to drastically alter our earned benefits. We have been advised this board plays a role in those contract negotiations and helps decide what our wages and benefits will be.

"Currently what the Commission is trying to do is drastically alter our insurance so we will not have first dollar coverage, increase our out-of-pocket expenses to us and our families, including making us pay a monthly insurance fee of \$25 for dependent insurance. We cannot afford these extra expenses. It amounts to a pay cut for us.

"The Turnpike is financially able to continue coverage as it had been. At no time has the Turnpike said they didn't have the money for insurance, only an unwillingness to continue the coverage as it is. We understand the cost of insurance and our union negotiating committee has responded by proposing an insurance plan that would help contain rising costs, according to our insurance advisor, between 15 and 20 percent. The union's proposal is fair and should be accepted by the Turnpike.

"In addition, the Commission wants to drastically alter our sick leave policy. This policy has been in effect for about 30 years. It is a policy we were told would be a benefit to us as workers of the Turnpike, a benefit that has worked for us and a benefit we have planned on as long as we perform our jobs for the Ohio Turnpike.

"We have put proposals on the table that will reduce financial liability of the Ohio Turnpike Commission, a concern raised by the Turnpike negotiating committee. The sick leave policy may be a concern to the Commission but we work hard and have earned that sick leave policy. The Commission has no right to alter so drastically that policy.

"Another item that is extremely unfair is the Commission's wage proposal. We are being told to take a wage freeze in 1992 and are being told to take smaller than usual wage increases of 2-1/2% for 1993 and 3% for 1994. We feel these wage offers are inadequate considering the fact it is us, the workers, that keep the Turnpike operating twenty-four hours a day, it is us that work long, hard hours to keep the snow and ice off the roads, it is us that work the twelve hour days, it is us that during snow and ice that we may go weeks without a day off and it is us that takes in the money that pays the wages, including wages of the Commission.

"The Ohio Turnpike is not hurting for money. In fact they have done very well over the years, especially the last ten years. We should not be expected to take wage freezes or be forced to take small wage increases. With what the Commission currently has on the table as wage increases for us inflation will eat up those meager wage increases and we, in effect, will

be taking pay cuts. While the union bargaining team currently has proposals on the table it is prepared to negotiate on those proposals. We, however, are not willing to sell ourselves short of having a decent contract.

"I urge you, since you have something to say about our standard of living, to give us what we've worked for and have earned. A decent contract with no cuts in current benefits and decent wage increases so that we may sustain a decent standard of living.

"We thank you for considering and hearing our concerns. We hope this effort will help produce a contract settlement and show our members that the Commission respects and appreciates their employees. Thank you."

The Chairman asked Mr. Painter if he had enough copies of his written statement for each one of the Commission Members.

Mr. Painter said he had enough copies for the Commission Members and would pass them out at that time.

The Chairman said he thanked Mr. Painter. He said that the regular business of the meeting was concluded.

The Chairman said the Executive Director and General Counsel had requested the Commission meet in executive session so the Members could be informed and review the current status of collective bargaining negotiations. He said that in order to hold that executive session, he was requesting a motion and vote by the Members to hold the executive session.

A motion to hold an executive session was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark.

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. Zook,
Mr. Brennan

Nays: None

The Chairman declared the motion was adopted with all Members present voting in the affirmative.

(The executive session began at 12:04 p.m. and ended at 1:40 p.m.)

There being no further business to come before the Commission, a motion was made by Mr. Pinzone, seconded by Mr. Bergsmark that the meeting adjourn until the next meeting on May 11 at the Commission's headquarters in Berea, subject to call of the Chairman.

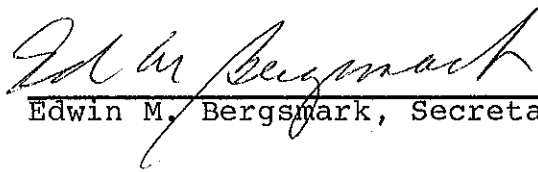
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Zook,
Mr. Brennan

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 1:45 p.m.

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



Edwin M. Bergsmark, Secretary-Treasurer