

MINUTES OF THE 383rd MEETING OF THE OHIO TURNPIKE COMMISSION

February 8, 1993

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio, at 11:02 a.m., on February 8, 1993, with key members of the staff; a representative, David Millstone of the labor counsel, Squire, Sanders & Dempsey; a representative, W. Robson Fleischman, of the consulting engineers, Greiner Engineering, Inc.-Ohio; three members of the media, Pauline Thoma, The (Cleveland) Plain Dealer, Hank Harvey, The (Toledo) Blade, and Steve Fogarty, The Elyria Chronicle-Telegram; 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: Robert F. Hagan, M. Ben Gaeth, Charles R. Pinzone, Ruth Ann Leever, Edwin M. Bergsmark, Umberto P. Fedeli

Absent: Jerry Wray

A motion was made by Mr. Pinzone, seconded by Mr. Bergsmark, that the minutes of the meeting of January 11, 1993, 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. Bergsmark, 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 383rd 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. Wray was unable to attend the meeting.

The Chairman said he would like to welcome a new Member. He said State Representative Robert F. Hagan was attending his first meeting since being appointed as a legislature Member of the Commission.

The Chairman said he also wanted to recognize Jim Brennan, former Member and Chairman, who had been appointed Development

Coordinator of the Commission to assist in expediting projects of the Commission.

The Chairman said that, since there was now a full Commission, it was appropriate to fill the vacant position of Vice Chairman which would be done through an election by the Members. He said he would accept the nomination for the position.

A motion to nominate Ruth Ann Leever as Vice Chairman of the Commission was made by Mr. Bergsmark, 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: Mr. Bergsmark, Mr. Pinzone, Mr. Fedeli,
Mrs. Leever

Nays: None

The Chairman declared Mrs. Leever had been elected Vice Chairman.

The Chairman said he would like to mention that Pat Patton, the Commission's Legislative Liaison, was scheduled to have a triple bypass heart operation the day of the meeting. He said Pat had a heart attack the week before the meeting. He said he wished Pat the best.

The Chairman said that at the last meeting the Commission discussed its macro plan to build new Turnpike interchanges, and become involved in the construction of a new Maumee River crossing and the Mid-Atlantic corridor. He said the Commission's staff was currently working on a strategic plan for each of the two major projects which he hoped could soon be presented to the Commission.

The Chairman said the primary purpose of 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 that before proceeding with the meeting he wanted to take a moment to recognize Ork, the drug-sniffing dog, who was then in the conference room. He said the Commission had a little gift for Ork. He said that, as the Members knew, Ork caught a person during a traffic stop with about \$3.8 million worth of cocaine hidden in his vehicle. He said in appreciation he wanted to present Ork with his favorite toy, a Kong Ball.

The Chairman said there being no questions, the report of the Secretary-Treasurer, Mr. Bergsmark, would be received.

The Secretary-Treasurer, Mr. Bergsmark, said that the following listed items have been sent to the Members since the last regular meeting of the Commission, January 11, 1993:

- (1) Weekly traffic statistics
- (2) Investment Transactions which occurred during January 1993
- (3) Draft of the Commission Meeting minutes of January 11, 1993
- (4) Traffic Accident Analysis for January 1993
- (5) Traffic and Revenue Report for December and twelve-month summary for 1992
- (6) Budget Report for 1992 including subsequent revisions
- (7) Financial Statement for December 1992
- (8) Report on Concessionaires for 1992
- (9) Litigation Report - Fourth Quarter 1992
- (10) News Release #1 - Appointment of James H. Brennan as Development Coordinator
- (11) News Release #2 - Announcement of Second Public Meeting on Proposed Lorain County Interchange Sites

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 or the Committee on Audit and Legal. He said the report of the Committee on Service Plazas would be received.

The chairman of the Committee on Service Plazas, Mr. Gaeth, said that at previous meetings of the Commission, it had been noted that some of the rest rooms in the service plazas were beginning to show signs of wear and that some improvement was warranted. He said, apparently, not all of the rest rooms were in similar condition. He said, therefore, he was suggesting that a detailed inspection be made of each of the facilities and that a program be developed to replace any needed fixtures before that year's busy season.

