

MINUTES OF THE 381st MEETING OF THE OHIO TURNPIKE COMMISSION

December 14, 1992

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio, at 11:40 a.m., on December 14, 1992, with key members of the staff; representatives, Dean Berry and David Millstone of the fiscal and labor counsel, Squire, Sanders & Dempsey; a representative, W. Robson Fleischman, of the consulting engineers, Greiner Engineering, Inc. - Ohio; two members of the media, Pauline Thoma, The (Cleveland) Plain Dealer, and Hank Harvey, 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: M. Ben Gaeth, Jerry Wray, Umberto P. Fedeli,
Edwin M. Bergsmark, James H. Brennan

Absent: Charles R. Pinzone (Mr. Pinzone arrived later
as noted at the close of these minutes),
Joseph J. Vukovich

A motion was made by Mr. Bergsmark, seconded by Mr. Wray, that the minutes of the meeting of November 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. Wray, Mr. Fedeli,
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 381st of the Ohio Turnpike Commission and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Mr. Pinzone was en route to the meeting. He said Representative Vukovich was unable to attend the meeting. He said that following the meeting the Commission's annual Christmas luncheon for employees and friends would be held.

The Chairman said there were a number of guests at the meeting. He said he would ask those individuals to identify themselves because the Executive Director, Allan V. Johnson, who normally identified guests, had a cold.

The guests identified themselves as follows: Michelle Wintering, toll collector; Carol Greeley, toll collector; Brad Wintering, observer; Jim McDonald, McDonald and Company; Hank Harvey, The (Toledo) Blade; Dan Enovitch, Huntington Bank; Jim Conroy, Porter, Wright, Morris and Arthur; John Lavelle, Society Corporation; Ed Presley, Society Bank; Dick Fetzner, Society Bank; Eric Erickson, the Ohio Company; Marty Vogtsberger, The Ohio Company; Pauline Thoma, The (Cleveland) Plain Dealer; Mike Corcoran, Fostoria Chamber of Commerce, representing the Great Lakes - Mid Atlantic Corridor committee; Dan Ritzler, also with the GL-MAC committee; Les Gaines, the Commission's Minority Business Enterprise Coordinator; Sharon Isaac, Staff Counsel in the Commission's Legal Department; Heidi Jedel, Department Head Secretary, Information and Research Department; Bob Doherty, Merrill Lynch; Ray Kiljaric, Smith Barney; Dennis Davis, Evensen Dodge; Dan Dresbach, Evensen Dodge; Tom Henson, Paine Webber; Gordon Reis, Seasongood and Mayer; Courtney Shea, Artemis Capital Group; Steve Wood, Paine Webber; Jim Cooper, Donaldson, Lufkin, Jenrette; Kym Arnone, Dear Stearns; John Lee, Kemper Securities; Dan Rohr, Banc One Capital; George Long, Kidder Peabody; Chris Riemenschneider, Kemper Security; Pat Grubbe, ODOT; Phil Johnston, Vorys, Sater, Seymour and Pease; Stuart Fuchs, Goldman Sachs & Co.; Dave Millstone, Squire, Sanders & Dempsey; John Barrett, Star Bank; Don Sharp, Director of Operations; Barb Lesko, the Executive Director's secretary; Leah Fox, ODOT; Diane Pring, General Counsel's secretary; Lou Disantis, Director of Administrative Services; Eric Carmichael, Pryor, McClendon, Counts & Co., Inc.; Dean Berry, Squire, Sanders & Dempsey. (Standing in the adjacent office area were: Craig Rudolph, Comptroller; Rob Fleischman, and Edward Trojan, from Greiner's Baltimore, Maryland, office, Greiner Engineering, Inc.-Ohio; Al Smith, United Electrical Workers Union; and Susannah M. Davis, United Electrical Workers Union.)

The Chairman asked the Executive Director to introduce the staff members at the conference table.

The Executive Director said that they were: Alan Plain, Deputy Executive Director-Chief Engineer; Jim McGrath, General Counsel; Bob Barnett, Director of Information and Research; and himself. He said Pat Patton, the Commission's government liaison officer just entered the meeting room.

The Chairman said the main purpose of the meeting was to act on several resolutions, draft copies of which had previously been 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. He said that if there were no questions, the report of the Secretary-Treasurer would be received.

