

MINUTES OF THE 382nd MEETING OF THE OHIO TURNPIKE COMMISSION

January 11, 1993

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio, at 11:13 a.m., on January 11, 1993, with key members of the staff; representatives, Dean Berry, Bruce Gabriel, 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, Charles R. Pinzone,  
Ruth Ann Leever, Umberto P. Fedeli

Absent: Edwin M. Bergsmark

A motion was made by Mr. Pinzone, seconded by Mr. Wray, that the minutes of the meeting of December 14, 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. Pinzone, Mr. Wray, Mrs. Leever, Mr. Fedeli

Nays: None

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

The Chairman said the meeting was the 382nd 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. Bergsmark was unable to attend the meeting.

The Chairman said that there was a new Commission Member in attendance and he wanted to take the opportunity to welcome her to her first meeting. He said she was Ruth Ann Leever of Defiance. He said she had taken the necessary oath and she was qualified to participate and to vote.

The Chairman said there were a number of guests at the meeting and he would ask everyone to identify themselves.

The guests identified themselves as follows: Craig Rudolph, the Commission's Comptroller; Eric Carmichael, Pryor,

McClendon, Counts & Co., Inc.; Jim Conroy, Porter, Wright, Morris and Arthur; Dick Fetzer and Ed Presley, Society Bank; Dan Enovitch, Huntington Bank; Pauline Thoma, (Cleveland) Plain Dealer; Hank Harvey, (Toledo) Blade; Les Gaines, the Commission's Minority Business Enterprise Coordinator; Heidi Jedel, Department Head Secretary in the Commission's Information and Research Department; Ken Baker, Smith, Barney; Captain Henry Williams, Commander of District 10, Ohio State Highway Patrol; Lou Disantis, the Commission's Director of Administrative Services; Pat Patton, the Commission's Government Liaison Officer; Dean Berry and Bruce Gabriel, Squire, Sanders & Dempsey; Dennis Golem, McDonald & Company; Matt Hatchadorian, Vorys, Sater, Seymour & Pease; Mark Hill, Gilbane; Steve Wood, Paine Webber; Gordon Reis, Seasingood and Mayer; Courtney Shea, Artemis Capital; Robin Gross, Prudential Securities; Mike Lena, Prudential Securities; Dan Rohr and Dean Conley, Banc One Capital Corporation; David Millstone, Squire, Sanders & Dempsey; Don Sharp, the Commission's Director of Operations; John Peca, Climaco and Seminatore; Barbara Lesko, the Executive Director's Secretary; Leah Fox, ODOT; Diane Pring, General Counsel's Secretary; Chris Riemen-schneider, Kemper Securities; David Lastovka, ODOT; Jim Cooper, Donaldson, Lufkin & Jenrette; and Bob Blair, ODOT.

The Chairman said the main purpose for the meeting was to discuss a number of items and directions that he expected the Commission to take in 1993 and that would be the thrust of his report. He said that, before doing that, he would like to read a letter from State Representative and Ohio Turnpike Commission Member, Joe Vukovich, which he thought was very nice. He said the letter was addressed to the Executive Director, Allan V. Johnson as follows:

"Dear Mr. Johnson:

"Please convey to the Committee members and staff my deep appreciation for the courtesies extended to me as a legislative member of the Ohio Turnpike Commission. In all honesty, I came to that body with the expectation of articulating reform and exposing inadequacies. I leave with impressions of sound management and stewardship. Unfortunately, those impressions are the result of what I found, and not what I did.

"In fact, I liken my position as a non-voting legislative member to be as important as an assistant vice-president, and with as much "action" as a divorce lawyer in the Vatican. Seriously, your leadership and competency have been impressive. While I did not feel "needed," my tenure was rewarding in the sense that I benefited from my association with such a first-class operation. I will miss you all.

Very truly yours,

Joseph J. Vukovich  
State Representative  
52nd House District"

The Chairman said also that since he was now Chairman he would recommend to the Commission that Mr. Pinzone be chairman of the Committee on Employee Relations and for Lou Disantis to be secretary of that committee.

The Chairman said also that the Commission had spent the last month establishing its business plan concerning where the Turnpike was going in 1993, as well as in the future. He said he would like to outline those plans.

The Chairman said further that the Commission was going to go ahead and start and be very aggressive with strategic interchanges. He said the Executive Director would discuss those interchanges in his report. He said there would be public meetings to discuss those interchanges and the Commission was very sensitive to the people in those areas. He said the Commission wanted to help with economic development and help with accessing roads.

