

# MINUTES OF THE 398th MEETING OF THE OHIO TURNPIKE COMMISSION

June 10, 1994

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:25 a.m., on June 10, 1994, with members of the staff, Allan V. Johnson, Executive Director; G. Alan Plain, Deputy Executive Director; James C. McGrath, General Counsel; Robert P. Barnett, Director of Information and Research; Louis J. Disantis, Director of Administrative Services; Craig Rudolphy, Comptroller; Donald M. Sharp, Director of Operations; James H. Brennan, Development Coordinator; four members of the media, David Patch, The (Toledo) Blade; Walter Topp, The (Elyria) Chronicle Telegram; Dustin Klein, The (Lorain) Morning Journal; and Molly Kavanaugh, The (Cleveland) Plain Dealer; and others in attendance.

Present: Ronald V. Gerberry, M. Ben Gaeth, Jerry Wray, (who was not in the room when the meeting started, but entered a short time later), Earl W. Williams, Edwin M. Bergsmark, Umberto P. Fedeli

Absent: Ruth Ann Leever

A motion was made by Mr. Bergsmark, seconded by Mr. Williams, that the minutes of the meeting of April 21, 1994, 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. Williams, Mr. Wray, Mr. Fedeli

Nays: None

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

The Chairman said Mrs. Leever could not attend the day's meeting. He said he welcomed Earl Williams to his first meeting as a Commission Member.

The Chairman said further that there were a number of guests at the meeting and he asked them to identify themselves as follows: Jim Conroy, Porter, Wright, Morris and Arthur; David Patch, The (Toledo) Blade; Paul Creighter, Turner Construction; Ron Meliza, Dick Enterprises; Jim Pitz, Howard, Needles, Tammen and Bergendoff; Rob Fleischman, Greiner Engineering; Dan Rohr, Bank One Capital; David Ransbury, Chief Engineer; Molly Kavanaugh, The (Cleveland) Plain Dealer; Joe Rice, Rice Consultants; Heidi Jedel, Information and Research; Lou Disantis, Director of Administrative Services;

Pat Patton, Government Liaison Officer; Dennis Wilcox, Climaco, Climaco, Seminatore, Leftkowitz & Garofoli, Co., L.P.A.; Steve Likovich, KPMG Peat Marwick; Ed Presley, Society National Bank; Mary Shirley, Toll Collections; Gary Cawley, Superintendent of Toll Collections; Alice Linn, Superintendent of Patron Services; Barbara Evanick, summer intern, Legal Department; Freda Wallace, summer intern, Legal Department; Walter Topp, The (Elyria) Chronicle-Telegram; Dustin Klein, The (Lorain) Morning Journal; Sharon Isaac, Legal Department; Don Sharp, Director of Operations; Keith Huizenga, Elmore Village Council; Richard Claar, Elmore; Barbara Lesko, Executive Director's Secretary; Craig Rudolphy, Comptroller; Andrea Plassard, Assistant Comptroller; David Millstone, Squire, Sanders & Dempsey; and Gordon Reis, the Commission's Financial Advisor.

The Chairman said the meeting was the 398th of the Commission and it was being held in the Commission's administration building as provided for in the bylaws.

The Chairman said further that various reports would be received and the Commission would act on a number of resolutions, draft copies of which had been previously sent to the Members and updated drafts also were in the Members' folders. He said the resolutions would be explained during the appropriate reports.

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

Mr. Bergsmark said that the following listed items had been sent to the Members since the last regular meeting of the Commission, April 21, 1994:

1. Weekly Traffic Statistics
2. Investment Transactions which occurred during April and May 1994.
3. Draft of the Commission Meeting Minutes of April 21, 1994.
4. Financial Statement for April 1994.
5. Traffic Accident Summary Report for April 1994.
6. Traffic and Revenue Report for April 1994.
7. News Releases:
  - #9 Sun Awarded Contract
  - #10 Contracts for Erie and Portage Toll Plazas
  - #11 OCDC Selected for Corridor Project
  - #12 Construction begun for SR 44 and SR 4
  - #13 Memorial Day Traffic
  - #14 Announcement of Turnpike Brochure

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

Mr. Rudolphy said that since the last Commission meeting the Auditor of State had officially released the Commission's audit for the December 31, 1993, period. He said that as soon as he received copies of the audit from the Commission's auditors, Deloitte and Touche, he would make the distribution of those reports.

Mr. Rudolphy said also that the Members had before them a resolution to award a new auditing contract. He said that under the guidelines established by the Auditor of State the Commission's outside auditing firm had to be rotated after every five-year period. He said the term of the Commission's current auditors, Deloitte and Touche, had expired. He said an RFP had been issued for the auditing services and responses had been received.

Mr. Rudolphy said further that he had indicated at the last Commission meeting that the Commission was awaiting the approval from the Auditor of State of the firm recommended by the Commission. He said the firm recommended by the Commission and concurred in by the Auditor of State's office was Coopers and Lybrand. He said he would like to read the resolved of the resolution as follows:

"RESOLVED that the Commission hereby awards the contract for contract audit requirements for audit periods ending June 30 and December 31, 1994 through 1998, to the firm of Coopers & Lybrand and authorizes and directs the executive director to enter into a contract with said firm for such services in accordance with the proposal submitted by Coopers & Lybrand in response to the Commission's RFP and the executive director is further authorized and directed to take any and all actions necessary or appropriate to carry out the terms and conditions of such agreement."

Mr. Rudolphy said he would suggest that the resolution be adopted. He said the staff had preliminary discussion with Cooper & Lybrand and work was to begin on the first audit for the period ending June 30, 1994.

The Chairman asked if there were other proposals submitted.

Mr. Rudolphy said proposals were received from Ernst & Young and KPMG Peat Marwick.

A resolution awarding contract for auditing services was moved for adoption by Mr. Bergsmark, seconded by Mr. Williams as follows:

#### RESOLUTION NO. 33-1994

"WHEREAS, a Request for Proposal (RFP) for Contract Audit Requirements for audit periods of June 30 and December 1, 1994 through 1998, was issued on March 7, 1994, and on March 29, 1994, proposals were received from three major accounting firms;

"WHEREAS, the proposals were evaluated by the comptroller and his staff and by memorandum dated April 5, 1994, the comptroller notified the secretary/treasurer and the executive director, as well as the Cleveland office of the Auditor of State, that the firm of Coopers & Lybrand had received the highest

evaluation and that he recommended that the contract for auditing services be awarded to Coopers & Lybrand;

"WHEREAS, by letter dated May 18, 1994, the Auditor of State, Thomas E. Ferguson, acting through Harvey S. Rose, District Audit Manager, advised the executive director and the comptroller that the auditor's office concurred in the Commission's selection of Coopers & Lybrand;

"WHEREAS, the Commission has received the recommendations aforesaid and concurs in such recommendations;

"NOW, THEREFORE BE IT

"RESOLVED that the Commission hereby awards the contract for contract audit requirements for audit periods ending June 30 and December 31, 1994 through 1998, to the firm of Coopers & Lybrand and authorizes and directs the executive director to enter into a contract with said firm for such services in accordance with the proposal submitted by Coopers & Lybrand in response to the Commission's RFP and the executive director is further authorized and directed to take any and all actions necessary or appropriate to carry out the terms and conditions of such agreement."

