

# MINUTES OF THE 406th MEETING OF THE OHIO TURNPIKE COMMISSION

March 13, 1995

Pursuant to the bylaws, the Ohio Turnpike met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio, 10:12 a.m., on March 13, 1995, with members of the staff: Allan V. Johnson, Executive Director; G. Alan Plain, Deputy Executive Director; Gino Zomparelli, General Counsel; Robert P. Barnett, Director of Information and Research; Craig Rudolph, Comptroller; Donald M. Sharp, Director of Operations; David H. Ransbury, Chief Engineer; James H. Brennan, Development Coordinator; and others in attendance.

Present: Jerry Wray, Earl W. Williams, Edwin M. Bergsmark,  
Ruth Ann Leever, Umberto P. Fedeli

Absent: M. Ben Gaeth

A motion was made by Mr. Bergsmark, seconded by Mrs. Leever, that the minutes of the meeting of February 13, 1995, 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, Mrs. Leever, Mr. Wray, Mr. Williams,  
Mr. Fedeli

Nays: None

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

The Chairman said there were a number of guests at the meeting and he would ask them to identify themselves as follows: Diane Pring, Legal Department; Leah Fox, ODOT; Barbara Lesko, Executive Director's Secretary; Joe Robertson, Seasongood & Mayer; David Patch, The (Toledo) Blade; Walter Topp, The (Elyria) Chronicle-Telegram; Bill Sammon, The (Cleveland) Plain Dealer; Joe Disantis, Right of Way Coordinator; Mark Tylicki, Taxpayer; Heidi Jedel, Information and Research; Captain Paul Ash, O.S.H.P.; Dan Castrigano, Maintenance Engineer; Mary Shirley, Assistant Superintendent of Toll Collections; Gary Cawley, Superintendent of Toll Collections; Carl Mueller, Paine Webber; Jim Wright, Porter, Wright; Pat Patton, Government Liaison Officer; Joe Rice, Rice Consultants; Ed Presley, Society Bank; Pat Rytel, National City Bank; Frank Lamb, Huntington; M.B. Patterson, McDonald & Co.; Gillett Cobb, OCDC; Rob Fleischman, Greiner Engineering, Inc.-Ohio; Eleonore Spencer, Legal Department;

Sharon Isaac, Assistant General Counsel; Tony Palombo, Legal Department; David Millstone, Squire, Sanders & Dempsey; and Cleve Brooks, SBK Brooks Investments.

The Chairman said the meeting was the 406th meeting of the Ohio Turnpike Commission. He said that various reports would be received and the Commission would act on several 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. He said that if there were no further questions, the meeting would proceed with the report of the Secretary-Treasurer, Mr. Bergsmark.

Mr. Bergsmark said that the following items had been sent to the Members since the last regular meeting of the Commission, February 13, 1995:

1. Weekly Traffic Statistics.
2. Draft of the Commission Meeting Minutes of February 13, 1995.
3. Investment Transactions which occurred during February 1995.
4. Financial Statement for February 1995.
5. Traffic and Revenue Report for February 1995.
6. ODC Monthly Report for February 1995.
7. News Release #2 - Chairman's Statement re: S.R. 58/Lake Shore Railway  
#3 - Chairman's Statement re: Accident Investigation  
#4 - Announcement of Public Meetings on GL/MAC.

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

Mr. Rudolphy said he and his staff had interviewed representatives of the five banks which had responded to the RFP to provide banking services for the Commission and a selection of the best proposal would be made within a short time.

The Chairman asked Mr. Rudolphy what five banks had responded to the RFP.

Mr. Rudolphy said the banks were Society Bank, Huntington Bank, Fifth Third Bank, Star Bank and Provident Bank.

The Chairman said he wanted to comment that the Commission had been very happy with the services that had been provided by Society Bank. He said that, since the contract with Society Bank would soon be expiring, the Commission thought it should look at the range of services which were now available.

Mr. Bergsmark said he excused himself from the process because he dealt with most of the banks mentioned by Mr. Rudolphy.

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

The Chairman said that, in the absence of Senator Gaeth, Mr. Johnson would give the report.

Mr. Johnson said that, as had been reported at past meetings, the Commission's staff had been working on the documents to rebid the operation of the Turnpike's sixteen restaurants. He said the staff was very close to wrapping up those documents. He said he expected they would be advertised before the next Commission meeting. He said there would be a long time period between the time the bids are received and a final decision would be made. He said that once the bids were received it would take about 60 days to evaluate them all because they were very complex. He said the Commission was several months away from knowing what was going to be done.

The Chairman said that, as he previously mentioned Commission Members and staff had taken field trips to visit restaurant facilities on other Turnpike locations and had looked at different options. He said the Commission's restaurant contracts were up at the end of 1995. He said the Commission planned to renovate or build new state-of-the-arts facilities.

Mr. Brennan said that he had two comments regarding the Turnpike service plazas, one good and one bad. He said that on the previous Friday night at 7:00 p.m. he stopped at the Erie Islands Service Plaza at milepost 100 westbound. He said the restroom was a filthy mess. He said there were paper towels all over the floor and it was totally unsatisfactory.

Mr. Brennan said further that on the morning of the meeting day he stopped at Vermillion Valley and quite the opposite was true. He said it was very neat and clean and someone was in there keeping it clean. He said he did note that there was a lot of trash outside the restaurant building in the parking lot. He said it certainly didn't remind one of Cedar Point.

Mr. Johnson said the staff was making special emphasis in those bidding documents on the restrooms. He said that the documents called for them to be greatly enlarged and also more accessible for cleaning.

The Chairman said the report on Service Plazas was accepted as offered. He ascertained there would be no report on Employee Relations. He said the report of the Executive Director would be received.

Mr. Johnson said his report would consist of explaining and recommending several resolutions that were in the Members' folders. He said the first was a mainline resurfacing contract. He said he would read the first Whereas as follows:

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for mainline repairs and resurfacing of original construction sections C-3, and C-4, between Milepost 223.3 to Milepost 230.6 in Mahoning County, Ohio."