The Chairman said further the second area the Commission would address and work very closely with Jerry Wray and ODOT was the Maumee River crossing.

The Chairman said further that the third area was the Mid-Atlantic corridor which would connect Interstate Route 75 to State Route 15 to U.S. Route 23 to Interstate Route 71 to Portsmouth. He said the Commission was very committed to northwest Ohio.

The Chairman said further that he would be asking the Executive Director within the next 30 days to bring in someone to work very closely with the Commission and ODOT and develop a position entitled development coordinator. He said that person would work with the Commission, its staff and Jerry Wray's office to coordinate and expedite the construction and design on the objectives the Commission was going to be setting. He said he thought it was important to bring somebody in full-time to work on those special projects.

The Chairman said further that over the last 10 or 15 years the Commission had never had all the expansion that was now planned and it would be unfair to take the current Commission staff and ask them to do everything all by themselves.

The Chairman said further that, in addition, the Commission would also be assembling an outside team of engineers and construction managers to help with the planning, design, programming, budgeting and scheduling of all those projects.

The Chairman said further that the Commission also would be implementing total quality management, which was kind of the buzz word of the '90s, to constantly improve the Turnpike and become more efficient.

The Chairman said further that the Commission had picked a financial advisor and Gordon Reis III of Seasingood and Mayer was at the meeting. He said Mr. Reis would be helping the Commission to design and kind of be the "architect" financially to determine the structure of all the Commission's obligations and debt and how the Commission would go on forward.

The Chairman said further that the Commission also would be looking at bond counsel and cash management services in the future.

The Chairman said also that he wanted to commend Captain Henry Williams, his Ohio State Highway patrol troopers and the drug-sniffing dog, Ork, in discovering some \$3.8 million worth of cocaine in an automobile stopped for speeding on the Turnpike. He said he didn't think Ork got PERS or employee benefits, but he thought the Commission could give him a T-bone steak. He asked Captain Williams to give some specifics about the incident later in the meeting.

The Chairman said that if there were no questions, the report of the Assistant Secretary-Treasurer would be received.

The Assistant Secretary-Treasurer, Mr. Johnson, said that the following listed items had been sent to the Members since the last regular meeting of the Commission, December 14, 1992:

- (1) Weekly traffic statistics
- (2) Investment transactions which occurred during December 1992
- (3) Draft of the Commission Meeting minutes of December 14, 1992
- (4) Annual Traffic Accident Summary Report - 1992
- (5) News Release #2 - Opening of SR 49 Interchange with cost break-down  
News Release #3 - Announcement of Public Meetings with schedule of dates  
News Release #4 - Free Coffee for New Year Holiday Traffic

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

The Chairman said he wanted to express the Commission's condolences to Mr. Johnson, whose father passed away the week before the meeting. He said Mr. Johnson's father was 96 years old.

Mr. Johnson said he thanked the Chairman for his comments.

The Chairman said the report of the Committee on Budget and Finance would be received.

Mr. Johnson said that, as the Members recalled, the Commission adopted an interim budget at the last meeting. He

said that according to the requirements of the Turnpike Act copies of that interim budget were distributed to the Governor and to other state officials. He said the staff was still fine-tuning that budget. He said that work was based on some of the items and directions that the Chairman had mentioned earlier in the meeting and the final budget was yet to be finished. He said a final budget would probably be ready for adoption at the next Commission meeting or shortly thereafter.

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

Mr. Rudolphy said the audit conducted for the calendar year 1992 was scheduled to start January 20 by Deloitte and Touche. He said he expected the audit to be finished in early March, which was sufficient time to prepare the Commission's annual report for distribution by April 1.

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

The chairman of the Committee on Service Plazas, Senator Gaeth, said he and Mrs. Leever had stopped at one of the plazas while traveling to the meeting and everything seemed to be in order.

Senator Gaeth said also that he wanted to take the opportunity to commend the Commission on its super job on the new Turnpike interchange with State Route 49. He said he was sorry everyone wasn't out there for the opening. He said it was a beautiful rainy day, but the interchange was open. He said he was delighted because the interchange was in his senatorial district and it was one of his favorite projects.

Senator Gaeth said also he would second Joe Vukovich's observations since he had been a Senate representative overseeing the Commission as a non-voting Member. He said he thought that if the general public was aware of the businesslike attitude that existed in the Commission meeting room the negative observations from even former State Representative Fred Deering might not be as great as they were. He said he thought the Commission did an outstanding job and he, too, had been impressed.