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

Ayes: Mr. Bergsmark, Mr. Williams, Mr. Wray, 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. 33-1994.

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

Senator Gaeth said he had stopped at one of the Turnpike service stations on the way to the meeting. He said he had to say that the transition to the Sun Oil Company seemed to work very well. He said they were delightful looking places and they were very busy. He said he looked for the profits to go up at least several percent in the summertime.

Mr. Bergsmark said he was very impressed with the change from BP Oil to Sunoco. He said he also stopped at one of the service stations that morning and purchased gasoline.

The Chairman said the contract with Sunoco specified that the Commission received 6.5 cents from every gallon of fuel sold at the Turnpike service stations. He said the profits realized from the new contract with Sunoco would exceed the previous one with BP Oil by about \$1.5 million per year or close to \$8 million over the next five years.

The Executive Director said that he received in the mail that morning several copies of a pamphlet from Sunoco that featured the Turnpike, its service stations and a map of Ohio on the front cover. He said he would pass some of them around the conference table.

The Chairman said that the Commission would receive about 6.5 cents per gallon versus three cents in the old contract on about 43 million gallons of fuel sold in a year at the Turnpike service stations.

Representative Gerberry asked if the prices of fuel sold at the Turnpike service stations were competitive with stations near the service plazas.

The Executive Director said Turnpike service station prices were controlled based on surveys of off-Turnpike stations.

The Chairman said that he wanted to mention that Turnpike traffic was running about seven percent over 1993.

Senator Gaeth said that while driving to the meeting he counted 30 wheels on some of the double trailers traveling the Turnpike. He said he thought there was a limit on how many trailers could be pulled.

The Executive Director said there was a limit, but there was a different limit on the Turnpike.

The Chairman said there was going to be a report from the Committee on Employee Relations, but the Members would go into executive session a little later to discuss some issues.

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

The Executive Director said his report would consist of explaining and recommending some of the remaining resolutions before the Members. He said the first subject was going to be the Great Lakes/Mid-Atlantic Corridor project. He said that at the last Commission meeting the Ohio Corridor Development Consortium was selected as the project management consultant for that project. He said that since that meeting the staff and outside counsel had negotiated with the consortium for the formal

agreement between the Commission and that team for the project management services on the Great Lakes/Mid-Atlantic Corridor project.

The Executive Director said further that the agreement that had been negotiated and developed had been furnished to the Members. He said he was now coming back to the Commission for the Commission to authorize entering into that agreement.

The Executive Director said further that the resolution was entitled a "Resolution Approving Form of Agreement Between the Commission and the Ohio Corridor Development Consortium for Project Management Consulting Services on the I-73/I-74, Great Lakes/Mid-Atlantic Corridor Project." He said he would dispense with the Whereases but read the Resolved as follows:

"RESOLVED that the Commission enter into an agreement with OCDC for project management consulting services for the I-73/I-74 Great Lakes/Mid-Atlantic Corridor Project, which agreement shall substantially conform to the agreement hereby approved by the Commission, said agreement to be executed by the executive director and approved by general counsel."

The Executive Director said that, as he mentioned, there were extensive negotiations to develop that agreement. He said Mr. McGrath was a part of the negotiating team, as was outside counsel, and other staff members. He said he recommended that the resolution be adopted.

The Chairman said that, since Mr. Williams was not a Commission Member when the process began, perhaps the Executive Director could take a few minutes to describe what had been done.

The Executive Director said that acting on the approval of Governor Voinovich for the Great Lakes/Mid-Atlantic Corridor project to be a Turnpike system project the Commission authorized the issuance of a request for proposals for project management consultant services.

The Executive Director said further that proposals from four teams of firms were received in January. He said the Commission established a review group consisting of Representative Gerberry, Director Wray, himself, Jim McGrath, Alan Plain and Jim Brennan. He said the group reviewed the proposals and also conducted interviews with all four teams. He said that the group's review analysis concluded that the OCDC was the best proposal that had been received. He said that, at that time, under authority given to him in an earlier resolution, the selection of OCDC was made, pending, of course, satisfactory conclusion of a negotiation on the form of the agreement.

The Executive Director said further that members of the three prime, joint-venture firms that were part of that consortium were at the meeting. He said those firms were Howard, Needles, Tammen and Bergendoff, Turner Construction and Dick

Enterprises. He said there were three other firms that were associated with the team and they were Resources International, Fok Associates Limited, and the Great Lakes Construction Company. He said that, all in all, there were six firms in the consortium.

The Chairman said that the Commission was fortunate to have Jim Pitz, who was head of the Michigan Department of Transportation and now was with HNTB, to head up the project.

Representative Gerberry asked if there was only one section in the document, under cancellation of agreement, pertaining to the Commission's authority to cancel it and if he was correct that the agreement could be canceled with 45 days without cause.

Mr. McGrath said Representative Gerberry was correct.

A resolution approving forms of agreement between the Commission and the Ohio Corridor Development Consortium for project management consulting services on the I-73/I-74, Great Lakes/Mid-Atlantic Corridor project was moved for adoption by Mr. Williams, seconded by Mr. Bergsmark as follows:

#### RESOLUTION NO. 34-1994

"WHEREAS, pursuant to Resolutions No. 30-1993 and 33-1993, a Request for Proposals (RFP) was issued for project management consulting services for the I-73/I-74, Great Lakes/Mid-Atlantic Corridor Project, and four responses were received pursuant to such RFP and considered by the Commission's Review Group;

WHEREAS, at the April 21, 1994, Commission Meeting the executive director advised the Commission members that the review group had unanimously recommended the acceptance of the proposal submitted by the Ohio Corridor Development Consortium (OCDC), a joint venture consisting of Howard Needles Tammen & Bergendoff; Turner Construction Company and Dick Enterprises and that negotiations would be entered into between the Commission and OCDC;

"WHEREAS, such negotiations have taken place and a contract between the Commission and OCDC has been prepared and is before the Commission for approval;

"WHEREAS, the Commission has reviewed the proposed agreement between OCDC and the Commission aforesaid and approves same;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission enter into an agreement with OCDC for project management consulting services for the I-73/I-74 Great Lakes/Mid-Atlantic Corridor Project, which agreement shall substantially conform to the agreement

hereby approved by the Commission, said agreement to be executed by the executive director and approved by general counsel."