Mr. Gaeth said that, furthermore, the program should determine whether any renovation or expansion of the facilities was warranted.

Mr. Gaeth said further that a tabulation of the history of the rest rooms renovations was enclosed in each Members' folder.

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.

The vice chairman of the Committee on Employee Relations, Lou Disantis, said that, basically, there were no major changes from the committee report given at the last Commission meeting. He said the prehearing on the question of the part-time toll

collectors joining the United Electrical, Radio and Machine Workers of America, Local 791, was held and, in a telephone conference on January 21, it was agreed that both sides would submit briefs by February 16.

Mr. Disantis said further that, in terms of negotiations with Berea radio room personnel, the matter was in the hands of a fact finder. He said the Commission's attorneys did file an unfair labor practice charge on the question of the group's refusal to go forward on the agreement without them being joined to the field unit agreement.

Mr. Disantis said further that the employees in the administration building appreciated having the Chairman come to their informal meeting and they had asked him to extend their thanks to the Chairman at the Commission meeting.

The Chairman said the report of the Committee on Employee Relations was accepted as offered. He said Captain Henry Williams, Commander District 10, Ohio State Highway Patrol, would give the report for the Committee on Safety.

Captain Williams said that at the last Commission meeting he was happy to report that Ork had aided in the confiscation of the largest amount of illegal cocaine, 38 kilos, ever taken by the Ohio State Highway Patrol. He said, however, that the day before the current Commission meeting troopers working on Interstate 70 stopped a motor home in the Dayton area and recovered 223 kilos of cocaine, a new record. He said that the vehicle was headed from the west to Buffalo, New York. He said that troopers on the Turnpike had a new goal to attain with regard to recovering cocaine.

Captain Williams said also that he wanted to give a brief report on a couple of incidents that happened on the Turnpike in February. He said that on the 3rd there had been a 17-minute pursuit on the Turnpike near the Niles-Youngstown (No. 15) Interchange. He said troopers chased a 1989 Sterling, a British vehicle, for a traffic violation. He said the traveling speed was about 130 miles per hour. He said the vehicle left the Turnpike at Interchange 15 and traveled down Interstate 76 before it went out-of-control near the Bailey Road exit. Captain Williams said further that in the vehicle troopers recovered two MAC II automatic pistols and 135 grams of heroin with a street value of around \$32,000. He said the driver of the vehicle was a suspect from New York City with an extensive criminal history of weapons and drug-related offenses.

Captain Williams said further that on the same day troopers working near the Lorain County West (No. 8A) Interchange with Ork stopped a vehicle with Arizona registration and found some misdemeanor marijuana in the vehicle. He said Ork alerted to the

right door in which \$35,000 in cash was found. He said the people in the vehicle disclaimed any ownership of that money. He said the Patrol would work with the DEA to have that money forfeited into the Drug Asset Forfeiture Fund. He said that Patrol fund was used for training, education and equipment for a drug interdiction program throughout Ohio.

Captain Williams said further that in 1992 on the Turnpike the Patrol had over 300 drug arrests in 168 drug interdictions.

Captain Williams said further that in 1992 on the Turnpike there were 16 fatal accidents with 21 people being killed. He said that meant a fatal accident crash rate of 0.7 per one hundred million miles traveled. He said that was an increase of 0.1 of a percent from 1991. Captain Williams said further that, overall, the incidents of all accidents on the Turnpike had decreased for the last six years. He said that in 1992 there were 61 crashes for one million miles traveled, as compared to 1982 when there were 92 crashes per one hundred million vehicle miles. He said the Turnpike's traffic mileage was continuing to increase. He said that in 1992 the total was 2.2 billion miles, while in 1982, 1.5 billion miles were traveled.