The Secretary-Treasurer, Mr. Bergsmark, said that since the last Commission meeting the following had been sent to the Members:

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during November 1992
- (3) Draft of the Commission Meeting minutes of November 9, 1992
- (4) Traffic Accident Analysis for October and November 1992
- (5) Traffic and Revenue Report for October and November 1992
- (6) Financial Statement for October and November 1992

The Chairman said all the Turnpike revenues showed a continuing increase, which was a good sign for the economy. He 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.

The chairman of the Committee on Budget and Finance, Mr. Bergsmark, said that, as reported at the last meeting of the Commission, the staff and the Committee on Budget and Finance were preparing a budget for fiscal and calendar year 1993. He said that, although most of the development and review of the budget was completed, the Committee was not quite finished with the detailed review. He said, therefore, the committee was recommending that an interim budget be adopted at the meeting and that a final budget be presented at the next regular meeting of the Commission. He said a resolution for that purpose had been prepared and he would dispense with reading the "whereases" and read the "resolved" as follows:

"Resolved that the Commission hereby adopts the following as its proposed interim budget for the year 1993, subject to the review and report of this budget by its Committee on Budget and Finance:

1993

Budget of Revenues, Expenditures
and Capital Improvement Fund Deposits

Revenues		\$96,140,000
Expenditures		
Administration & Insurance	18,839,476	
Operations	<u>42,575,681</u>	
Total Expenditures		<u>61,415,157</u>
Estimated Capital Improvement Fund Deposits		\$34,724,843"

A resolution adopting the proposed interim budget for the year 1993 and providing for capital improvement fund deposits during said year was moved for adoption by Mr. Bergsmark, seconded by Mr. Fedeli as follows:

RESOLUTION NO. 38-1992

"WHEREAS, Section 5537.17(F), Revised Code of Ohio, provides that the Commission shall submit a copy of its proposed annual budget to the Governor, the presiding officers of each house of the General Assembly, the Director of Budget and Management, and the Legislative Budget Office of the Legislative Service Commission no later than the first day of the calendar or fiscal year;

"WHEREAS, the Commission's executive director and comptroller have prepared the proposed budget for the year 1993 and have submitted same to the Commission for its review and consideration;

"WHEREAS, the Commission desires to complete a detailed review of this budget before it adopts same in its final form;

"WHEREAS, the Commission desires to comply with the provisions of Section 5537.17(F) of the Revised Code of Ohio, and also desires to have an interim budget in place for use in preparing its regular financial statements;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby adopts the following as its proposed interim budget for the year 1993, subject to the review and report of this budget by its Committee on Budget and Finance:

1993

Budget of Revenues, Expenditures
and Capital Improvement Fund Deposits

Revenues		\$96,140,000
Expenditures		
Administration & Insurance	18,839,476	
Operations	<u>42,575,681</u>	
Total Expenditures		<u>61,415,157</u>
Estimated Capital Improvement Fund Deposits		\$34,724,843"

The Chairman said the purpose of the resolution was to ensure that the Commission, as required by state law, submitted a budget to certain state officials by January 1, 1993.

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. Fedeli, Mr. Wray,
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. 38-1992.

Mr. Bergsmark said also that on September 4, 1992, the Commission issued a request for proposals to companies to serve as the Commission's financial advisor. He said over 60 firms were given the opportunity to respond to the RFP and responses were received on September 30 from six firms.

Mr. Bergsmark said each proposal was reviewed by the Commission's Committee on Budget and Finance and three firms were selected for additional interviews. He said the firms were interviewed on November 19, 1992, by members of the Committee on Budget and Finance.

Mr. Bergsmark said all the firms responding submitted outstanding proposals and were well qualified. He said that it was very difficult to make a decision but on the basis of the proposals submitted, and the interview, it was the Committee's recommendation that Seasongood & Mayer be selected as the Commission's financial advisor. A resolution awarding a contract for service as a financial advisor to Seasongood & Mayer was moved for adoption by Mr. Bergsmark, seconded by Mr. Fedeli as follows:

RESOLUTION NO. 39-1992

"WHEREAS, on August 31, 1992, the Commission approved the issuance of a Request for Proposals (RFP) to furnish financial advisory services to the Commission, which RFP was issued on September 4, 1992;

"WHEREAS, responses were received on September 30, 1992, from six firms expressing an interest in serving as a financial advisor to the Commission and such responses were studied by the Commission's staff and the Commission's Committee on Budget and Finance;

"WHEREAS, the Committee on Budget and Finance, after reviewing the proposals submitted, selected three of the firms

to be interviewed, such interviews being held on November 19, 1992;

"WHEREAS, the Committee on Budget and Finance, after analyzing the proposals received and completing the interviews aforesaid, made recommendations to the Commission, and the Commission has duly considered such recommendations;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby selects Seasongood & Mayer of Cincinnati, Ohio to serve as its financial advisor and authorizes and directs the executive director and the general counsel to enter into negotiations with Seasongood & Mayer to formalize a contract for services as a financial advisor all in accordance with the terms and conditions of the Commission's Request for Proposals."