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

Ayes:	Mr. Williams, Mr. Bergsmark, Mr. Wray
Nays:	None
Abstain:	Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members present, except him, voting in the affirmative. The resolution was identified as No. 34-1994.

The Executive Director said further that the second part of the agreement provided for the Commission to proceed based on specific task orders. He said the Members had been furnished task orders numbered one, two and three, which brought the project to the stage of selecting a number of firms to perform feasibility studies for the project.

The Executive Director said further that the project would be divided into five segments for selection of five different firms to perform feasibility studies. He said there were two other portions of the project involving consulting firms for traffic analysis and forecasts and also air quality studies for the entire project. He said there would be seven firms altogether. He said the first phase covered by the three tasks called for the project management consultant, working hand-in-hand with ODOT, to issue Requests for Proposals to engineering and environmental firms for those feasibility studies.

The Executive Director said further that, assuming the process began that day, the first three tasks were intended to take four months. He said that as the process continued to other stages of the project he would be coming back to the Commission with any follow-up task orders.

The Executive Director said further that there was a resolution entitled, "Resolution Approving Task Orders Relative to the Agreement between the Commission and the Ohio Corridor Development Consortium." He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby authorizes and directs the executive director to proceed with Task Orders No. 1, 2 and 3 for the I-73/I-74 Corridor and authorizes and directs the executive director to take any and all action necessary or proper to implement the execution of these orders."

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



The Chairman asked Mr. Wray if he had any questions.

Mr. Wray said he was going to ask Jim Pitz if he could give the Members a description of tasks one and three and when the project would be after task three was completed.

Mr. Pitz said that at the end of the three tasks in four months the project would be at the end of stage I of the ODOT environmental assessment process. He said that, while the specialty consultants were being selected to do air quality studies and traffic studies, the consortium would do the research work necessary to identify all the feasible alternatives for all five sections of the project. He said that when those consultants came to contract they would be given the feasible alternatives according to procedures and they could take them to preferred status. He said that on a project of that scale and magnitude it was important to make sure all the consultants were doing the study the same way.

A resolution approving task orders relative to the agreement between the Commission and the Ohio Corridor Development Consortium was moved for adoption by Mr. Wray, seconded by Mr. Williams as follows:

#### RESOLUTION NO. 35-1994

"WHEREAS, the Commission has authorized an Agreement for project management consulting services for the I-73/I-74 Corridor ("Agreement") with the Ohio Corridor Development Consortium (OCDC), said Agreement being approved by Commission Resolution No. 34-1994;

"WHEREAS, certain task orders have been presented to the Commission for its review and consideration implementing the services called for in the Agreement, said task orders being identified as Task Orders No. 1, 2 and 3;

"WHEREAS, the Commission and its staff have reviewed these task orders, and the executive director has recommended that the Commission authorize the work called for in these task orders;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby authorizes and directs the executive director to proceed with Task Orders No. 1, 2 and 3 for the I-73/I-74 Corridor and authorizes and directs the executive director to take any and all action necessary or proper to implement the execution of these orders."

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. Williams, Mr. Bergsmark

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members, except him, voting in the affirmative. The resolution was identified as No. 35-1994.

The Executive Director said further that the next item he had was a resolution on bids for a contract opened earlier in the week for a bridge painting project. He said he had indicated that there was a possibility that he would recommend that the bids be rejected because the staff had not had time to analyze them completely. He said that, in fact, he wanted to reject that contract and to readvertise for new bids. He said he thought he had sent a summary tabulation of the bids to the Members. The Executive Director said the project called for removing the paint in a containment-type system from the arch bridge carrying old State Route 8 over the Turnpike in Summit County. He said the bids ranged in price from \$1,147,000 plus dollars to almost \$2,200,000. He said all the bids exceeded the staff's estimate.

The Chairman asked if the whole purpose of rejecting the bids was because they exceeded the estimate.

The Executive Director said there were some other problems that were evaluated by the engineering staff.

Mr. Plain said that in talking with the bidders he found that most of their work was already programmed, so their bids were high. He said that they really didn't care if they were awarded the contract or not. He said the other thing was that there was not a lot of steel on the bridge, but there was a lot of falsework and a lot of things to do to that particular bridge.

Mr. Plain said further that the staff would like to reject the current contract and bids. He said the contract could be rewritten to add a couple of other bridges in the immediate area to increase the pounds of steel to be painted. He said the contract would then be advertised early in 1995 so that better prices could be received.

The Chairman asked if there would be any drawbacks to painting the bridge in 1995.

Mr. Plain said he didn't think there would be any problem to let it go another year. He said that by expanding the contract much better bids could be received.

Mr. Williams asked how better bids could be received by expanding the contract.

Mr. Plain said that contractors normally bid big painting jobs on the weight of the steel. He said they had a certain formula to bid by weight. He said that if the amount of steel in the contract were increased the unit price should come down. He said that the costs of traffic control and containment systems would be spread out in a larger contract and thus lower bid costs.

Mr. Wray said the required use of containment systems at bridge painting projects could be quite costly.

Mr. Plain said it was more expensive to paint the Turnpike bridges now than it cost to build them. He said the cost increase was due to environmental concerns. He said the process was then being used on a project involving painting the twin bridges over the Huron River. He said the contractor was using a vacuum system to collect all of the lead-based paints scraped off the bridges, as well as the red lead undercoatings that were acceptable years ago. He said that once the paint and undercoating have been removed the steel surface had to be tested by the consultant to make sure everything was clean. He said the steel surface had to then be repainted as soon as possible. He said that, otherwise, a film developed on the surface that would have to be removed by water blasting.

Mr. Plain said further that the procedure was very complicated. He said environmental scientists had to be on board to monitor the air quality continuously to take air samples. He said its probably cheaper to build a new bridge.

The Executive Director said that, again, the resolution was entitled, "Resolution Rejecting Bids for Invitation 40-94-02." He said he would read the Resolved as follows:

"RESOLVED that all bids received in response to Invitation 40-94-02 be and are hereby rejected, and the executive director and general counsel are authorized and directed to notify the bidders of such rejection and to return to said bidders their bid security; and

"FURTHER RESOLVED that the chief engineer is directed to re-evaluate the scope of the project preparatory to readvertisement."