Mr. Johnson said further that there were four bids received on the contract. He said the lowest bid was received from the McCourt Construction Company in Akron. He said the bids had been analyzed by the engineering department, General Counsel and by him. He said he recommended that the resolution be adopted. He said he would read the Resolved as follows:

"RESOLVED that the bid of McCourt Construction Company of Akron, Ohio, in the amount of \$3,327,476.45, using crushed slag, for the performance of Contract No. 59-95-03, 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; and

"FURTHER RESOLVED that Project No. 59-95-03 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mr. Johnson said he recommended that the resolution be adopted.

A resolution awarding contract No. 59-95-03 was moved for adoption by Mr. Wray, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 4-1995**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for mainline repairs and resurfacing of original construction sections C-3, and C-4, between Milepost 223.3 to Milepost 230.6 in Mahoning County, Ohio;

"WHEREAS, the Commission has received bids from four 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 chief engineer, and he has submitted a report concerning such analysis and his report is before the Commission and the Commission's executive director has made his recommendation to the Commission predicated upon such analysis;

"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 McCourt Construction Company of Akron, Ohio, in the amount of \$3,327,476.45, using crushed slag, for the performance of Contract No. 59-95-03 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, 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 McCourt Construction Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of McCourt Construction Company of Akron, Ohio, in the amount of \$3,327,476.45, using crushed slag, for the performance of Contract No. 59-95-03, 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; and

"FURTHER RESOLVED that Project No. 59-95-03 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. Wray, Mr. Williams, 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. 4-1995.

Mr. Johnson said the next resolution was entitled a resolution ratifying task orders relative to the agreement between the Commission and the Ohio Corridor Development Consortium.

Mr. Johnson said that, as the Members knew, the staff was working on the studies for the Great Lakes/Mid-Atlantic Corridor project. He said the Commission previously had authorized task orders numbered 1, 2 and 3. He said that, subsequent to that, task orders 4, 5, 6 and 7 had been presented and, on behalf of the Commission and to keep the project moving, he had approved those task orders. He said he thought it would be appropriate for the Commission to ratify those actions.

Mr. Johnson said further that those task orders had been explained in the monthly reports presented by OCDC and the report given by Mr. Brennan at the monthly Commission meetings. He said he would quickly explain the four tasks. He said task 4 was for traffic consultant and management and economic data selection. He said task 5 was for the communication plan assistance. He said task 6 was for consultant management of the six segment consultants that had been selected. He said task 7 was for the public input phase of the project which was then under way.

Mr. Johnson said further that he would read the Resolved of the resolution as follows:

"RESOLVED that the Commission hereby ratifies and approves the actions taken by the executive director to proceed with Task Orders No. 4, 5, 6 and 7 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."

Mr. Johnson said further that task No. 8 had been submitted, but he wasn't prepared to present it to the Commission. He said he would do so at the next Commission meeting. He said he recommended that the resolution be adopted.

Mr. Wray asked Mr. Brennan if he was going to talk about the task orders later in the meeting.

Mr. Brennan said he would do so, but if there were some questions he could answer them at that time.

Mr. Wray said that he wondered how much money the Commission will have spent when all the task orders were completed.

Mr. Brennan said that, at the end of February to date, the Commission had committed to a shade under \$4 million. He said that included tasks 1 through 7.

Mr. Wray asked how many more hearings were to go in the task 7 public input process.

Mr. Brennan said there were eight more meetings that week. He said there were six meetings the next week. He said there were eight meetings last week. He said there were a total of 22 in each cycle. He said there were 22 in March and 22 in April.

He said a meeting for public officials was held at 10:00 a.m. at each location and then a public meeting from 4:00 p.m. to 8:00 p.m. in the evenings.

Mr. Wray said that for both cycles the total number of meetings was 44.

Mr. Brennan said Mr. Wray was correct.

Mr. Johnson said the meetings were public meetings and not formal public hearings. He said there was a difference.

Mr. Brennan said OCDC was using Mr. Wray's open format type of meeting in the evenings.

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

#### **RESOLUTION NO. 5-1995**

"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, Task Orders No. 1, 2 and 3 have been approved by Commission Resolution No. 35-1994 to implement certain services called for in the Agreement;

"WHEREAS, additional Task Orders Nos. 4, 5, 6 and 7 have been presented to and approved by the Executive Director in order to keep the critical project moving ahead on a timely basis;

"WHEREAS, the scope and nature of these tasks have been presented to the Commission in the regular reports of the OCDC and the Commission's Development Coordinator;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby ratifies and approves the actions taken by the executive director to proceed with Task Orders No. 4, 5, 6 and 7 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. Williams, Mrs. Leever, Mr. Wray, 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. 5-1995.

Mr. Johnson said the next resolution was a resolution to designate a new interchange or point of ingress to and egress from the Turnpike. He said it is a resolution entitled resolution approving the location, design and acquisition of right-of-way for a "limited access" interchange with State Route 109 and the Ohio Turnpike in the vicinity of milepost 40.3 in Fulton County.

Mr. Johnson said further that the interchange had popped into the picture in the last few months as the result of an announcement of the development of a mini-steel mill just south of the Turnpike off of State Route 109 in the city of Delta, Fulton County.

Mr. Johnson said further that he thought all the Members were aware of the background situation. He said the interchange was important to the commitment to proceed with the development of the mill. He said there were some follow-up matters that had to be included before the interchange proceeded. He said he would read the Resolveds of the resolution as follows:

"RESOLVED that, pursuant to Section 5537.04 (A) (9) of the Ohio Revised Code, this Commission does formally designate a connection of State Route 109 as a point of ingress to and egress from the Ohio Turnpike in Fulton County, Ohio;

"FURTHER RESOLVED that the executive director is authorized and directed to engage the services of such consulting firm or firms, as he deems capable and appropriate, to accomplish the expeditious study and design of a toll interchange between State Route 109 and the Ohio Turnpike to be done contingent upon and to coincide with the construction of the North Star mini-mill, and to confer with the Ohio Department of Transportation and Fulton County officials so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange."

Mr. Johnson said he also wanted to say that the Commission had the necessary concurrence from the Director of Transportation for the interchange, which was a requirement of the Turnpike Act. He said Mr. Wray had submitted his letter of concurrence to the Commission.