Captain Williams said that in 1992 troopers made 62,800 arrests and 18,000 of those were commercial vehicles. He said there were 41,000 warnings issued. He said the Patrol assisted 55,000 motorists and had 800 DUI arrests. He said seat belt regulations were enforced 12,000 times with traffic citations. He said the last survey conducted by the Patrol on the Turnpike indicated that compliance with seat belt regulations was at 84 percent. He said it was a very good rate as compared with the rest of the state.

Captain Williams said further that troopers investigated over 700 cases in 1992 and had over 13,000 hours of training with the districts officers. He said the troopers got a new safety package which included a 40-caliber Beretta semiautomatic pistol, new soft body armor, new hinged handcuffs and rechargeable flashlights.

Captain Williams said the patrol started in laser, speed-limit enforcement in September and had three sets in use. He said it took some time to train the district's officers on the new laser equipment, but since December the equipment had been used to make 1700 arrests. He said three more laser sets were on order. He said the BAC machine, which was used for the detection of the presence of alcohol in the body, would be replaced in 1993, with new Datamaster systems.

Captain Williams said further that the district had taken on another trooper that had training in motor carrier safety and he was certified to do federal-level inspections. He said it took

some change in the Revised Code of Ohio to allow the Patrol to be able to enforce the federal regulations but they were adopted by the PUCO and they could now be enforced.

Captain Williams said further that District 10 had 91 officers, which was its authorized strength. He said that in 1992 its communications center handled over 70,000 computerized inquiries. He said those inquiries helped in recovering 72 stolen cars. He said tips received in the radio room led to the arrest of 45 felons and aided in finding 20 missing people.

Captain Williams said further that the Patrol had two vehicles parked outside the administration building. He said one of them was the canine vehicle. He said it was a Jeep vehicle and there were about 15 of them in the Patrol's fleet. He said some of them were used for the dogs and others were being tested as general Patrol vehicles. He said he invited the Members, staff and guests to view that vehicle after the meeting.

Captain Williams said further that the other vehicle was equipped with a camera that was used in the drug interdiction program. He said it had a television camera mounted in the vehicle up on the windshield. He said the unit had a security box for VHS tapes in the trunk. He said the Patrol had six of those vehicles statewide, which were purchased with money from the drug asset forfeiture fund.

Captain Williams said he would have a written report for the Commission at a later date.

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, Allan V. Johnson, said that most of his report would consist of introducing resolutions that were before the Commission at the meeting. He said two of them concerned designating additional interchange locations on the Turnpike.

The Executive Director said further that at the last Commission meeting he reported that the staff would be conducting a series of public meetings during late January to review several potential interchange sites. He said there were six meetings to consider sites at; first, State Route 66 in Fulton County. He said the second meeting was to consider State Route 51 in Ottawa County. He said the third meeting was to consider State Route 4 in Erie County. He said a fourth meeting was to consider three interchanges -- State Route 60, also in Erie County, Baumhart Road and State Route 58 in Lorain County. He said a fifth meeting was held to consider State Routes 44 and 88 in Portage County. He said the sixth meeting considered for the second time

the three interchanges at State Route 60, Baumhart Road and State Route 58.

The Executive Director said further that he thought it fair to say that those meetings generated considerable public interest, including a great deal of support. He said that out of those eight sites, two sites clearly stood out with strong, almost overwhelming support, both by public officials and citizens who attended those meetings. He said those sites were for State Route 4 in Erie County and State Route 44 in Portage County. He said those sites both had been strong contenders for interchange sites in studies that had been conducted for many years by the Commission. He said the last round of meetings reinforced the strong support that had been seen in the past.

The Executive Director said further that it was his recommendation that the Commission act at the meeting to designate those two points as points of ingress and egress from the Turnpike. He said that was technical language which was contained in the Turnpike Act, which was the authority that the Commission acted on in designating those sites. He said resolutions had been prepared for that purpose.

The Executive Director said further that the first resolution was entitled a Resolution Approving the Location, Design and Acquisition of Right-of-Way for an Interchange with State Route 4 and the Ohio Turnpike in the vicinity of milepost 110.7 in Erie County, Ohio. He said he would dispense with reading either the Whereas or the Resolved of the resolution. He said the resolution would conform with the statutory requirement that the Commission so designate such a point, and will allow the detailed design to progress and ultimately the construction. He said he recommended that the resolution be adopted.