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

A resolution rejecting bids for Invitation 40-94-02 was moved for adoption by Mr. Wray, seconded by Mr. Williams as follows:

RESOLUTION NO. 36-1994

"WHEREAS, the Commission opened bids on June 6, 1994, for the repainting of Olde State Route 8 Bridge located at Milepost 179.5 in Summit County, Ohio, which invitation has been designated No. 40-94-02;

"WHEREAS, three bids were received in response to the invitation;

"WHEREAS, under the terms and conditions of the bidding documents for Invitation 40-94-02, the Commission has reserved the right to reject any and all proposals; and

"WHEREAS, it is the recommendation of the chief engineer that all bids received for Invitation 40-94-02 be rejected and that the project scope be re-evaluated;

"NOW, THEREFORE, BE IT

"RESOLVED that all bids received in response to Invitation 40-94-02 be and are hereby rejected, and the executive director and general counsel are authorized and directed to notify the bidders of such rejection and to return to said bidders their bid security; and

"FURTHER RESOLVED that the chief engineer is directed to re-evaluate the scope of the project preparatory to re-advertisement."

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. Williams, Mr. Bergsmark, 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. 36-1994.

The Executive Director said also that he had one final matter that didn't get in the official agenda. He said that morning bids were opened on a project to provide the pavement marking on the entire length of the Turnpike mainline. He said the bids were opened at 10:00 a.m. and the staff had not had time to evaluate them. He said the bids were in the \$600,000 range. He said that it was important, though, to make an award as soon as possible in order to expedite the work. He said a resolution had been drafted to authorize the award of the contract by the Executive Director after the bids had been evaluated. He said the bids could be rejected, but he hoped that would not be necessary. He said the resolution would authorize the Executive Director to take

action on a contract pursuant to Invitation 46-94-01. He said he would read the Resolved as follows:

"RESOLVED, that the executive director is hereby authorized to award a contract for Invitation 46-94-01, notwithstanding the monetary limitations of his authority as found in the Bylaws of the Commission, provided that the deputy executive director and chief engineer recommend the award of the contract to the executive director and that the general counsel issues an opinion that the successful bidder complies with all statutory requirements of the State of Ohio and complies with the policies of the Commission;

"FURTHER RESOLVED that the executive director shall, prior to making the award, fully advise the chairman on this matter."

The Executive Director said further that one bid was from Oglesby Construction Company of Norwalk, Ohio in the amount of \$599,920.50 and the other bid was by Chemitrol Chemical Company of Gibsonburg, Ohio in the amount of \$600,702. He said the bids were very close in that they were within \$800 of one another.

Mr. Wray asked if both bids were from MBE's.

The Executive Director said Oglesby was an MBE firm. He said the apparent low bidder was Oglesby and, unless there was some irregularity, the award would be made to the low bidder.

Mr. Bergsmark said he suggested that a dollar cap of \$650,000 or something like that amount be included in the resolution.

The Chairman said that would be okay.

Mr. Plain said that the centerline and edgelines were painted every two years. He said the lines used to be painted twice a year with the old paint.

Representative Gerberry asked how long did it take to paint the entire Turnpike mainline.

Mr. Plain said the painting was done during the summer and it was done within a matter of weeks.

Mr. Wray said he concurred with Mr. Bergsmark that there should be a limit in the resolution.

The Executive Director said there would be a limit of \$650,000 in the resolution to ensure that the cost would not be more than that. He said Oglesby was the apparent low bidder, but their bid had yet to be completely analyzed. He said if there were any

mistakes the dollar amount of the bid could change. He said the upper limit could be a lot less than \$650,000.

Mr. Wray asked if the MBE requirements were met.

The Executive Director said they were since Oglesby was an MBE firm. He said it was a national organization. He said the resolution would be modified to insert that there was a \$610,000 limit on the contract without any further action by the Commission. He said the Commission would be made aware of the final amount of the low bid for the contract.

Mr. Plain said the painting should start in July.

Mr. Williams asked if it was a normal procedure for bids to come in at such a late hour so that the Members did not have an opportunity to review them or was the situation sort of unusual.

Mr. McGrath said that the day's Commission meeting was a little bit out of place. He said that, actually, the normal Commission meeting would be held the next week on Monday. He said the contract bid openings were scheduled prior to the Commission meetings so that there was plenty of time to evaluate them.

The Executive Director said that the situation was very unusual.

The Chairman asked why there were only two bids on the contract.

The Executive Director said it was a specialized type of work.

Mr. Plain said there were companies other than the two bidders, who did that type of work, but they were busy working on state or county projects. He said the projects were all done at the same time because the winter weather took its toll on roadway paint lines. He said the companies began in the spring and into the summer painting all the interstate, state and county roads.

The Chairman asked if the bids were competitive.

The Executive Director said the Chairman could see that the bids were very close.

A resolution to authorize the Executive Director to take action on a contract pursuant to invitation 46-94-01 was moved for adoption by Mr. Bergsmark, seconded by Mr. Wray as follows:

RESOLUTION NO. 37-1994

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the furnishing of labor and materials for applying retro-reflective polyester pavement markings on the entire Turnpike, which contract has been designated Contract No. 46-94-01;

"WHEREAS, the bids for Invitation 46-94-01 were opened June 10, 1994;

"WHEREAS, it is imperative that a contract be awarded for Invitation 46-94-01 prior to the next Commission meeting so that the work called for in such invitation can go forward as promptly as possible;

"NOW, THEREFORE, BE IT

"RESOLVED, that the executive director is hereby authorized to award a contract for Invitation 46-94-01, notwithstanding the monetary limitations of his authority as found in the Bylaws of the Commission, however, he cannot make an award in excess of \$610,000.00 and the executive director, prior to making the award, shall fully advise the members of the Commission if the award is to be made to other than the low bidder; and

"FURTHER RESOLVED that the executive director may take such action aforesaid provided the deputy executive director and the chief engineer recommend the award, and the general counsel issues an opinion that the successful bidder complies with all statutory requirements of the State of Ohio and complies with the policies of the Commission; and

"FURTHER RESOLVED that Contract No. 46-94-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present responding in the affirmative. The resolution was identified as No. 37-1994.

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

Mr. Brennan said that, moving from west to east, he would begin with County Road 24, which would probably become State Route 66 in Fulton County. He said the design engineering continued to move along in an orderly fashion on that new interchange. He said the lawsuit that was filed against the Commission in Fulton County Common Pleas Court to block construction of that interchange was dismissed on June 2nd.

Mr. Brennan said further that the engineering consultant had been selected for the new interchange at State Route 51 in Ottawa/Sandusky Counties.