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. Fedeli, Mr. Wray,
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. 39-1992.

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

The Chairman of the Committee on Employee Relations, Mr. Fedeli, said that at the last meeting of the Commission on November 9, 1992, a statement was made by Al J. Smith, Jr., an organizer for the United Electrical Radio and Machine Workers of America, claiming, in effect, that the Commission had engaged for years in the unlawful termination of pregnant, part-time toll collectors and one person in particular. He said Mr. Smith further claimed that on October 5, two officials of UE Local 791 informed Allan Johnson, Executive Director, and Louis Disantis, Director of Administrative Services, of these violations, and yet the Commission took no action to change the policy and continued to break the law. He said, finally, Mr. Smith said they had filed charges on those claims with the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission.

Mr. Fedeli said further that because of the serious nature of Mr. Smith's claims and because the Commission had no prior knowledge of any formal charges being filed, the Commission did not respond at the November 9 Commission Meeting. He said the Commission believed it was necessary to do so now for the record.

Mr. Fedeli said further that, first, the Commission categorically denied it had discriminated against pregnant employees. He said subsequent to November 9, the Commission did receive notice of a charge filed by one former employee and the Commission would vigorously defend its record and position in that regard. He said that beyond that, the Commission would not comment further about the specific case. He said no other individuals had been identified, and the Commission was not aware of any other cases being filed.

Mr. Fedeli said further that, next, no such violations were raised by union officials to Mr. Johnson and Mr. Disantis on October 5, as Mr. Smith claimed, or at any other time prior to November 9. He said Mr. Smith was not at the October 5 meeting and the union officials who were present acknowledged they did not raise such an issue.

Mr. Fedeli said further that, in fact, the October 5 meeting was held in an attempt to resolve and calm another situation brought about when Mr. Smith distributed materials to all installations on the Turnpike which completely distorted the details of an on-the-job accident involving another employee. He said that episode caused a prolonged, unnecessary confrontation between the Commission, the union and employees across the entire Turnpike.

Mr. Fedeli said further that the Commission had a long history and record of dealing objectively and fairly with its employees and unions. He said that was the primary function of the Committee on Employee Relations which he currently chaired. He said it was unfortunate that Mr. Smith, an outside organizer attempting to expand his power base, had resorted to tactics that many employees had told him personally they found objectionable. He said that in the process he was threatening to destroy a positive relationship built up over many years. He said the Commission would do everything reasonable on its part to prevent that from happening and he hoped that Commission employees would help support that result.

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

The Executive Director, Mr. Johnson, said he would introduce a resolution to award the contract for the purchase of the

Commission's fuel requirements for a one-year period. He said the resolution, which was in the Members' folders, is entitled "Resolution Awarding a Contract for the Purchase of Unleaded Gasoline and Diesel Fuel for a One-Year Period."

The Executive Director said further that two bids were received on that invitation. He said one bid was from BP Oil Company of Cleveland, and the other from Petroleum Traders Corporation of Fort Wayne, Indiana. He said the tabulation on those bids was attached to the Commission Members' resolution. He said that, for all items and groups, BP Oil submitted the lowest bids. He said the prepared resolution was to award the contract to BP Oil. He said he would dispense with the Whereases and read the Resolved as follows:

"RESOLVED that the bid of BP Oil Company of Cleveland, Ohio, for Invitation No. 3237 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted and the chairman and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidder of its bid security at such time as BP Oil Company has entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

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

A resolution awarding a contract for the purchase of unleaded gasoline and diesel fuel for a one-year period was moved for adoption by Mr. Fedeli, seconded by Mr. Wray as follows:

RESOLUTION NO. 40-1992

"WHEREAS, the Commission has advertised for bids for Invitation No. 3237 for the furnishing to the Commission of unleaded gasoline and diesel fuel for a one-year period, and two bids were received in response to that invitation and have been reviewed by the Commission's staff;