A resolution approving the location, design and acquisition of right-of-way for an interchange with State Route 4 and the Ohio Turnpike in the vicinity of milepost 110.7 in Erie County, Ohio, was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 2-1993

"WHEREAS, Revised Code of Ohio, Section 5537.04 (A)(9) provides that this Commission may designate the locations, and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable in the judgment of the Commission and of the Director of Transportation to insure the proper operation and maintenance of the Ohio Turnpike;

"WHEREAS, there has been a long-standing interest expressed by local officials, agencies and the general public

for the construction of an interchange between the Turnpike and S. R. 4;

"WHEREAS, the Commission recognizes the need and desirability to connect these roadways so as to facilitate vehicular traffic in the area and to promote the agricultural, commercial, recreational, tourism and industrial development in accordance with Section 5537.03 of the Revised Code;

"WHEREAS, the Director of Transportation has concurred in the designation of S. R. 4 as a point of ingress to and egress from the Turnpike;

"WHEREAS, the Commission will perform and fund the design, right-of-way acquisition and construction of the interchange between the Turnpike and S. R. 4 with its own financial resources;

"NOW, THEREFORE, BE IT

"RESOLVED that, pursuant to Section 5537.04 (A)(9) of the Ohio Revised Code, this Commission does hereby formally designate a connection of S. R. 4 as a point of ingress to and egress from the Ohio Turnpike in Erie County, Ohio;

"FURTHER RESOLVED that the Chairman and Executive Director are authorized and directed to engage the services of such consulting firm or firms as they deem capable and appropriate to accomplish the expeditious study and design of a toll interchange between S.R. 4 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

"FURTHER RESOLVED that the Commission determines hereby that the costs and expenses for the study, design, right-of-way acquisition and construction of the toll-interchange project shall be paid by the Commission;

"FURTHER RESOLVED that the Executive Director be, and hereby he is, directed to develop, along with the Commission's Committee on Budget and Finance and the Commission's Financial Advisor, and present to the Commission a funding proposal for the project at such time as the design and related cost estimates have progressed sufficiently."

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, 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. 2-1993.

The Executive Director said further that the second resolution was entitled a Resolution Approving the Location, Design and Acquisition of Right-of-Way for an Interchange with State Route 44 and the Ohio Turnpike in the Vicinity of Milepost 194.2 in Portage County. He said that, once again, he recommended that the resolution be adopted.

A resolution approving the location, design and acquisition of right-of-way for an interchange with State Route 44 and the Ohio Turnpike in the vicinity of milepost 194.2 in Portage County was moved for adoption by Mrs. Leever, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 3-1993

"WHEREAS, Revised Code of Ohio, Section 5537.04 (A)(9) provides that this Commission may designate the locations, and establish, limit, and control such points of ingress to and egress from the Ohio Turnpike as are necessary or desirable in the judgment of the Commission and of the Director of Transportation to insure the proper operation and maintenance of the Ohio Turnpike;

"WHEREAS, there has been a long-standing interest expressed by local officials, agencies and the general public for the construction of an interchange between the Turnpike and S. R. 44;

"WHEREAS, the Commission recognizes the need and desirability to connect these roadways so as to facilitate vehicular traffic in the area and to promote the agricultural, commercial, recreational, tourism and industrial development in accordance with Section 5537.03 of the Revised Code;

"WHEREAS, the Director of Transportation has concurred in the designation of S. R. 44 as a point of ingress to and egress from the Turnpike;

"WHEREAS, the Commission will perform and fund the design, right-of-way acquisition and construction of the interchange between the Turnpike and S. R. 44 with its own financial resources;

"NOW, THEREFORE, BE IT

"RESOLVED that, pursuant to Section 5537.04 (A)(9) of the Ohio Revised Code, this Commission does hereby formally designate a connection of S. R. 44 as a point of ingress to and egress from the Ohio Turnpike in Portage County, Ohio;