A resolution approving the location, design and acquisition of right-of-way for a "limited access" interchange with State Route 109 and the Ohio Turnpike in the vicinity of milepost 40.3 in Fulton County was moved for adoption by Mr. Bergsmark, seconded by Mrs. Leever as follows:

**RESOLUTION NO. 6-95**

"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, an interchange at State Route 109 was considered as part of comprehensive engineering and environmental studies performed by the Commission between 1979 and 1983 but was eliminated from final consideration, largely because of lack of local support;

"WHEREAS, there now is considerable local interest for such an interchange generated by the prospect of economic development projects in Fulton County and the surrounding area, particularly the announcement of a mini-steel mill to be constructed by North Star Steel Company just south of the Turnpike adjacent to State Route 109;

"WHEREAS, the Commission recognizes the need and desirability to connect these roadways so as to increase access to the turnpike, 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 State Route 109 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 State Route 109 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 formally designate a connection of State Route 109 as a point of ingress to and egress from the Ohio Turnpike in Fulton County, Ohio;

"FURTHER RESOLVED that the executive director is authorized and directed to engage the services of such consulting firm or firms, as he deems

capable and appropriate, to accomplish the expeditious study and design of a toll interchange between State Route 109 and the Ohio Turnpike to be done contingent upon and to coincide with the construction of the North Star mini-mill, and to confer with the Ohio Department of Transportation and Fulton County officials so as to coordinate such design with any other projects contemplated for this area that would affect the proposed interchange."

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. Wray, Mr. Williams,  
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. 6-1995.

The Chairman said that the designation of a Turnpike interchange at S.R. 109 was the determining factor that Cargill, the multi-million dollar conglomerate that owns North Star Steel, was committing to build in Ohio versus other locations. He said the Commission's approval of the interchange pretty much cemented the deal. He said he wanted to emphasize again that the interchange was being designed and would be built for North Star Steel because of their \$400 million investment in the mill. He said that if that deal fell through he doubted the Commission would build an interchange at that location.

Mr. Wray asked if the issue of Michigan loads had been brought up as they pertained to the new steel mill.

The Chairman said he talked with Ed Fox, personally, to discuss the Michigan loads, but he didn't give Mr. Fox a commitment. He said he told him the Commission would have to look into the safety aspect of them.

Mr. Johnson said that movement of Michigan loads on the Ohio highway system and an interstate system off the Turnpike had to be coordinated with ODOT. He said he already had many discussions with ODOT officials in their permit section. He said there were some concerns about how the loads would affect certain bridges in Ohio.

Mr. Wray said that ODOT would be working in partnership with the Federal Highway Administration on the proposed use of Michigan loads in Ohio.

Mr. Johnson said that North Star had been talking about using Interstate Route 75 for those traffic movements.

Mr. Johnson said further that there had been indications that there might be other development in the area. He said that, at the same time, there also had been some talk that the interchange would be exclusive for the use of only North Star. He said that the interchange would not be used exclusively by North Star. He said that the Commission could not justify building the interchange only on that basis.

Mr. Johnson said further that the whole Turnpike network in that area was being looked at as the design of the interchange was being developed. He said the area had not been looked at for many years. He said the staff had begun examining the environmental factors, such as wetlands and hazardous waste sites. He said it was hoped that those factors would be steered clear of in designing the interchange.

The Chairman said that Ohio led the country two years in a row for new plant openings. He said that Ohio led all the other states in that category by a two to one margin. He said there was a good chance that 1995 would be the third year in a row that Ohio would lead in plant expansion.

Mr. Bergsmark said that because of North Star's commitment to the area there could be a couple of additional plants that were going to be located nearby.

The Chairman said Mr. Johnson had a letter from the Governor which included a memo from Ohio's Director of Development, Donald Jakeway, who talked about what the Commission had done at Lordstown.

Mr. Johnson said he thought it would be appropriate to read the letter into the record. He said there were two other resolutions he wanted to defer on until later in the meeting. He said he would read the letter from the Governor which was addressed to Mr. Fedeli, as follows:

"I thought you would be interested in the enclosed memorandum which I recently received from Don Jakeway.

"Those of you on the Ohio Turnpike Commission should be extremely proud of the fact that you fulfilled a 20-year promise that the State of Ohio made to the General Motors to construct the new exits needed at Lordstown.

"The frosting on the cake, of course, is the fact that we have had enormous development taking place around those interchanges. You should feel very, very good about what has occurred. Under your leadership, the Turnpike Commission has done more to promote economic development in this state than at any other time in the Turnpike's history."

The Chairman said that another interesting statistic was that Ohio leads the country with the largest number of companies involved in exporting. He said that New York, California and Michigan might be a little higher as far as volume of exports. He

said that was especially true in the automotive industry in Michigan. He said that Ohio still had more companies involved in exporting than any other state in the country.

Mr. Johnson said he wanted to mention that the Commission once again had been awarded the Certificate for Achievement for Financial Excellence from the Finance Officer's Association. He said the plaque was on the shelf in the room along with the other ones that the Commission had received in the past.

The Chairman said the Commission's financial reporting received high praise when the Members and staff visited Standard & Poors' and Moody's in New York prior to issuing its new revenue bonds in 1994.

The Chairman said the Executive Director's report would be suspended until after the Members went into executive session. He said the report of the Development Coordinator would be received.

Mr. Brennan said that starting at the west with the new interchange at State Route 66/County Road 24 in Fulton County. He said the comment period was being conducted by the U.S. Army Corps of Engineers and it would end in about seven to ten days. He said the Corps had assured the Commission that they would have a decision regarding the Commission's wetlands mitigation plan by April 30. He said that, on that basis, the Commission should be able to accept bids and award a construction contract in July with completion in mid-1996.

Mr. Brennan said further that the Commission's design engineer was making a modification which was believed to improve the design of the State Route 51 - Interchange 5A in Ottawa/Sandusky County.

Mr. Brennan said further that a contract would be awarded later in the meeting for the construction of the Baumhart Road Interchange ramps.

Mr. Brennan said further that, apparently, the railroad advocates opposing the construction of the State Route 58 interchange had requested that the Ohio Historical Society review the project. He said there were indications that the review would take place. He said that the Commission's plans were proceeding, but no one knew what might be the result of the historical review.