"WHEREAS, it is anticipated that the expenditures of the Commission for unleaded gasoline and diesel fuel under Invitation No. 3237 shall exceed \$500,000 and in accordance with Article V, Section 2.10 (16) of the Commission's Code of Bylaws, Commission action is necessary for the award of such contract;

"WHEREAS, the bids were reviewed by the deputy executive director-chief engineer who has stated that the lowest

responsive and responsible bid was submitted by BP Oil Company of Cleveland, Ohio, and that BP Oil Company proposes to furnish materials and services in accordance with the Commission's specifications;

"WHEREAS, the Commission's general counsel has reviewed the bids received and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 3237 is in accordance with Section 5537.07 of the Revised Code of Ohio, and that the bid of BP Oil Company is the lowest responsive and responsible bid received and that the Commission may legally enter into a contract with BP Oil Company to furnish unleaded gasoline and diesel fuel in accordance with Invitation No. 3237;

"WHEREAS, the executive director has reviewed the bids received and has recommended to the Commission that the contract be awarded to the lowest responsive and responsible bidder, BP Oil Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of BP Oil Company of Cleveland, Ohio, for Invitation No. 3237 is, and is by the Commission deemed to be the lowest responsive and responsible bid received and is accepted and the chairman and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidder of its bid security at such time as BP Oil Company has entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms 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. Fedeli, Mr. Wray, 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. 40-1992.

The Executive Director said also he would report on the status of construction of a new Turnpike interchange at State Route 49 in Williams County. He said that the bids for that project were opened only on July 7, and the work did not start

until sometime in August. He said the project was originally scheduled for completion on June 18, 1993. He said he was pleased to say that, despite some rather horrible weather in the last couple of months, construction was nearly completed. He said the planned opening of the interchange was set for Tuesday, December 29. He said the details of the exact time and the type of ceremony, if any, to be held had not been arranged. He said he hoped to complete those arrangements the week of the Commission meeting.

The Executive Director said he thought the opening of the interchange was good news for Williams County and for all of northwest Ohio.

The Chairman asked Senator Gaeth if the opening of the interchange made him happy.

Senator Gaeth said it sure as dickens did. He said the people in northwestern Ohio were looking forward to the new interchange opening. He said he thought it would be a great factor in economic development along the corridor with Indiana.

The Chairman said the report on the interchange with State Route 49 was a great report and he was sure the Executive Director would keep the Commission apprised as to the time of the opening.

The Executive Director said he would do that. He said he also wanted to report on the status of the studies the staff had been performing for the other proposed interchanges along the Turnpike.

The Executive Director said further that the staff had completed updated environmental assessments for interchanges that were previously identified in the environmental and engineering studies that were done for the Commission many years ago. He said they were updated studies for toll-type interchanges. He said that as the Members remembered, following a meeting and an indication from officials in the local areas earlier in 1992, the staff looked at two sites that were dropped from the final consideration in analysis of the original environmental studies when they were completed in 1983.

The Executive Director said the specific sites he was talking about were at State Route 66 in Fulton County and at State Route 51 in Ottawa County. He said the staff had then completed a study of configurations for those interchanges and also the environmental assessments.

The Executive Director said the Commission was now ready for one last round of public meetings to get input from the local areas, and gauge the current mood of both the citizens and public

officials about proceeding further with those interchanges. He said he didn't mean to say that by just naming those two sites that they were the only ones looked at by the staff. He said there would be five public meetings during the month of January 1993. He said he had the dates tentatively picked, but he didn't want to announce them at the meeting.

The Executive Director said further that, in addition to State Route 66 and 51, the staff was going to be looking at potential interchanges at State Route 4 and State Route 60 in Erie County, and Baumhart Road and State Route 58 in Lorain County. He said the staff also was cooperating with ODOT on the study of a major north-south corridor in Lorain County, designated as the Central Lorain Corridor. He said the corridor was a long-range project so it wouldn't be included in the January public meetings.

The Executive Director said further that the last pair of potential interchange sites being looked at were at State Route 44 and State Route 88 in Portage County. The Executive Director said further that he didn't mean to say that he thought all those interchanges would be built. He said some choices would have to be made. He said he thought that probably would be the case between State Route 44 and State Route 88, and also State Route 60/Baumhart Road/State Route 58.

Senator Gaeth asked the Executive Director if he had a tentative date for the public meeting on State Route 66.

The Executive Director said he had a tentative date and he would give it to the Senator after the meeting. He said he intended to schedule the meetings to start at the west and move from west to east. He said the public meeting at State Route 66 was the first and it would be held sometime in the second week in January.