"FURTHER RESOLVED that the Chairman and Executive Director are authorized and directed to engage the services of such consulting firm or firms as they deem capable and appropriate to accomplish the expeditious study and design of a toll interchange between S.R. 44 and the Ohio Turnpike and to confer with the Ohio Department of Transportation so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange; and

"FURTHER RESOLVED that the Commission determines hereby that the costs and expenses for the study, design, right-of-way acquisition and construction of the toll-interchange project shall be paid by the Commission;

"FURTHER RESOLVED that the Executive Director be, and hereby he is, directed to develop, along with the Commission's Committee on Budget and Finance and the Commission's Financial Advisor, and present to the Commission a funding proposal for the project at such time as the design and related cost estimates have progressed sufficiently."

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. Bergsmark, Mr. Pinzone,
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. 3-1993.

The Executive Director said also that the remainder of his report would be to explain and offer the resolutions that the Members had before them for awarding contracts. He said the first of those resolutions was entitled a Resolution Awarding Contract CIP 43-92-01. He said it was a contract for renovation of a number of bridges over the Turnpike. He said the work was a part of a long, on-going program the Commission had for renovating Turnpike bridges.

The Executive Director said further that there were six bids received in response to the contract and the summary tabulations had been submitted to the Members. He said the Commission's staff, its outside consultants, who did the plans for the project, and the Commission's general consulting engineer, the Deputy Executive Director-Chief Engineer and General Counsel all had reviewed those bids and it was recommended that the contract be awarded to the low bidder, the S.E. Johnson Company in the amount of \$884,723.83. He said he recommended that the resolution be adopted.

A resolution awarding contract CIP 43-92-01 was moved for adoption by Mr. Bergsmark, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 4-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for bridge renovation of Stryker-Lockport Road over the Ohio Turnpike at Milepost 22.0 located in Williams County, Ohio and for bridge renovation of Shilling-Ely Road over the Ohio Turnpike at Milepost 22.7; Rueger-Shetler Road over the Ohio Turnpike at Milepost 23.9 and Fulton-Williams Road over the Ohio Turnpike at Milepost 24.4 located in Fulton County, which contract has been designated CIP 43-92-01;

"WHEREAS, six 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, the Commission's contracting 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 S. E. Johnson Companies of Maumee, Ohio, in the amount of \$884,723.83, utilizing aluminum fencing, for the performance of Contract CIP 43-92-01 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 S. E. Johnson Companies;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of the S. E. Johnson Companies of Maumee, Ohio, in the amount of \$884,723.83, using aluminum fencing, for the performance of Contract CIP 43-92-01 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. Bergsmark, Mr. Pinzone, Mrs. Leever,
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present responding to roll call. The resolution was identified as No. 4-1993.

The Executive Director said further that the next resolution was entitled a Resolution Awarding Contract CIP 43-92-02. He said it also was a contract for renovation of bridges over the Turnpike. He said there were seven bids submitted in response to that contract and all the bids had been analyzed by the Commission's staff and its engineering firms. He said it was recommended that the bid be awarded to the low bidder, Baker Concrete Construction of Monroe, Ohio in the amount of \$956,923.00. He said he recommended that the resolution be adopted.

A resolution awarding contract CIP 43-92-02 was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

RESOLUTION NO. 5-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for bridge renovation of Wauseon-Ottokee Road (CR 14) over the Ohio Turnpike at Milepost 35.2; West Barre-Advance Road (CR 13) over the Ohio Turnpike at Milepost 36.3; Biddle Scott Road (TR 12-1) over the Ohio Turnpike at Milepost 37.1; Winnemeg-Lyons Road (TR 11) over the Ohio Turnpike at Milepost 38.3 and Brigham-Fraker Road (CR 6-2) over the Ohio Turnpike at Milepost 42.9 located in Fulton County, which contract has been designated CIP 43-92-02;

"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, the Commission's contracting 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 Baker Concrete Construction of Monroe, Ohio, in the amount of \$956,923.00, utilizing aluminum fencing, for the performance of Contract CIP 43-92-02 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 Baker Concrete Construction;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Baker Concrete Construction of Monroe, Ohio, in the amount of \$956,923.00, using aluminum fencing, for the performance of Contract CIP 43-92-02 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, Mrs. Leever, Mr. Pinzone,
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. 5-1993.