The Chairman said he thanked Senator Gaeth for his comments.

The Chairman said the report of the Committee on Service Plazas was accepted as offered. He said the report of the Committee on Employee Relations would be received.

Mr. Disantis said that to bring the Members up-to-date on two matters with which it was currently most concerned. He said the Commission had filed objections to a petition for recognition

by the part-time toll collectors. He said a hearing on those objections had been set for January 21, with a pre-hearing to be held in Columbus the day after the Commission meeting.

Mr. Disantis said further that the other item concerned current negotiations with the employees in the Berea radio room. He said a fact-finder had been appointed to assist in those negotiations. He said that, however, due to some problems, the committee had requested the Commission's labor counsel to file an unfair labor practice charge the day after the Commission meeting for failure to bargain in good faith on the part of the union representatives.

The Executive Director said there were some items in the negotiations which should be discussed in executive session. He said he would suggest that the Members meet in executive session following the conclusion of the regular meeting.

The Chairman said an executive session would be held and he was looking forward to hearing from Mr. Pinzone, who had been a union person all his life and had a lot of experience and good judgment in that whole area.

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

The Executive Director asked the chairman of the Committee on Safety, Mr. Pinzone, if he would defer to him regarding the committee's report.

Mr. Pinzone said he would defer.

The Executive Director said perhaps Captain Williams had something further to say on the cocaine arrest and the Turnpike's safety record for 1992.

Captain Williams said that on January 6, 1993, shortly after noon, a Patrol drug-interdiction team, consisting of four officers and a drug sniffing dog, was conducting traffic enforcement around the North Ridgeville Cleveland (No. 9) Interchange. He said that a Cadillac traveling between New York and Detroit was stopped for exceeding the speed limit by 11 miles per hour. He said the occupant of the car was a male from Detroit who had a suspended Michigan driver's license. He said the occupant of the car was very evasive with the troopers during questioning and exhibited some nervousness. He said the drug-sniffing dog alerted the troopers that something was in the rear of the car.

Captain Williams said further that the troopers opened the trunk of the car, removed some items and were able to look in and see that there was a false bottom clear across the entire length of the car. He said it was a deep trunk and a full metal plate

had been welded into it. He said the troopers were able to look down into a small inspection type hole to see that there were some kilos of cocaine under the metal plate. He said they were able to take a sample from that hole to determine that it was cocaine in the vehicle.

Captain Williams said further that the vehicle was towed to the Elyria Highway Patrol post. He said that it took some time for the troopers to find out how to get into the compartment. He said that under the wheel well some plates had been bolted that could be removed. He said that once those bolts had been removed the troopers took out 32 kilograms of cocaine. He said it was later found to be 38 kilograms when weighed by officials of the Drug Enforcement Agency.

Captain Williams said that OSHP District 12 was working with the DEA in that investigation and he hoped some distribution points could be located through examination of the evidence found in the vehicle. He said it was the largest seizure of cocaine in the history of the Ohio State Highway Patrol. He said he would like to thank the Commission for providing the patrol with the drug-sniffing dog that had been used in the traffic safety services program on the Turnpike.

Captain Williams said also that he would be preparing a report on the Turnpike's traffic counts and the rest of the statistics compiled for 1992. He said he did think that it was a very safe year on the Turnpike. He said he was very appreciative of the support that the Highway Patrol got from the Commission.

The Chairman said the report of the Committee on Safety was accepted as offered. He said the report of the Executive Director would be received.

The Executive Director said he would repeat some of what Senator Gaeth had reported concerning the opening of the State Route 49 Interchange on December 29. He said that late December was usually a snow time, but it was rain time out there on that day. He said there was a brief opening ceremony and then everyone got out of the rain. He said he wanted to note that the interchange was open after just four and a half months of construction. He said it opened almost six months earlier than scheduled, so the Commission had an outstanding experience on that.

The Executive Director said further that the split/dual interchange at the General Motors Lordstown plant, which was basically suspended for the winter, was on schedule and would be opening in June.

The Executive Director said further that the staff was preparing to start taking bids on construction projects for the year. He said there would be at least three mainline resurfacing projects totaling about 30 miles, which was routine for a year.