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 before them a resolution entitled "Resolution Authorizing Transfer of Real Estate." He said that particular resolution allowed the Executive Director, once he had determined that a particular parcel of Turnpike property was no longer needed, to prepare the necessary documents and transfer said parcel to a governmental agency. He said that, generally speaking, those agencies would be a county, township or municipality. He said those particular parcels, in most instances, came about as a result of relocation of various roads during construction. He said he would read the resolved as follows:

"RESOLVED that at such time as the executive director determines that said real estate would be better held by a governmental agency, including but not limited to, counties, municipalities or townships, the general counsel is directed to prepare the necessary deed or other instrument of conveyance for execution by the appropriate Commission members transferring the interest in such real estate to the appropriate governmental agency."

General Counsel said the appropriate Commission Members mentioned in the resolution would be the Chairman and the Secretary in executing the deed or other matters of conveyance. He said he requested that the resolution be adopted.

The Chairman asked General Counsel if he would hazard a guess as to how many pieces of real estate would be affected by the resolution.

General Counsel said the figure could be in the hundreds. He said each parcel would be looked at on an individual basis. He said the conveyances would be made so that the property, in effect, ended up in the hands of the agency that basically had jurisdiction over it. He said the Commission really had no interest in the parcels.

Mr. Bergsmark asked General Counsel about what size of parcels were being talked about.

General Counsel said the parcels were tiny. He said that, for example, the one signed over the other day in Lucas County dealt with a turnaround on a relocated road that was probably a quarter acre at best.

Mr. Bergsmark asked if the Commission was compensated for those parcels.

General Counsel said that under the state statute governing such actions the Commission conveyed such parcels to governmental agencies without compensation. He said the parcels were better off in the hands of the local governmental agencies. He said most of the parcels were purchased back when the Turnpike was originally constructed so there was not a great deal of money involved.

Senator Gaeth asked General Counsel if he expected any opposition about receiving the parcels due to the necessity of the receiver to maintain them.

General Counsel said that if the agencies didn't want the parcels they didn't have to take them. He said that in Lucas County they were happy to receive the parcel.

The Executive Director said the parcels were properties on which local roads were located. He said that in the case of the turnaround it was being maintained by the local jurisdiction, but they had claimed they didn't have the underlying ownership. He said they objected to maintaining it without ownership. He said it was to the Commission's advantage to get rid of the parcels. He said the Commission should never have got them in the first place in its name.

A resolution authorizing transfer of real estate was moved for adoption by Mr. Wray, seconded by Mr. Fedeli as follows:

RESOLUTION NO. 41-1992

"WHEREAS, Section 5537.06(C) of the Revised Code provides that the Commission may dispose of real property in such manner and for such consideration as it determines if the property is being transferred to a state agency or other governmental agency;

"WHEREAS, the Commission has a significant number of parcels of real estate which it acquired which are no longer needed for the construction, maintenance and operation of the Turnpike or which were acquired to facilitate the relocation of public roads and which would be of use to various governmental agencies including, but not limited to, counties, municipalities and townships;

"NOW, THEREFORE, BE IT

"RESOLVED that at such time as the executive director determines that said real estate would be better held by a governmental agency, including but not limited to, counties, municipalities or townships, the general counsel is directed to prepare the necessary deed or other instrument of conveyance for execution by the appropriate Commission members transferring the interest in such real estate to the appropriate governmental agency."

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

Ayes: Mr. Wray, Mr. Fedeli, 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. 41-1992.

General Counsel said the second resolution he had dealt with a small parcel in Summit County which was designated MB-6 1 WL. He said that in the renovation of the Boston Maintenance Building it was planned to add a small parcel so that a complete turn-around could be added at the building instead of using one driveway. He said the plan was to have two driveways at that location. He said he understood that all of the other maintenance buildings had two driveways. He said he would continue to negotiate with the property owners, Mr. & Mrs. Osborne, to purchase the parcel without appropriation. He said that should appropriation be necessary he needed the authority contained in the resolution to complete that action. He said he would read the 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."

Mr. Bergsmark asked if General Counsel was seeking eminent domain authority for a driveway.

General Counsel said he was.