The Executive Director said the next resolution was entitled Resolution Awarding Contracts CIP 43-93-03 and FTP 43-92-04. He said CIP is an abbreviation for Capital Improvement Project and FTP stood for Fuel Tax Project. He said the Commission did get a limited amount of state fuel tax funds from fuel sold out of the Turnpike's Service Plazas. He said those funds always had been used for bridge projects carrying state roads over the Turnpike, which was the case in that particular contract.

The Executive Director said the contract was for work on several bridges over the Turnpike. He said four bids were received on the contract. He said the bids had been analyzed by the staff and the consulting engineers and it was recommended that it be awarded to the low bidder, S.E. Johnson Companies, Inc. of Maumee, Ohio in the amount of \$1,078,871.25. He said he recommended that the resolution be adopted.

A resolution awarding contracts CIP 43-92-03 and FTP 43-92-04 was moved for adoption by Mr. Pinzone, seconded by Mr. Bergsmark as follows:

RESOLUTION NO. 6-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for bridge renovation of Dutch Road over the Ohio Turnpike at Milepost 76.3 located in Sandusky County, and Martin-Williston Road over the Ohio Turnpike at Milepost 78.7 and Dischinger Road over the Ohio Turnpike at Milepost 81.5 located in Ottawa County which project has been designated CIP 43-92-03 and for bridge renovation of State Route 105 over the Ohio Turnpike at Milepost 79.5 located in Ottawa County, which contract has been designated FTP 43-92-04;

"WHEREAS, four bids for the performance of said contracts were received;

"WHEREAS, said bids have been reviewed and analyzed by the Commission's deputy executive director-chief engineer, the Commission's contracting 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 S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$1,078,871.25, utilizing aluminum fencing, for the performance of Contracts CIP 43-92-03 and FTP 43-92-04 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 the S. E. Johnson Companies, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of the S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$1,078,871.25, using aluminum fencing, for the performance of Contracts CIP 43-92-03 and FTP 43-92-04 is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contracts, 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 contracts."

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

Ayes: Mr. Pinzone, Mr. Bergsmark, 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. 6-1993.

The Executive Director said further that there was a resolution entitled Resolution Awarding Contract CIP 43-92-06, which was for several bridges over the Turnpike. He said there were eleven bids on the contract and they had been analyzed by

the staff and the consulting engineers. He said it was recommended the contract be awarded to the low bidder, Nor-Con, Inc. of Norwalk, Ohio in the amount of \$1,114,279.20. He said he recommended that the resolution be adopted.

A resolution awarding contract CIP 43-92-06 was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

RESOLUTION NO. 7-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for bridge renovation of River Road over the Ohio Turnpike at Milepost 120.1; Wikel Road over the Ohio Turnpike at Milepost 121.9; Arlington Road over the Ohio Turnpike at Milepost 122.3; Chapin Road over the Ohio Turnpike at Milepost 123.1; Frailey Road over the Ohio Turnpike at Milepost 126.3 and Angling Road over the Ohio Turnpike at Milepost 129.0 located in Erie County, which contract has been designated CIP 43-92-06;

"WHEREAS, eleven 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, the Commission's contracting 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 Nor-Con, Inc. of Norwalk, Ohio, in the amount of \$1,114,279.20, utilizing aluminum fencing, for the performance of Contract CIP 43-92-06 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 Nor-Con, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Nor-Con, Inc. of Norwalk, Ohio, in the amount of \$1,114,279.20, using aluminum fencing, for the performance of Contract CIP 43-92-06 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, Mrs. Leever, Mr. Pinzone,
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. 7-1993.