Mr. Brennan said further that construction started in early April on the interchange 6A connecting with State Route 4 in Erie County. He said the completion date was November 30, 1994.

Mr. Brennan said further that the design work was proceeding on the interchange with Baumhart Road.

Mr. Brennan said further that the design work was proceeding on the State Route 58 interchange in Lorain County. He said it was possible that the railroad question might be revisited.

Mr. Brennan said further that an engineering consultant had been selected to perform the access point study for the interchange with Interstate Route 77 in Summit and Cuyahoga Counties.

Mr. Brennan said further that construction began in early April on I3A interchange at State Route 44 in Portage County. He said the completion date was November 30, 1994.

Mr. Brennan said further that the staff had been working with ODOT on the proposed county road 18 interchange in Mahoning County with regard to having it classified as a modification to an existing interchange.

Mr. Brennan said the task force for the Maumee River Crossing at Toledo had not met since April 7th. He said the next meeting was scheduled for July 7th. He said that two major decisions had to be made sometime before early fall with the selection between a high level bridge versus a tunnel and the fate of the existing I-280 drawbridge.

Mr. Brennan said further that, in addition to the action taken by the Commission at the meeting concerning the Great Lakes/Mid-Atlantic Corridor, the plans were being finalized for a meeting of representatives of all six states included in the corridor to be held at Perrysburg on June 21 and 22. He said it needed to be decided who would represent the Commission at that meeting.



The Chairman said he wanted to talk about a couple of issues. He said that regarding the State Route 58 interchange, some representatives of a local railroad association had asked the Commission to get involved with their plans to reactivate an abandoned section of railroad line. He said that their plans would necessitate the expenditure of an additional \$3 million for construction of the interchange. He said there had been a meeting between representatives of the Commission and the railroad association. He said the association had been offered \$1 million by the Commission if they could raise the additional \$2 million. He said the association had been given a deadline which they missed once. He said the deadline had been extended another 30 days, which they missed again.

The Chairman said further he thought the Commission's position should be to move forward as originally planned. He said a fax had been received that day from USS/KOBE about their gas and water lines in the area of the interchange site, so care needed to be taken when construction was undertaken.

Mr. Brennan said that to the best of his knowledge and belief the Commission was moving ahead on the basis of its original plans.

Mr. Bergsmark asked for what reason was the railroad association offered \$1 million.

The Chairman said that Mr. Bergsmark got the wrong impression. He said that perhaps Mr. Johnson could explain the situation much better than he could.

Mr. Johnson said that there was an abandoned railroad line which ran through the new State Route 58 interchange site. He said the railroad had not been in operation since 1969, so the line had been out of operation for more than 25 years.

Mr. Johnson said further that there was an association in Lorain that wanted to reactivate the railroad. He said that, at first, the association wanted to use the railroad for recreational purposes, but then they said it also had some commercial applications. He said the rail lines ran about 30 miles from Wellington south, crossing the Turnpike near State Route 58, to the City of Lorain.

Mr. Johnson said further that the rail line had been sold many years ago to USX. He said that several years ago the Rural Lorain Water Authority purchased a 12-mile stretch of the rail line that crossed under the Turnpike. He said the association then acquired one or two miles of the rail line at its southern end, and sought to reactivate the entire line.

Mr. Johnson said further that the rail line was in decrepit shape. He said there were trees, some two feet in diameter, growing up through the rail ties. He said the line was opened in 1906 so the bridges on the line were 88 years old. He said the bridge carrying the rail line over State Route 58, which was now owned by the Commission,

had abutments that were deteriorated to the point where it was in danger of some catastrophe. He said there were some long trestles on the rail line. He said one was almost 700 feet long. He said it also was 88 years old and had been neglected for a long time.

Mr. Johnson said further that the consulting engineers had inspected the bridge he had mentioned as being owned by the Commission as part of their bridge inspection process. He said substantial amounts of money would have to be poured into the bridge to make it operational again.

Mr. Johnson said further that, beyond that, the Commission had acquired about a one-mile stretch of the railroad right-of-way from the Rural Lorain County Water Authority. He said that having that stretch of right-of-way allowed for the design and configuration of the Turnpike interchange with State Route 58. He said the right-of-way would be used for the ramp systems off the Turnpike. He said that using that right-of-way would prevent any problems with a number of wetlands in the area.

Mr. Johnson said it was the staff's estimate that it would cost an additional \$3 million to modify the interchange design to accommodate the desires of the railroad association. He said that when it was said the Commission offered the railroad association \$1 million it didn't mean the Commission offered to give them any money. He said the Commission said that it would do the more expensive design if the association could come up with \$2 million. He said the Commission had been waiting for a long, long time and several deadlines for the association to come up with the money. He said they had come up with only some meager figures. He said it was the Commission's position that it was not justified to expend all those additional funds for a project that was not going to materialize.

Mr. Bergsmark said he just wanted to make sure the Commission was not giving away a million dollars to the association.

Mr. Johnson said no, that the \$1 million would have been for additional construction costs that the Commission would have incurred.

The Chairman said he thought the Commission was being very generous by offering a million dollars in additional costs for the interchange.

Mr. Bergsmark said that to comply with the association's request the Commission would have to redesign the interchange at an additional cost of \$3 million, which was not justifiable.

The Chairman said that was correct.

Mr. Bergsmark said the Commission was willing, at least, to redesign the interchange if the association could come up with the \$2 million.

The Chairman said the Commission thought that if it spurred economic growth that someone could come up with the additional funds, be it USS/KOBE or the county. He said it demonstrated that if the association hadn't been able to come up with the funds, then the Commission questioned the viability of the project.

Mr. Plain said the association had been in existence for probably 20 years and in that time they had been able to acquire about two miles of rail line.

Mr. Johnson said that the Rural Lorain Water Authority had bought the 12-mile stretch of right-of-way out from under the association a couple of years ago, so the association obviously did not have the funds to proceed. He said that, in response to the Commission's request for contributions, the County had offered \$250,000, but not in firm money. He said the County said it would seek Issue One funds in that amount. He said that applying for those funds and getting them were two different things. He said there was a limited amount of those funds and an application certainly was not a bird in hand.

Mr. Johnson said the railroad association offered some modest amount at one time, about \$200,000. He said they came up short of the amounts the Commission requested.

The Chairman said he thought the Commission had been more than fair. He said he thought the Commission had been more than patient and he thought progress on the interchange had to continue. He said he didn't think the Commission could justify spending additional Turnpike funds for the interchange.

Mr. Brennan said he thought it should also be mentioned that in the event the Commission were to redesign the interchange ODOT had estimated that it would cost an additional \$5 to \$10 million in additional expense for the proposed Lorain Corridor, which would be located in the immediate area.