Mr. Brennan said further that the access justification study was continuing on the Interstate Route 77 interchange in Summit/Cuyahoga Counties.

Mr. Brennan said further that the Commission's design engineers should complete their work in the fall on the proposed interchange at County Road 18 in Mahoning County.

Mr. Brennan said further that work continued on the access point study for an interchange at State Route 11, also in Mahoning County.

Mr. Brennan said further that work continued on the environmental studies for the Maumee River Crossing in Toledo. He said the final document was scheduled to be submitted to ODOT by the end of 1995. He said funding sources would need to be identified in the next 12 to 18 months.

Mr. Brennan said further that the status of the seven tasks assigned to OCDC for the Great Lakes/Mid-Atlantic Corridor, I-73/74, were as follows:

1. Consultant selection - 100 percent complete.
2. Preliminary Corridor selection - also 100 percent complete.
3. Preparation of study manual - also complete.
4. Traffic and economic data - 85 percent complete.
5. Communication plan assistance - 40 percent complete.
6. Consultant management - 35 percent complete.
7. Public input, which was currently in progress - 30 percent complete.

Mr. Brennan said further that the public and elected officials meetings conducted by OCDC and the segment consultant, which was task 7, began on Monday, March 6 in segment 5 at South Point. He said the elected officials meeting was attended by 15 people, including a Lawrence County Commissioner, two county commissioners from Cabell County in West Virginia, and the Mayor of Huntington, West Virginia. He said also present were State Representative John A. Carey, a representative of Ohio Congressman Frank Cremeons, a representative of State Senator Long and people from KYOVA, the MPO for the three state area. He said there was a good exchange of ideas, even though a Chesapeake bypass seemed to be the paramount project of interest to most of those people. He said the evening session was attended by about 15 to 20 people, including the Chairman of KYOVA.

Mr. Brennan said further that the second set of meetings was held in Portsmouth. He said Portsmouth Mayor Frank Gerlach, who is Chairman of Ohio's I-73/74 group, attended the elected officials meeting session. He said all three of the Scioto County Commissioners and the County Engineer also attended that session. He said those people were very supportive and were especially interested in a Portsmouth bypass. He said about 70 people attended the evening session and strong support and interest was displayed.

Mr. Brennan said further that on March 8 meetings were held in Winchester. He said 20 people attended the elected officials meeting including the county engineers from Pike, Adams and Brown Counties. He said the Mayor of Seaman also attended. He said the main concern expressed was access to U.S. 23 after possible upgrading. He said they were concerned about their economic future. He said they said they had been told on several occasions that nobody gave a darn in the State of Ohio about

Adams County. He said they had the impression that when U.S. 23 was upgraded they wouldn't have any access points and they would be cut off from the highway.

Mr. Brennan said further that OCDC representatives and he did their best to tell them that was not the case in the event U.S. 23 was upgraded. He said he didn't attend the evening session.

Mr. Brennan said further that the meetings were continuing through that week and next. He said they would start again on April 3. He said two features of those meetings were a four-minute video tape featuring the Commission's Executive Director and an excellent brochure explaining the project.

Mr. Brennan said further that he attended a meeting of the six state Great Lakes/Mid-Atlantic Corridor organization held in Wytheville, Virginia on March 9th and 10th, the previous Thursday and Friday. He said representatives from all six states were present. He said there were numerous discussions about some differences in alignment of the proposed corridor. He said that, generally, it was agreed that the main concern was the corridor and that local discrepancies could and would be worked out by local interested parties.

Mr. Brennan said that, for example, North Carolina and South Carolina were continuing to argue over which way to the sea. He said they were concerned about whether the corridor would run east in North Carolina or run east in South Carolina. He said Virginia had some ideas about a 67-mile detour to include Roanoke. He said there were some rather strong feelings on those topics, but it was finally decided that the corridor was the main issue and all their problems could be worked out.

The Chairman said the report of the Development Coordinator was accepted as offered. He ascertained there would be no report from the Director of Transportation. He said the report of General Counsel would be received.

Mr. Zomparelli said that since the last Commission meeting there had been one suit filed naming the Commission as a defendant and that was an appropriation action initiated by the Board of Park Commissioners of Erie Metro Parks. He said the Commission could resolve that suit with little difficulty. He said the statute didn't give the park commissioners authority to appropriate Turnpike property absent an agreement with the Commission or legislative action.

Mr. Zomparelli said also that the Commission had tried for some time to purchase three pieces of property in the Baumhart Road area where a new interchange would be built. He said the property owners had failed to come to an agreement with the Commission to purchase the properties so it was necessary to adopt a resolution calling for appropriation action.

Mr. Zomparelli said that the first property was owned by Roger Miller and Dave Miller. He said the Commission had a right-of-entry on that property, but hadn't been able to negotiate a purchase.

Mr. Johnson said that since all three properties were for the Baumhart Road interchange it would be appropriate to handle all three of them through a single motion with vote. He said Mr. Zomparelli should just identify the other two owners for the record.

Mr. Zomparelli said there were three resolutions for appropriating properties. He said the first was owned by David and Roger Miller and contained two separate parcels. He said the next was a single parcel owned by Dwight Miller and Roger Miller. He said the last property contained three separate parcels and was owned by Ruth Beyer.

Mr. Zomparelli said it would probably be best to take each resolution separately for motion and vote. He said he would begin by recommending that the Commission adopt the resolution declaring the necessity of appropriating property and directing that proceedings to effect such appropriation be begun and prosecuted dealing with the property owned by David D. Miller and Roger G. Miller.

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

**RESOLUTION NO. 7-1995**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of an interchange with Baumhart Road and the Ohio Turnpike in the vicinity of Milepost 136.0 in Lorain County, Ohio;

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
David D. Miller	8690 Vermillion Road Amherst, OH 44001
Roger G. Miller	8716 Vermillion Road Amherst, OH 44001

Mark Stewart  
Auditor, Lorain County

226 Middle Avenue  
Elyria, OH 44035

Daniel Talarek  
Treasurer, Lorain County

226 Middle Avenue  
Elyria, OH 44035

The aforementioned property to be appropriated is described as follows:

**Parcel No. 7A-3WL - Fee Simple**  
**Parcel No. 7A-3WL-1 - Fee Simple**

Legal descriptions are attached as Exhibit "A" and "B";

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."