The Executive Director said the next resolution was entitled Resolution Awarding Contract CIP 59-93-02. He said the contract was for mainline repairs and resurfacing between Mileposts 91.2 and 101.4 in Sandusky County. He said two bids on the contract had been received. He said the bids had been analyzed by the staff and it was recommended that the bid be awarded to the low bidder, the S.E. Johnson Companies, Inc. of Maumee, Ohio in the amount of \$3,191,741.65. He said he recommended that the resolution be adopted. A resolution awarding contract CIP 59-93-02 was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

RESOLUTION NO. 8-1993

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for mainline repairs and resurfacing of original contract sections C-35, C-36, C-37 and C-39, between Milepost 91.2 and Milepost 101.4 in Sandusky County;

"WHEREAS, the Commission received bids from two bidders and each bidder submitted alternate bids for the performance of said contract;

"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 S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$3,191,741.65 using crushed slag with temporary access, for the performance of Contract CIP 59-93-02 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 S. E. Johnson Companies, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of the S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$3,191,741.65, using crushed slag with temporary access, for the performance of Contract CIP 59-93-02, 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, Mrs. Leever, Mr. Pinzone,
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. 8-1993.

The Executive Director said further that the last resolution was a Resolution Authorizing the Executive Director to take Immediate Action Concerning the Award of Contract CIP 45-93-01.

The Executive Director said further the contract was for overhead sign supports approaching Turnpike toll plazas and interchanges. He said the staff began a program several years ago and then had to suspend it until the future of the Turnpike was decided. He said that bids on the contract were only opened on the Friday before the Commission meeting and there had not been sufficient time to complete the evaluation process before the meeting. He said it was important that a contract be awarded or some other action be taken before the next Commission meeting. He said he, therefore, was asking for the authority to act on the contract. He said it was in two parts and there might be awards to different contractors or action taken on different portions of the contract.

The Executive Director said that it had been customary when there was a time squeeze to grant the Executive Director authority to act. He said he would certainly do so with the consultation with the Members before final action was taken. He said he recommended that the resolution be adopted.

A resolution authorizing the Executive Director to take immediate action concerning the award of contract CIP 45-93-01 was moved for adoption by Mrs. Leever, seconded by Mr. Pinzone as follows:

RESOLUTION NO. 9-1993

"WHEREAS, the Commission opened bids on February 5, 1993, for the furnishing and installation of overhead sign supports at the following toll plazas: 2, 3, 4, 5, 8, 9, 13, 14, 15, 16, 17, which contract has been designated CIP 45-93-01;

"WHEREAS, there has not been sufficient time to complete a detailed evaluation of the bids prior to the February 8 meeting of the Commission, and it is necessary to award this contract prior to the March 1993 Commission Meeting in order to take advantage of the construction season;

"NOW, THEREFORE, BE IT

"RESOLVED that with respect to the award of Contract CIP 45-93-01, as set forth above, if, in the opinion of the executive director, the deputy executive director-chief engineer and the consulting engineer it is in the best

interest of the Commission for an award to be made by the executive director in advance of any meeting of the Commission, the executive director hereby is authorized to award and enter into any contract or contracts and to take whatever other action, on behalf of the Commission, the executive director, with the approval of the deputy executive director-chief engineer and the consulting engineer, shall determine to be in the best interest of the Commission, notwithstanding any limitation imposed upon the authority of the executive director under any resolution heretofore adopted, provided that any award made and contract or contracts entered into pursuant to authority granted herein shall be approved by general counsel; and

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

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

Ayes: Mrs. Leever, Mr. Pinzone, Mr. Bergsmark

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members, except Mr. Fedeli, present voting in the affirmative. The resolution was identified as No. 9-1993.

Mr. Bergsmark asked the cost of the contract.

The Executive Director said one part of the contract was for about \$450,000 and the other was about \$650,000.

Mr. Bergsmark said he suggested that the Commission ratify the contract at its next meeting provided the contract stayed within the costs mentioned by the Executive Director.

The Chairman said Mr. Bergsmark's suggestion was a good idea.

The Executive Director said that he would see that it would be done.