The Chairman said the next subject to be addressed was the controversial Baumhart Road interchange with the Turnpike. He said he had a couple of letters regarding the interchange that he could read at the meeting. He said Mr. Brennan could give the background on the interchange. He said he received one letter from Mary Jo Vasi, who was president of the Lorain County Commissioners. He said it was about a three-page letter which said that she has changed her mind in supporting the interchange.

The Chairman said further that, originally, the Commission had moved ahead with the Baumhart interchange because the consensus of most of the public officials in that area and the business community was that it would spur economic development. He said that, since that time, Mary Jo Vasi had changed from support of the interchange to opposition to it. He said officials from the area Ford plant also had

written a letter to Governor Voinovich indicating that it was not particularly concerned either way if the project went forward or not. He said the governor had gotten hold of the Commission and asked it to consider putting the project on hold.

The Chairman said he was not exactly sure what was meant by putting the project on hold. He said he would ask Jim Brennan to go out to Lorain and talk to the County Commissioners, the mayor, trustees, township people, and Chamber of Commerce about their opinions on the interchange. He said it would be the third time the Commission had considered constructing an interchange at that site.

Mr. Bergsmark asked if the interchange was a real necessity for people to have access to the Turnpike and was it economically justifiable for the Commission to proceed with its construction.

The Chairman said those were good questions. He said he had met Jean Thomas, who represented a group called "Why?" and he talked to her again as early as the day before yesterday, on two occasions, and they were asking the same questions.

The Chairman said further that the Commission could not prove economic development at any interchange. He said the Commission could only proceed with its plans for additional interchanges based on past experience and obtaining a consensus of opinion. He said it was the Commission's feeling that the Baumhart Road interchange would spur economic development. He said Frank DeTillio from the Chamber of Commerce had a letter faxed to the administration building and he thought, obviously, it would be a detriment not to build the interchange. He said he would read his letter as follows:

"Recent events regarding the proposed Baumhart Road Turnpike interchange require that I reiterate that the Lorain County Chamber of Commerce continues to support the endeavors.

"As you are well aware, the intent of the Governor and Turnpike Commission was to develop new Turnpike interchanges to spur economic development throughout the state. The Chamber still believes that an interchange in Baumhart Road will have a positive impact on economic development in both the cities of Lorain and Vermilion.

"As you revisit the issue, we ask that you maintain an open dialogue with the business community so that our views regarding this project will continue to be heard.

"Thank you for your consideration."

The Chairman said further that two of the three County Commissioners were for the interchange. He said all three previously were for the interchange. He said a number of the state representatives in the area were for it. He said Mr. DeTillio told him that Ford was originally for the interchange because they were talking about just-on-

time deliveries. He said General Motors had been doing that up in the Warren-Trumbull County area. He said he had been told that Ford had changed its mind about that form of manufacturing and decided to keep more inventory. He said that, consequently, the project was not that important to them. The Chairman said further that he had indicated to the press and others that the Commission's desire was not to be the good guy nor the bad guy. He said the Commission's desire was to stay with its mission statement which was to be a catalyst for economic development and accessibility.

Mr. Bergsmark said he thought it seemed to him that it fell back on one final selfish issue in that would the new interchange with Baumhart Road help the Turnpike in revenue generation. He said that if all the Commission Members said that maybe it would not generate sufficient additional revenues then it shouldn't be built.

Mr. Johnson said that it was not only a question of economic development, but also a question of access to the Turnpike, spacing between interchanges. He said the Baumhart Road interchange along with all the other new sites for interchanges being looked at, just didn't happen by chance. He said that, as he had said many, many times, the Commission had been examining and looking at additional interchanges on the Turnpike for more than 20 years. He said the Commission did comprehensive environmental and engineering studies during a five-year period between 1979 and 1984 to identify the desirability of additional access points and to pin down specific sites. He said that, although Baumhart Road was not in that process at the time, the Commission was asked more than six years ago to look at it as an alternative to one of the other sites that had been listed. He said that site was State Route 60.

Mr. Johnson said further that Baumhart Road was in one of the longest stretches of the Turnpike without an interchange. He said that, although the new State Route 58 interchange was going to be in that same stretch, it was a 27-mile distance westbound between the Lorain-Elyria (No. 8) and the Sandusky-Norwalk (No. 7) Interchanges. He said the eastbound Lorain County West (No. 8A) Interchange left a little sooner because it was a half an interchange, but it was 25 miles from Exit 7. He said that the Commission was talking about making the Turnpike more accessible, not just for economic development, but for the people in the area through which the Turnpike passes.

The Chairman said that both economic development and accessibility were right on the Commission's mission statement.

Mr. Bergsmark said he would add feasibility because it was expensive to construct an interchange. He said the Commission had a lot of demands for many of its funds, such as the I-73/I-74 corridor. He said that unless the Commission had the overriding public backing for the interchange as an access point and enough revenues were generated so that it would pay for itself, he thought the Commission should take another look at building it.

Mr. Williams said that one of the extremely important aspects to consider in those ventures was the human element. He said that in terms of involvement also was how they affected the lives of people. He said that what role, if any, did the Commission play in terms of reaching and working with communities to sensitize them to its plans to build new interchanges.

Mr. Johnson said that, as he said earlier, the Commission conducted a comprehensive study process that took five years, going back into the late 70's and up through 1984, which was done according to both the requirements of the State Department of Transportation and Federal Highway Administration. He said the Commission had been trying to qualify the Turnpike for federal interstate funds.

Mr. Johnson said further that the part of the process involved holding a number of public hearings. He said two public meetings also were held on the proposed Baumhart Road and State Route 58 interchanges in January 1993. He said he was not going to say that there were not opponents to the interchange at the meetings. He said the opponents were those individuals who were right at the point where they might lose their property and their homes or had to move. He said those individuals were the ones that he perceived as being the most vocal in protesting construction of the interchanges.

Mr. Johnson said that, at the same time, he thought there had been considerable support for the interchanges, so that was why the Commission sought to build new interchanges. He said that, in some instances, there had been no support for a new interchange site and the Commission had dropped its proposal.

The Chairman said that in a nutshell, the business community and a number of the officials feel that the Baumhart Road interchange was worthwhile. He said that, on the other hand, the townships immediately around the area were against the project.

The Chairman said further that construction of the Baumhart Road interchange was not scheduled to begin until 1995. He said he would ask Mr. Brennan to meet with area residents, County Commissioners, the Mayor, civic leaders, business leaders and try to establish a consensus to support the interchange.