Parcel No. 7A-3WL

Situated in Lorain County, Brownhelm Township, Town 6 North, Range 19 West, Lot 75 in the State of Ohio, bounded and described as follows:

Commencing at the intersection of the north line of Lot 74 and the centerline of Baumhart Road (C. R. 51) (iron pin found and used); thence S77°55'02"W a distance of 2219.53 feet to a point, said point being the intersection of the existing southerly Right of Way line of the Ohio Turnpike and the Grantor's east line, said point also being 175.00 feet right of station 172+02.71 on the centerline of a survey of the Ohio Turnpike made for the Ohio Turnpike in 1994, said point also being the True Place of Beginning;

Thence S2°58'43"W along grantor's east line a distance of 525.35 feet to a point, said point being 633.60 feet right of station 169+46.44; thence N87°22'15"W a distance of 562.26 feet to a point, said point being 362.33 feet right of station 164+53.95; thence N2°58'43"E along grantor's west line a distance of 214.59 feet to a point, said point being 175.00 feet right of station 165+58.62; thence N63°46'56"E along said right of way line and grantor's north line a distance of 644.09 feet to the True Place of Beginning.

The above parcel contains 4.775 acres more or less of which the present road occupies 0.000 acres more or less.

Bearings for the above description were based on the centerline bearing of C. R. 51 (Baumhart Road) shown on the State of Ohio, Department of Transportation plan "LOR-CR-51" made in 1993.

From Auditor's Parcel No. 01-00-075-000-002, and carried on the Tax map as 9.31 acres.

The above description was prepared by Joseph S. Bolzenius, Registered Surveyor No. 7526, on January 24, 1995.

Exhibit "A"

Parcel-No. 7A-3WL

Situated in Lorain County, Brownhelm Township, Town 6 North, Range 19 West, Lot 75 in the State of Ohio, bounded and described as follows:

Commencing at the intersection of the north line of Lot 74 and the centerline of Baumhart Road (C. R. 51) (iron pin found and used); thence  $S77^{\circ}55'02''W$  a distance of 2219.53 feet to a point, said point being the intersection of the existing southerly Right of Way line of the Ohio Turnpike and the Grantor's east line, said point also being 175.00 feet right of station 172+02.71 on the centerline of a survey of the Ohio Turnpike made for the Ohio Turnpike in 1994, said point also being the True Place of Beginning;

Thence  $S2^{\circ}58'43''W$  along grantor's east line a distance of 525.35 feet to a point, said point being 633.60 feet right of station 169+46.44; thence  $N87^{\circ}22'15''W$  a distance of 562.26 feet to a point, said point being 362.33 feet right of station 164+53.95; thence  $N2^{\circ}58'43''E$  along grantor's west line a distance of 214.59 feet to a point, said point being 175.00 feet right of station 165+58.62; thence  $N63^{\circ}46'56''E$  along said right of way line and grantor's north line a distance of 644.09 feet to the True Place of Beginning.

The above parcel contains 4.775 acres more or less of which the present road occupies 0.000 acres more or less.

Bearings for the above description were based on the centerline bearing of C. R. 51 (Baumhart Road) shown on the State of Ohio, Department of Transportation plan "LOR-CR-51" made in 1993.

From Auditor's Parcel No. 01-00-075-000-002, and carried on the Tax map as 9.31 acres.

The above description was prepared by Joseph S. Bolzenius, Registered Surveyor No. 7526, on January 24, 1995.

Exhibit "A"

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

Ayes: Mr. Bergsmark, Mr. Williams, Mr. Wray, Mrs. Leever,  
Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 7-1995.

Mr. Zomparelli said the next resolution dealt with the property owned by Mrs. Beyer.

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

#### **RESOLUTION NO. 8-1995**

RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of an interchange with Baumhart Road and the Ohio Turnpike in the vicinity of Milepost 136.0 in Lorain County, Ohio;

BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Ruth H. Beyer	9185 Gifford Road Amherst, OH 44001
Mark Stewart Auditor, Lorain County	226 Middle Avenue Elyria, OH 44035
Daniel Talarek Treasurer, Lorain County	226 Middle Avenue Elyria, OH 44035

The aforementioned property to be appropriated is described as follows:

**Parcel No. 7A-2WL - Fee Simple  
Parcel No. 7A-2WL-1 - Fee Simple  
Parcel No. 7A-2T - Temporary Construction Easement**

Legal descriptions are attached as Exhibit "A", "B" and "C";

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

Parcel No. 7A-2WL

Situated in Lorain County, Brownhelm Township, Town 6 North, Range 19 West, Lot 75 in the State of Ohio, bounded and described as follows:

Commencing at the intersection of the north line of Lot 74 and the centerline of Baumhart Road (C. R. 51) (iron pin found and used); thence S74°45'07"W a distance of 2848.46 feet to a point, said point being the intersection of the existing southerly Right of Way line of the Ohio Turnpike and the Grantor's east line, said point also being 175.00 feet right of station 165+58.62 on the centerline of a survey of the Ohio Turnpike made for the Ohio Turnpike Commission in 1994, said point also being the True Place of Beginning;

Thence S2°58'43"W along grantor's east line a distance of 214.59 feet to a point, said point being 362.33 feet right of station 164+53.95; thence N87°22'15"W along grantor's south line a distance of 388.26 feet to a point, said point being 175.00 feet right of station 161+13.86; thence N63°46'56"E along said right of way line and grantor's north line a distance of 444.76 feet to the True Place of Beginning;

The above parcel contains 0.956 acres more or less of which the present road occupies 0.000 acres more or less.

Bearings for the above description were based on the centerline bearing of C. R. 51 (Baumhart Road) shown on the State of Ohio, Department of Transportation plan "LOR-CR-51" made in 1993.

From Auditor's Parcel No. 01-00-075-000-001, and carried on the Tax map as 29.35 acres.

The above description was prepared by Joseph S. Bolzenius, Registered Surveyor No. 7526, on January 24, 1995.