The Executive Director said also that he would report one further thing on the interchange sites. He said that, as he indicated, the staff was examining eight different sites. He said the Commission had acted on two of the sites at the meeting. He said the staff, obviously, had more work to do on evaluating those other sites. He said that Mr. Brennan in his role as Development Coordinator would be assisting in the review of those

other sites. He said he expected that additional sites would be proposed at future Commission meetings.

Mr. Bergsmark asked the Executive Director if signage had been set up to provide directions to the stadium where the Toledo Mud Hens played baseball. He said authorization of the signage had been the last achievement of the Brennan administration.

The Executive Director said the signs would be in place before the season opened on April 8.

The Chairman asked Mr. Brennan if he would like to give his first report as Development Coordinator.

Mr. Brennan said his report was pretty much covered by the Executive Director. He said it was correct that he had been meeting with folks in at least three of the other areas where there might possibly be interchanges. He said he would say that odds of at least two of them occurring relatively soon were rather good.

Mr. Brennan said further that there also were two primary projects and they were the Maumee River crossing and the Mid-Atlantic corridor. He said ODOT was working with the consultant they chose, which was Burgess and Niple, at the Maumee River Crossing. He said they were working on the Environmental Impact Statement. He said it was hoped that the statement would be finished within the next 18 to 24 months, which was about a six-month gain over that which originally had been contemplated. He said ODOT had advised the Commission that there was not a great deal the Commission could do at that time regarding that particular project.

Mr. Brennan said further that there was a meeting the Wednesday after the Commission meeting in Columbus for the Mid-Atlantic corridor. He said that, as had been mentioned earlier in the meeting, Pat Patton, who had been the Commission's liaison with that group, had been laid low. He said he would begin serving in the capacity of liaison as soon as possible. He said he had a list of ODOT projects involving the roadway, which could conceivably be used for the corridor. He said it was quite an extensive list and amounted to a significant number of dollars. He said it was safe to say that the Commission was not working on the Mid-Atlantic corridor, but the corridor was being worked on.

The Executive Director said he wanted to add one thing. He said that at that last round of public meetings in January the staff did not cover two sites at the east end of the Turnpike that had been under consideration for a long time. He said he was saying that for the benefit of Mr. Hagan, who was from the Youngstown area. He said he certainly wanted to say that the staff had not forgotten about both County Road 18 and State Route

11. He said he expected some environmental assessments would be done on those sites and evaluations of them as potential additional interchange sites would be done sometime in the coming months. He said a round of public meetings for those sites would be held so that they might be considered along with all the rest that were being looked at.

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

General Counsel, Jim McGrath, said his report would be on the Marshall Martin versus the Ohio Turnpike Commission case, which had been going on for a long time. He said that on January 11, 1993, the U.S. Supreme Court denied Martin's request to bring the matter before it. He said writ of Certiorari was denied. He said that meant that about 80 percent of the case was over with. He said there was some residual portion of the case which would come back to the Federal District Court in Cleveland. He said he hoped the case terminated completely in the near future.

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

Mr. Fleischman said he would like to report within the past week the consulting engineers had completed their review of the replacement value of all Turnpike buildings. He said that based on that review they had submitted their recommendation for revised insurance coverage on the buildings to the Director of Administrative Services, Mr. Disantis.

Mr. Fleischman said also that the consulting engineers would be initiating their annual inspection in the very near future. He said that would probably be done within the next two or three weeks. He said that after hearing Senator Gaeth's report on the service plazas rest rooms their first priority would be to inspect those facilities. He said the consulting engineers would address any renovation or replacement of fixtures prior to the busy season on the Turnpike.

The Chairman said the report of the consulting engineers was accepted as offered.

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 March 8.

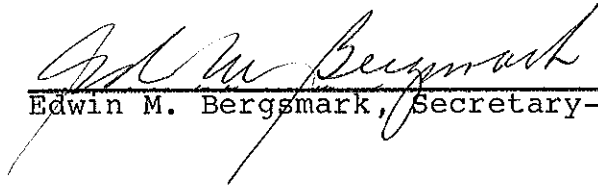
A vote by ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

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

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:28 a.m.

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


Edwin M. Bergsmark, Secretary-Treasurer