The Chairman said that on the other hand, it seemed to him that the people who wanted the interchange still wanted it and the people who didn't want it still didn't want it. He said that, ultimately, a decision had to be made.

The Chairman said he would ask Mr. Brennan to revisit the situation. He said that since the Commission was not starting construction at that point, he guessed one could say that the Commission was putting the Baumhart Road interchange on hold. He said that perhaps Mr. Brennan could devise a voting system that allowed everybody to have a vote and then decide which way the Commission would go on the issue. He said it was up to the people of Lorain County to give the Commission their views. The

Chairman said further that he was a little frustrated, by the way, with the people of Lorain County. He said that if the Commission wanted to build an interchange at State Route 58 then they wanted a railroad. He said that if the Commission wanted to build an interchange at Baumhart Road, then they didn't want it. He said it was the Commission's intent to help Lorain County by building the interchanges. He said there were plenty of other places that would like to see new interchanges. He said it was not as if the Commission was desperate to put an interchange at Baumhart Road. He said there were other people who would probably welcome the Commission with more open arms than the people who lived on Baumhart Road.

Mr. Johnson said he could echo those sentiments. He said it was frustrating to be doing something that was thought to be a benefit and then have that sort of situation develop.

Mr. Johnson said further that, for Mr. Williams' benefit, since it was his first meeting, the Commission did take the unusual step in January 1994 of bringing the Baumhart Road interchange up for review a second time. He said proponents and opponents of the interchange were given the opportunity to speak to the Commission at its meeting before the Commission acted the second time. He said that was the only time the Commission ever did anything like that.

The Chairman said that for the record he would go ahead and read the letter he had from Mary Jo Vasi which gave the reasons why she, as President of Council, had changed her mind in supporting the interchange. He said the two other members of that council were still in favor of the interchange. He said he would read the letter as follows:

"After identifying the objectives and weighing the facts, along with the massive objections of the citizens, the unanimous opposition of all 18 townships in the Lorain County Association of Township Trustees and Clerks, U.A.W. Local 425, the Ford Motor Company 'proposed Baumhart Road Turnpike interchange would not provide any appreciable benefit to our plant, nor would it disrupt our operations'. I find it very hard to support the Baumhart Road Turnpike Interchange.

"We are all interested in continuing economic development for Lorain County as well as the State of Ohio. I had hoped to see as much concern and interest in preserving all this area has to offer - the environment, the rural atmosphere, the wildlife habitat, and the economic development of agriculture and the livestock farms that put food on tables. What legacy will we hand down to the future generation if we cover Lorain County with highways and byways that are not needed?

"The fact is that Interstate 2 is approximately 1 mile from the Lorain Ford Plant. Baumhart Road is approximately 4 miles from the approved Route 58 Turnpike Interchange and Route 58 Turnpike Interchange is approximately 5 miles from Route

57 Turnpike Interchange. There is also the Turnpike Interchange connecting the north-south corridor. Just how many Turnpike exits are needed in Lorain County?

"Baumhart Road, being that it is a County Road, is scheduled to be resurfaced by the County this summer. I was told by Mr. Johnson, Executive Director, the Ohio Turnpike Commission, that State and Federal money could be used to maintain the road in the future. Even if State and Federal money would be available to maintain the road, there is still the possibility that local match money would be needed to obtain the Federal and State money. I would also be concerned about using State and Federal money for a project that is not necessary in the first place. This could be money that could be used for projects that are of greater importance.

"No matter how this is viewed with all the facts concerning this issue, this project is a tremendous waste of money.

"With all due respect, I am at a total loss regarding how I can be of further assistance. Even so, I will continue to make every effort I can to assist."

"Mary Jo Vasi, President, Lorain County Commissioners"

The Chairman said further that the Commission was listening to the people out in Lorain County. He said the Commission had been sensitive and had spent a few hours meeting with the groups in that area. He said he was on the telephone that morning with Frank DeTillio and that was why he was late for the Commission meeting. He said he also was on the phone with Clare Rosacco from the Governor's office. He said the Commission was trying to do what was in the best interest of everyone, but unfortunately, what ended up happening was you couldn't always do what's right for everyone.

Senator Gaeth asked the Chairman if there would be any way of identifying the amount of time and effort that had been expended by the Commission on the Baumhart Road interchange.

The Chairman said he thought it had been more time than money had been expended and, obviously, they're interrelated. He said he thought he could say that the Commission had spent a lot of time and the Commission had gotten their moneys worth with his time on the issue. He said he didn't know how to put a dollar amount on the efforts of Mr. Brennan, Mr. Johnson, Mr. Plain and everyone else involved in the project.

The Chairman said he would ask Mr. Brennan to continue a dialogue with citizens and local officials regarding the Baumhart Road interchange. He said he didn't think it hurt the Commission to talk some more. He said he didn't know if it helped the Commission, but it didn't hurt.



Representative Gerberry said he was curious about the proposed interchange with County Road 18 in Mahoning County. He said he had been told by Mr. Johnson and others that the project might be expedited. He said he understood that a response was awaited from either the FWHA or ODOT.

Mr. Brennan said a response on the proposed interchange was probably needed from both.

Representative Gerberry said to Mr. Wray that there was a lot of enthusiasm in Mahoning County for the project and no one was against it. He said the project was not in his district, but it was in his county. He said there was a great deal of interest from the Mahoning County Commissioners, who had already expressed unanimous support, and the township trustees in Mahoning County. He said any effort by Mr. Wray to expedite the project would be appreciated.

Mr. Johnson said that, for Mr. Wray's benefit, since he wasn't actually involved in the project at that point, the staff had been dealing with District Four of ODOT in Ravenna. He said the project involved tying into the existing interchange 15 at Interstate Route 80, which was a state/interstate interchange.

Mr. Johnson said further that, at first, the staff was told that it would require a full access justification study. He said that since there was an existing interchange, an agreement was sought to consider it a minor modification of an existing interchange, which was a far less complicated process. He said that if Mr. Wray could possibly help the process along the way it would be appreciated.

(Mr. Wray nodded to indicate he would offer assistance.)

Mr. Plain said that spending a couple of weeks by going through the normal channels to get an agreement the staff could save a couple of months in the study process.

Representative Gerberry said he just thought it was an appropriate time to discuss an interchange the residents of the area really wanted.

Mr. Wray said that if it was determined to be a modification to an existing interchange as opposed to a justification for a new interchange a lot of time could be saved. He said ODOT would do what it could to help on the project.

The Chairman said that the Commission wanted to do what's best for the State of Ohio and for all the surrounding areas. He said that at some point someone was going to be happy and someone was not. He said that the Commission was not insensitive, because it was concerned with the opinions of the public. He said the Commission was not hard to get hold of and it had been very responsive. He said nobody could accuse the Commission of not being flexible.