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. Fedeli, seconded by Mr. Wray as follows:

RESOLUTION NO. 42-1992

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owners, 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 expansion and renovation of the Boston Maintenance Building located at Milepost 173.9 in Summit 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>
Robert L. Osborne and Linda S. Osborne, his wife	3199 Boston Mills Road Richfield, OH 44286
James B. McCarthy Auditor, Summit County	175 South Main Street Akron, Ohio 44308

John A. Donofrio
Treasurer, Summit County

175 South Main Street
Akron, Ohio 44308

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

Parcel No. MB-6 1 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. MB-6 1 WL

Situated in Summit County, Ohio, Richfield Township, Lot 11, Tract 5, Township 4 N, Range 12 W and being a parcel of land bounded and described as follows:

Beginning at the northwest corner of a 3.5 acre tract owned by Robert L. Osborne and Linda S. Osborne which is on record in Deed Book 5535, Page 291 (First Parcel) at the Summit County Recorder's Office, said corner bears N 60° 50' 20" W, 1280.42 feet from the intersection of Boston Mills Road and Black Road and is located on the Ohio Turnpike Commission (OTC) right of way line at Sta. 96+42.34, 180.00 feet right of centerline; thence S 48° 50' 00" E along the OTC right of way line 62.66 feet to a point located at Sta. 97+05.00, 180.00 feet right of centerline; thence S 41° 10' 00" W, 242.90 feet to a point on the westerly line of the Osborne tract and land owned by the State of Ohio; thence N 2° 49' 42" W along the westerly line of the Osborne tract 35.99 feet to a corner located at Sta. 96+80.00, 397.00 feet right of centerline; thence N 41° 10' 00" E along the westerly line of the Osborne tract, 178.00 feet to a corner located at Sta. 96+80.00, 219.00' right of centerline; thence N 2° 49' 42" W with the westerly line of the Osborne tract, 54.22 feet to the point of beginning, containing 0.15 acres more or less.

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. Fedeli, Mr. Wray, 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. 42-1992.

The Chairman said the report of General Counsel was accepted as offered. He ascertained there would be no report from the consulting engineers.

The Chairman said he would like to note that the meeting was to have been the last for Mr. Vukovich, if he were in attendance. He said Mr. Vukovich would not be returning to the General Assembly in January 1993. He said Mr. Vukovich had served the Commission very well and he wished him well in his future endeavors. He said he was sure the Commission would have a new person in ex-officio capacity appointed by the Ohio House of Representatives in due course.

The Chairman said the Executive Director had requested that the Members and key staff hold a brief executive session to review the status of negotiations for the Commission's radio room employees and request for part-time toll collectors to organize and unionize.

The Chairman said that before going into executive session he wanted to make a statement. He said that at the adjournment of the meeting he would resign from the Commission. He said the purpose of his action was due to other interests. He said he would be unable to devote the time, effort and attention that he knew would be required to move the Commission's program forward toward the goal established at the March 9 Commission meeting.

The Chairman said further that he had enjoyed his almost one and a half year association with the Commission. He said he would like to nominate the Commission's Vice Chairman, Umberto Fedeli, to become Chairman of the Commission.

Mr. Wray seconded the nomination.

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

Ayes: Mr. Brennan, Mr. Wray, Mr. Bergsmark,
Mr. Fedeli

Nays: None

The Chairman declared that Mr. Fedeli was elected Chairman.

The Chairman said he believed it would be advisable at that point in time to leave the position of Vice Chairman open until the governor had an opportunity to appoint his successor.

The Chairman said also that in order to hold an executive session in compliance with the Revised Code of Ohio, he requested a motion and vote by the Members to hold the executive session.

A motion to hold an executive session was made by Mr. Fedeli, 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. Fedeli, Mr. Bergsmark, Mr. Wray,
Mr. Brennan

Nays: None

The Chairman said the Members would meet in executive session and, after it was over, they would return to the regular meeting. He said that after the Members returned they expected only to adjourn the meeting, so anyone who wished might leave at that time and not miss any other formal actions.

(The executive session began at 11:17 a.m. and ended at 12:01 p.m.)

The Chairman said the executive session had been concluded.

The Executive Director said that for the record it should be noted that Mr. Pinzone had arrived in time to attend the executive session and had returned to the regular meeting.

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 January 11.

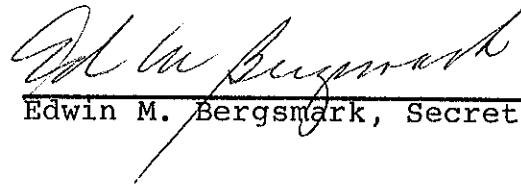
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mr. Bergsmark, Mr. Wray,
Mr. Brennan, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:03 p.m.

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



Edwin M. Bergsmark, Secretary-Treasurer