He said the staff was finishing up plans for expanding and modernizing the last two of the Turnpike's eight maintenance buildings. He said that, as the Members knew, the other six maintenance buildings had been expanded and remodeled.

The Executive Director said the staff had plans for completing the updating of all the mainline signing on the Turnpike. He said there would be some possible resurfacing work in some service plazas, which had not been done for a number of years. He said the staff also were looking at a pilot project for emergency call boxes in the Turnpike's busiest section. He said there were a number of interchanges that needed resurfaced and repaired, especially out at the western end where there was some deterioration in the ramps. He said there would be a lot of other smaller projects for the year.

The Executive Director said also that the last thing he wanted to report on was about the potential new Turnpike interchange sites. He said that, as he indicated at the last Commission meeting, he had scheduled public meetings, although he had not announced the schedule at that time, to be held within the next two and a half weeks. He said five different public meetings at sites across the Turnpike were set to review and discuss potential added interchanges on the Turnpike.

The Executive Director said further that the news release announcing the meetings was distributed on December 23rd. He said the schedule started the week of the Commission meeting on Wednesday night, January 13. He said the meeting would be in Archbold at 7:00 p.m. and a potential interchange with State Route 66 in Fulton County would be reviewed. He said that on the next night, Thursday, January 14, a public meeting would be held at Woodville to review a potential interchange at State Route 51 in Ottawa County.

The Executive Director said further that on Wednesday, January 20, a public meeting would be held in Bellevue to review a potential interchange at Route 4 in Erie County. He said that on the next night, Thursday, January 21, a public meeting would be held in Amherst to review three potential interchanges -- State Route 60 in Erie County, Baumhart Road and State Route 58, which were in Lorain County. He said that the last meeting would be held in Ravenna on Wednesday, January 27 to review potential interchanges at State Route 44 and at State Route 88 in Portage County..

The Executive Director said further that to move forward on engineering on those projects, the staff had begun the preliminary selection process on some of the potential interchange sites. He said those were State Route 66, State Route 51, State Route 4, and probably State Route 44. He said he expected some narrowing selection process on the three potential sites involving State Route 60, Baumhart Road and State Route 58.



The Executive Director said further that in the Lorain area there was another future potential project, the Central Lorain Corridor. He said the Commission had been cooperating with ODOT on the engineering feasibility studies that were being conducted by consulting firms. He said ODOT and the Commission were both participating in that consultant process to study that corridor. He said the corridor was another potential interchange in that area which might affect some of the other interchange site selections.

The Executive Director said further that the Commission was seeking the mood of both public officials and the general public at the meetings. He said the Commission also was working with ODOT on the process because the Director of Transportation, under the Turnpike Act, had to approve the potential interchange sites before the Commission could act to designate them as access points.

The Executive Director said further that he would expect that, after the public meetings in January, the staff would be able to come back to the Commission in February with recommendations of some of the interchange sites to officially designate them as access points. He said the staff could then proceed with the detailed engineering for construction plans.

The Executive Director said further that he thought that there might be some selection between proposed interchanges at State Route 44 and State Route 88. He said he didn't think both of those were warranted in that area. He said there also were two other sites in Mahoning County that were in the Commission's long range plan. He said those sites were County Road 18, near the Turnpike's Niles-Youngstown (No. 15) Interchange, and State Route 11, which was a major north/south limited access facility. He said the final two proposed interchanges, which he thought were in the somewhat longer range, were Interstate Routes 77 and 271, both of which were in Summit County.

The Executive Director said further that the interchanges with I-77 and I-271 were warranted because they would link the Turnpike with two interstate highways. He said that, however, they were going to be very expensive facilities when they were constructed and they were between two limited access facilities. He said that interchanges at those two sites, by themselves, would not encourage economic development in the surrounding areas, which was the primary reason for moving forward with the additional interchanges. He said that, therefore, the I-77 and I-271 interchanges were a little further down the road. He said the other proposed interchanges had the Commission's first priority at that stage.

The Chairman said the Commission was going out to the public to listen to its customers so they might give it direction for future interchanges.