The Chairman asked Mr. Disantis if he wanted to give the report of the Committee on Employee Relations at that time or wait until after the executive session.

Mr. Disantis said that everything was sort of interrelated and it would probably be best to wait until after the executive session.

The Chairman ascertained there would be no report from the Director of Transportation.

Mr. Johnson said he was recommending that the Members hold an executive session to discuss some employee-related matters and also a legal matter involving an unfair labor practice charge.

A motion that the Commission go into executive session for the purpose of reviewing the results of the bargaining sessions held by the employee group and other pending litigation pursuant to Section 121.22, paragraph G (4) of the Ohio Revised Code was moved by Mr. Bergsmark and seconded by Mr. Wray.

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. Williams, Mr. Fedeli

Nays: None

The Chairman said the Commission would go into executive session.

(The executive session started at 11.30 a.m. and ended at 12:20 p.m.)

The Chairman said the meeting was reconvened. He said the report of the Committee on Employee Relations would be received.

Mr. Disantis said he would give a brief report and copies of it were in the Members' folders. He said that, as was reported at the last Commission meeting, the negotiations for the Commission and the union had been meeting in an attempt to reach a collective bargaining agreement for the part-time toll collectors.

Mr. Disantis said further that, having failed to do that after agreeing on 13 articles and leaving four items on which no agreement could be reached, a fact finder was appointed by SERB. He said a fact finding hearing was held on Wednesday, June 1st and the report and recommendations of that fact finder were received the day before the Commission meeting.

Mr. Disantis said further that, as the Members knew, the Commission had seven days to act on that report. He said the negotiators and the Commission's outside legal counsel felt very strongly that the report and recommendation was favorable to the Commission's position. He said the committee recommended that the Commission take action to approve and accept the report and recommendation of the fact finder on a collective bargaining agreement with the part-time collectors.

Mr. Disantis said further that a subcommittee of the Committee on Employee Relations held its annual meetings with all the non-union, full-time, regular employees of the Commission. He said there were several administrative items that were handled departmentally. He said that, as a result of those meetings, it was the recommendation of the committee that the full-time, regular, non-union employees of the Commission be granted a six percent increase in salary, effective July 1, 1994.

Mr. Disantis said the Committee recommended that the Commission adopt the resolution approving and adopting 1994 wage increases for certain Commission employees, a copy of which was in the Members' folders.

Mr. Disantis said further that the last item he had to report on was that Blue Cross/Blue Shield of Ohio had presented the Commission's employee insurance renewal proposal and experience data and reports to the Commission. He said the firm of KPMG Peat Marwick was retained to review, analyze and discuss the items.

Mr. Disantis said further that, as a result of the cooperation and efforts of the Commission employees and their dependents, the aggressive efforts by Blue Cross/Blue Shield to expand its network of providers, and its aggressive efforts to provide case management and encourage its utilization, the renewal proposal was at a rate which would result in a reduction of approximately 10.2 percent in the liability of the Commission for the coming insurance year.

Mr. Disantis said further that Mr. Likovich, who was on hand to answer any questions, did a wonderful job for the Commission. He said it was the second year in a row in which Mr. Likovich provided his services to the Commission. He said Mr. Likovich helped to negotiate a reduction from 6.9 percent to a 10.2 percent and the Commission was very fortunate to have him working for it.

The Executive Director said the Members had to act on two matters. He said that, first of all, there was a resolution adopting the findings of the fact-finder relative to the part-time collector negotiations. He said he concurred with Mr. Disantis' recommendation that the resolution be adopted.

A resolution adopting the findings of the fact-finder relative to the part-time collector negotiations was moved for adoption by Mr. Wray, seconded by Mr. Williams as follows:

RESOLUTION NO. 38-1994

"WHEREAS, negotiations took place between representatives of the Commission and United Electrical, Radio and Machine Workers of America (Union), as representatives of the part-time toll collectors, and certain unresolved issues were submitted to fact-finding under the provisions of Chapter 4117, Revised Code to a fact-finder appointed by the State Employment Relations Board, namely, Calvin William Sharpe;

"WHEREAS, the fact-finder issued his recommendations and conclusions on June 8, 1994, and such recommendations and conclusions have been reviewed by the Commission;

"WHEREAS, the Commission's director of administrative services, as well as its outside labor counsel, David Millstone, Esq., have both recommended to the Commission that the Commission accept the conclusions of the fact-finder;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby accepts the report and recommendations of the fact-finder as set forth in his recommendations dated June 8, 1994."

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. Williams, Mr. Bergsmark, 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. 38-1994.

The Executive Director said the next matter was a resolution approving and adopting a general 1994 wage increase for certain Commission employees. He said Mr. Disantis had explained the wage increase to the Members. He said the draft resolution was in the Members' folders and the recommendation was that a general wage or salary increase of six percent effective July 1, 1994, go to that group of employees.

Mr. Wray asked if the increase was for everybody else.

The Executive Director said the increase was for full-time, regular employees outside the bargaining units. He said the increase did not, at that time, go to part-time

employees, which was customary. He said those employees would be handled separately.

Mr. Wray asked the Executive Director if he was excluded from the increase.

The Executive Director said he was excluded from the salary increase.

A resolution approving and adopting general 1994 wage increases for certain Commission employees was moved for adoption by Mr. Bergsmark seconded by Mr. Williams as follows:

#### RESOLUTION NO. 39-1994

"WHEREAS, the Commission, acting through its Committee on Employee Relations, has conducted discussions with representatives of various regular, full-time employee groups, who are not part of a collective bargaining unit, concerning wages and salaries;

"WHEREAS, the Commission's Committee on Employee Relations has made a recommendation to the executive director and the executive director in turn has made a recommendation to the chairperson concerning wage and salary adjustments for certain of its regular, full-time employees, who are not part of a collective bargaining unit, and the chairman has approved such recommendation;

"NOW, THEREFORE, BE IT

"RESOLVED that the Ohio Turnpike Commission hereby approves the recommendations of the Committee on Employee Relations, which recommendations have had prior approval of the chairperson and the executive director, and adopts such recommendations granting regular, full-time Commission employees, who are not members of a collective bargaining unit, a general wage or salary increase of 6% effective July 1, 1994."

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. Williams, Mr. Wray, 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. 39-1994.

There being no further business to come before the Commission, a motion was made by Mr. Bergsmark, seconded by Mr. Wray, that the meeting adjourn until the next meeting on July 11.

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. Williams, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 12:27 p.m.

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



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Allan V. Johnson  
Assistant Secretary-Treasurer