Exhibit "A"

**Parcel No. 7A-2WL-1**

Situated in Lorain County, Brownhelm Township, Town 6 North, Range 19 West, Lot 75 in the State of Ohio, bounded and described as follows:

Commencing at the intersection of the north line of Lot 74 and the centerline of Baumhart Road (C. R. 51) (iron pin found and used); thence S82°14'38"W a distance of 2753.73 feet to a point, said point being the intersection of the existing northerly Right of Way line of the Ohio Turnpike and the Grantor's east line, said point also being 155.00 feet left of station 167+43.03 on the centerline of a survey of the Ohio Turnpike made for the Ohio Turnpike Commission in 1994, said point also being the True Place of Beginning;

Thence S63°46'56"W along said right of way line and grantor's south line a distance of 543.03 feet to a point, said point being 155.00 feet left of station 162+00.00; thence N52°28'20"E a distance of 101.98 feet to a point, said point being 175.00 feet left of station 163+00.00; thence N63°46'56"E a distance of 454.20' to a point, said point being 175.00 feet left of station 167+54.20, thence S2°58'43"W along grantor's east line a distance of 22.91 feet to the True Place of Beginning.

The above parcel contains 0.229 acres more or less of which the present road occupies 0.000 acres more or less.

Bearings for the above description were based on the centerline bearing of C. R. 51 (Baumhart Road) shown on the State of Ohio, Department of Transportation plan "LOR-CR-51" made in 1993.

From Auditor's Parcel No. 01-00-075-000-001, and carried on the Tax map as 29.35 acres.

The above description was prepared by Joseph S. Bolzenius, Registered Surveyor No. 7526, on January 24, 1995.

Exhibit "B"

Parcel No. 7A-2T

Situated in Lorain County, Brownhelm Township, Town 6 North, Range 19 West, Lot 75 in the State of Ohio, bounded and described as follows:

Commencing at the intersection of the north line of Lot 74 and the centerline of Baumhart Road (C. R. 51) (iron pin found and used); thence S82°14'38"W a distance of 2753.73 feet to a point, said point being the intersection of the existing northerly Right of Way line of the Ohio Turnpike and the Grantor's east line, said point also being 155.00 feet left of station 167+43.03 on the centerline of a survey of the Ohio Turnpike made for the Ohio Turnpike Commission in 1994, thence S63°46'56"W along said right of way line and grantors south line a distance of 543.03 feet to a point, said point being 155.00 feet left of station 162+00.00, said point also being the True Place of Beginning;

Thence S63°46'56"W along said right of way line and grantor's south line a distance of 825.00 feet to a point, said point being the intersection of the existing northerly right of way line of the Ohio Turnpike and easterly right of way line of Gifford Road, said point also being 155.00 feet left of station 153+75.00; thence N26°13'04"W a distance of 20.00 feet along easterly right of way line of Gifford Road to a point, said point being 175.00 feet left of station 153+75.00; thence N63°46'56"E a distance of 925.00 feet to a point, said point being 175.00 feet left of station 163+00.00, thence S52°28'20"W a distance of 101.98' to the True Place of Beginning.

The above parcel contains 0.409 acres more or less of which the present road occupies 0.000 acres more or less.

Bearings for the above description were based on the centerline bearing of C. R. 51 (Baumhart Road) shown on the State of Ohio, Department of Transportation plan "LOR-CR-51" made in 1993.

From Auditor's Parcel No. 01-00-071-000-001, and carried on the Tax map as 29.35 acres.

The above description was prepared by Joseph S. Bolzenius, Registered Surveyor No. 7526, on January 24, 1995.

Exhibit "C"

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. Wray, Mr. Williams,  
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. 8-1995.

Mr. Zomparelli said the third resolution was for property owned by Dwight Miller, Beatrice Miller, David Miller and Roger Miller.

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

**RESOLUTION NO. 9-1995**

"RESOLVED that the Commission has negotiated for a reasonable time for the purchase of the real estate described herein with the owner, but has been unable to enter into an agreement and has complied with the provisions of section 163.04 of the Revised Code; and said property is necessary for the construction of an interchange with Baumhart Road and the Ohio Turnpike in the vicinity of Milepost 136.0 in Lorain County, Ohio;

"BE IT FURTHER RESOLVED that proceedings be begun and prosecuted to effect the appropriation of the fee title and necessary easements on the following described property from the owner and persons having an interest therein, to-wit:

<u>Owners</u>	<u>Place of Residence</u>
Dwight Miller	8673 Vermillion Road Amherst, OH 44001
Beatrice Miller	8673 Vermillion Road Amherst, OH 44001
David Miller	8690 Vermillion Road Amherst, OH 44001
Roger Miller	8716 Vermillion Road Amherst, OH 44001



Mark Stewart  
Auditor, Lorain County

226 Middle Avenue  
Elyria, OH 44035

Daniel Talarek  
Treasurer, Lorain County

226 Middle Avenue  
Elyria, OH 44035

The aforementioned property to be appropriated is described as follows:

**Parcel No. 7A-18WL - Fee Simple**

A legal description is attached as Exhibit "A";

"FURTHER RESOLVED that the general counsel be, and he hereby is instructed to do or cause to be done all things that may be necessary in the premises in order that proceedings for the appropriation of the property described above may be commenced."

**Parcel No. 7A-18WL**

Situated in Lorain County, Brownhelm Township, Town 6 North, Range 19 West, Lot 71 in the State of Ohio, bounded and described as follows:

Commencing at the intersection of the north line of Lot 74 and the centerline of Baumhart Road (C. R. 51) (iron pin found and used); thence  $N10^{\circ}18'15''W$  along said centerline a distance of 1097.46 feet to a point, said point being at station 60+21.16 on the centerline of a survey of Baumhart Road made for the Ohio Turnpike Commission in 1994, said point also being the True Place of Beginning;

Thence  $S88^{\circ}08'15''E$  along grantor's north line a distance of 304.89 feet to a point on the existing northerly right of way line of the Ohio Turnpike, said point being 298.04 feet right of station 59+56.90; thence with a curve to the right along said right of way line (which is parallel to and 130.00 feet left of the centerline of the Ohio Turnpike) and along grantor's south line with a chord bearing of  $S56^{\circ}43'46''W$  and chord length of 323.70 feet to a point on the centerline of Baumhart Road, said point being at station 58+30.60; thence  $N10^{\circ}18'15''W$  along said centerline and grantor's west line a distance of 190.56 feet to the True Place of Beginning.