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 a resolution expressing the appreciation of the Commission to its former Chairman, James H. Brennan. He said he would read that particular resolution in its entirety as follows:

"WHEREAS, James H. Brennan, Sr., was appointed as a member of the Ohio Turnpike Commission on August 12, 1991, by Governor George V. Voinovich;

"WHEREAS, James H. Brennan was elected Chairman of the Commission on November 7, 1991, and served in that capacity until his resignation on December 14, 1992;

"WHEREAS, during his sixteen-month term and under his guidance as Chairman the Commission moved forward in many vital areas including: the opening of Interchanges 3-A (S.R. 2, Lucas County) and 4-A (I-75, Wood County); the modification of the Tripartite Agreement after bond retirement on June 1, 1992; award of contracts for the construction of the new Westgate Interchange (S.R. 49, Williams County), which opened on December 29, 1992; award of contracts for the construction of dual interchanges at the General Motors Lordstown complex in Trumbull County; the continued study of additional interchanges for Turnpike Project No. 1, as well as the study of additional Turnpike projects;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby recognizes and expresses its appreciation of the diligent, active and valuable service rendered by James H. Brennan, Sr., as a member of and as the Chairman of the Ohio Turnpike Commission;

"FURTHER RESOLVED that the Commission extends to James H. Brennan, Sr., its best wishes for his success and well-being in all matters and activities which he shall undertake in the future; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Brennan."

General Counsel said that, obviously, he urged the passage of that resolution.

A resolution expressing appreciation to James H. Brennan was moved for adoption by Mr. Pinzone, seconded by Mr. Wray as follows:

RESOLUTION NO. 1-1993

"WHEREAS, James H. Brennan, Sr. was appointed as a member of the Ohio Turnpike Commission on August 12, 1991, by Governor George V. Voinovich;

"WHEREAS, James H. Brennan, Sr. was elected Chairman of the Commission on November 7, 1991, and served in that capacity until his resignation on December 14, 1992;

"WHEREAS, during his sixteen-month term and under his guidance as Chairman the Commission moved forward in many vital areas including: the opening of Interchanges 3-A (S.R. 2, Lucas County) and 4-A (I-75, Wood County); the modification of the Tripartite Agreement permitting the continuation of tolls on the Ohio Turnpike after bond retirement on June 1, 1992; award of contracts for the construction of the new Westgate Interchange (S.R. 49, Williams County), which opened on December 29, 1992; award of contracts for the construction of dual interchanges at the General Motors Lordstown complex in Trumbull County; the continued study of additional interchanges for Turnpike Project No. 1, as well as the study of additional Turnpike projects;

"NOW, THEREFORE, BE IT

"RESOLVED, that the Commission hereby recognizes and expresses its appreciation of the diligent, active and valuable service rendered by James H. Brennan, Sr., as a member of and as the Chairman of the Ohio Turnpike Commission;

"FURTHER RESOLVED that the Commission extends to James H. Brennan, Sr., its best wishes for his success and well-being in all matters and activities which he shall undertake in the future; and

"FURTHER RESOLVED that the assistant secretary-treasurer be, and hereby he is, directed to send a certified copy of this resolution to Mr. Brennan."

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. Wray, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 1-1993.

The Chairman said he felt Mr. Brennan was a big asset to Toledo and the rest of the state.

General Counsel said there was just one additional item in that the RFP for cash management services had been drafted and would be ready for submission to the general industry within the near future.

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

The Executive Director said that, as he indicated earlier, he was requesting that the Commission hold a brief executive session to review both the negotiations and the request for a union representation election.

The Chairman said 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 an executive session.

A motion to hold an executive session was made by Mrs. Leever, seconded by Mr. Pinzone.

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

Ayes: Mrs. Leever, Mr. Pinzone, Mr. Wray, Mr. Fedeli

Nays: None

The Chairman said the Members would meet in executive session and, after it was over, they would return to the regular meeting.

(The executive session began at 11:42 a.m. and ended at 12:02 p.m.)

The Chairman said the executive session had been concluded.

The Executive Director said the Commission had agreed to hold meetings on the second Monday of each month, so the next meeting would be on February 8 and the one following would be on March 8.

There being no further business to come before the Commission, a motion was made by Mr. Pinzone, seconded by Mrs. Leever, that the meeting adjourn until the next meeting on February 8.

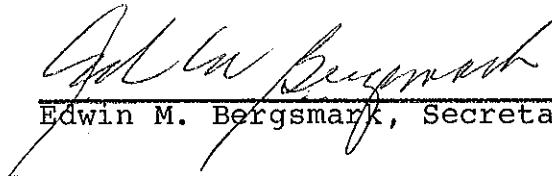
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Pinzone, Mrs. Leever, Mr. Wray, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:06 p.m.

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



Edwin M. Bergsmark, Secretary-Treasurer