The above parcel contains 0.664 acres more or less of which the present road occupies 0.125 acres more or less.

Bearings for the above description were based on the centerline bearing of C. R. 51 (Baumhart Road) shown on the State of Ohio, Department of Transportation plan "LOR-CR-51" made in 1993.

From Auditor's Parcel No. 01-00-071-000-006, and carried on the Tax map as 35.94 acres.

The above description was prepared by Joseph S. Bolzenius, Registered Surveyor No. 7526, on January 24, 1995.

Exhibit "A"

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

Ayes: Mr. Bergsmark, Mr. Williams, Mr. Wray, Mrs. Leever,  
Mr. Fedeli

Nays: None

The Chairman said the resolution stood adopted with all Members present voting in the affirmative. The resolution was identified as No. 9-1995.

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 the consulting engineers were presently making preparations to start their annual inspection of Turnpike facilities and it would begin before the next Commission meeting. He said he would give the Commission a status report at the next meeting.

The Chairman said the report of the consulting engineer was accepted as offered. He said the report of the trustee would be received.

Mr. Lamb said that on February 15 the first principle payment, as well as the semi-annual interest payment, was made on the Turnpike revenue bonds. He said the principle was thereby reduced by \$1,810,000, leaving the balance at \$123,190,000.

Mr. Lamb said further that for the six months ended February 28 the Trust Funds generated \$313,000 of investment income which the Commission was able to take as a credit against its March 1995 debt service installment.

The Chairman said that, again, maybe it was luck or skill that the Commission was able to float its bond issue at just the right time. He said the highest interest rate was 5.7 percent and the lowest was 3.1 percent. He said the rates were about the lowest he had ever seen and the Commission was fortunate to be able to get them.

The Chairman said the report of the trustee was accepted as offered. He ascertained there would be no reports from the financial advisor or Captain Ash. He said he would return to the Executive Director.

Mr. Johnson said he would ask the Commission to hold an executive session to continue to discuss a topic they had reviewed at the last Commission meeting and also to discuss some other legal matters that were before the Commission. He said a motion would have to be made and a vote by Members taken before going into executive session.

The Chairman asked Mr. Johnson what remained to be covered after the executive session.

Mr. Johnson said there would be a couple of resolutions to act on and they would be discussed in the executive session.

The Chairman said the executive session would last about ten minutes.

Mr. Bergsmark said that he moved that the Commission adjourn its regular meeting to hold an executive session for the following reasons: (1) To review a matter that would require negotiations and bargaining with employees representatives on a proposed change in a condition of their employment, and (2) To conference with attorneys for the Commission concerning disputes involving the Commission which are subject of imminent court action. He said that at the end of the executive session the Commission would reconvene its regular meeting.

A motion to adjourn the Commission's regular meeting to hold an executive session was moved by Mr. Bergsmark and seconded by Mrs. Leever.

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. Wray, Mr. Williams,  
Mr. Fedeli

Nays: None

(The executive session began at 10:50 a.m. and ended at 11:10 a.m.)

Mr. Johnson said that, since the Commission meeting was reconvened after the executive session, there were a couple of other matters that he wanted to bring before the Commission.

Mr. Johnson said further that there were two other resolutions before the Commission. He said one was a resolution to award a contract for the construction of the interchange ramps at Baumhart Road. He said the interchange was located in Lorain County at approximately milepost 136. He said there were six bids on the contract. He said that those bids were submitted last week and it was not possible to fill in the Members on the status of those bids before that morning.

Mr. Johnson said further that it had been determined upon analysis by the Engineering Department, the Commission's outside consultant, which prepared the plans and reviewed the bids, by the Legal Department and by him that the bid by the second lowest bidder was the lowest responsive and responsible bid that was received on the contract. He said their recommendation for award was so stated in the

resolution entitled resolution awarding contract No. 55-95-03. He said he would read the Resolveds as follows:

"RESOLVED that the bid of E.S. Wagner Company of Oregon, Ohio, in the amount of \$8,072,445.50 for the performance of Contract No. 55-95-03, 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; and

"FURTHER RESOLVED that project No. 55-95-03 is designated a System Project under the Commission's 1994 Master Trust Agreement."

Mr. Johnson said he recommended that the resolution be adopted.

A resolution awarding contract No. 55-95-03 was moved for adoption by Mrs. Leever, seconded by Mr. Williams as follows:

#### **RESOLUTION NO. 10-1995**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for construction of Interchange 7A ramps between the Ohio Turnpike and Baumhart Road, located at Milepost 136.0 in Lorain County, Ohio, which contract has been designated Contract No. 55-95-03, and is commonly referred to as the Baumhart Road interchange;

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

"WHEREAS, said bids have been reviewed and analyzed by the Commission's chief engineer, and our contracting engineers, and they have submitted reports concerning such analyses and their 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 E. S. Wagner Company of Oregon, Ohio, in the amount of \$8,072,445.50 for the performance

of Contract No. 55-95-03 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, 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 E. S. Wagner Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of E. S. Wagner Company of Oregon, Ohio, in the amount of \$8,072,445.50 for the performance of Contract No. 55-95-03, 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; and

"FURTHER RESOLVED that Project No. 55-95-03 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: Mrs. Leever, Mr. Williams, Mr. Wray, 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. 10-1995.

Mr. Johnson said the last matter also involved a resolution. He said that, as the Members knew, the Commission had been discussing the proposal to adopt a voluntary incentive retirement plan for Commission employees. He said that such a plan was permitted under the statutes of Ohio and the Public Employees Retirement System of which most of the Commission employees were members. He said a resolution was in the Members' folders to authorize that the Commission proceed with developing such a plan. He said the resolution was entitled a resolution proposing the adoption of the voluntary incentive retirement plan for employees of the Ohio Turnpike Commission. He said he would read the resolved as follows:

"RESOLVED that the Commission proposed to adopt the Voluntary Incentive Retirement Plan for Employees of the Ohio Turnpike Commission, in substantially the same form as in Exhibit "A", (the "Plan") attached hereto and incorporated herein by reference with such changes, modifications and alterations as may be recommended by the Executive Director and General Counsel. Said Plan is to be resubmitted to the Commission for final adoption before it is to become effective."

Mr. Johnson said further that, as indicated in one of the Whereases, many of the Commission's employees are covered by collective bargaining agreements which provide that the Commission must negotiate for changes in terms and conditions of their employment. He said the plan would have to be negotiated with those employees. He said that during the time after the resolution was adopted the staff would do the necessary negotiating to see if the plan could be developed.

Mr. Johnson said he recommended that the resolution be adopted.

A resolution proposing the adoption of the voluntary incentive retirement plan for employees of the Ohio Turnpike Commission was moved for adoption by Mr. Bergsmark, seconded by Mr. Wray as follows:

#### **RESOLUTION NO. 11-1995**

"WHEREAS, most employees of the Ohio Turnpike Commission are covered by the Public Employee Retirement System (PERS) of Ohio;

"WHEREAS, Section 145.297, Ohio Revised Code, permits Ohio public employers to establish an early retirement incentive plan for its employees;

"WHEREAS, the Commission wishes to establish an early retirement incentive plan pursuant to Section 145.297, Ohio Revised Code, for all eligible employees of the Commission;

"WHEREAS, the Commission has collective bargaining agreements with certain groups of its employees which provide for terms and conditions of employment and require negotiation with representatives on changes of terms and conditions;

"WHEREAS, the Commission desires to explore an early retirement incentive program in order to reduce the overall work force in a voluntary and cooperative manner, all in an effort to make operations more efficient and cost effective;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission proposes to adopt the Voluntary Incentive Retirement Plan for Employees of the Ohio Turnpike Commission, in substantially

the same form as in Exhibit "A", (the "Plan") attached hereto and incorporated herein by reference with such changes, modifications and alterations as may be recommended by the Executive Director and General Counsel. Said Plan is to be resubmitted to the Commission for final adoption before it is to become effective."



**The Voluntary Retirement Incentive Plan for  
Employees of the Ohio Turnpike Commission**

EXHIBIT "A"

Preamble

Section 145.297, Ohio Revised Code, authorizes Ohio public employers to establish a voluntary retirement incentive plan. This Plan has been established by the Ohio Turnpike Commission for all eligible employees, whereby the Ohio Turnpike Commission purchases additional service credit for their employees. The purchase of additional service credit enables eligible employees to retire early.

1. Plan Name. The name of the Plan shall be the Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission, hereinafter referred to as "the Plan."

2. Enabling Resolution and Governing Law. The Plan was approved by the Ohio Turnpike Commission and is based on the provisions of Section 145.297, O.R.C., and Ohio Administrative Rule 145-15-04.

3. Plan Period. The Plan shall begin on April \_\_\_\_, 1995, and terminate on April \_\_\_\_, 1996.

4. Terms.

(A) The Plan shall be the only retirement incentive plan in effect for eligible employees of the Ohio Turnpike Commission.

(B) Participation in the Plan shall be available to one hundred percent (100%) of the employees of the Ohio Turnpike Commission who meet the Eligibility Requirements as defined in Section 5 of the Plan and are members of the Public Employees Retirement System on April \_\_\_\_, 1995.

(C) Pursuant to the terms of the Plan, service credit for each participating

employee shall be purchased by the Ohio Turnpike Commission in an amount equal to the lesser of the following:

- 1) Three (3) years of service credit, or
- 2) An amount of service credit equal to 1/5 of the total service of record credited to a participating employee in the Public Employees Retirement System, exclusive of the service credit purchased under this Plan.

5. Eligibility Requirements. Any employee of the Ohio Turnpike Commission eligible to participate in the Plan, must meet the following criteria:

(A) The employee is or will be eligible to retire under Section 145.32, 145.34, 145.37, or 145.33(A), O.R.C., on or before the date of termination of the Plan. Service credit to be purchased for the employee under the Plan shall be included in making this determination for eligibility.

(B) The employee agrees to retire under Section 145.32, 145.34, 145.37, or 145.33(A), O.R.C., within 90 days after receiving notice from the Public Employees Retirement System that service credit has been purchased for the employee pursuant to the Plan.

6. Notice. The Plan shall be in effect for a period of one year and thereafter should

the Ohio Turnpike Commission opt to extend the Plan Period, after approval from the Public Employees Retirement System, all employees will receive written notice of the extension. Regardless of whether or not there is an extension of the Plan Period, all employees will receive 30 days advance notice of the termination of the Plan.

7. Grievance Procedures.

(A) Any employee who is covered by a collective bargaining agreement is required to utilize the grievance procedures outlined in their respective collective bargaining agreement to resolve any disputes that may arise under this Plan.

(B) Any employee who is not covered by a collective bargaining agreement is required to utilize the grievance procedures outlined in the employee manual to resolve any disputes that may arise under this Plan.

## V. FORMS

### A. EMPLOYER NOTICE OF ADOPTION OF A VOLUNTARY RETIREMENT INCENTIVE PLAN

#### FORM F-111a

PERS cannot approve a voluntary plan unless an employer has filed this form. An employer should consult with its own legal counsel in drafting a plan (see Model Plan, page 46). The Form F-111a is required if the plan is voluntary and adopted per Section 145.297, Ohio Revised Code. A copy of the plan must accompany the form. A plan must have both a beginning and termination date. This form may be used by both state and non-state employers.

#### 1. INSTRUCTIONS FOR COMPLETING FORM F-111a

- a. "EMPLOYING UNIT" - Employer's name which is a unit described in Section 145.297(A), Ohio Revised Code.
- b. "MONTH, DAY, YEAR" - State effective and termination dates of the plan. The plan must be in effect for a minimum of one year.
- c. State the maximum year(s) the employing unit will purchase per eligible employee.
- d. Check the appropriate box if the plan is being established due to a termination of operations.
- e. Is the employing unit fully supported by direct state or local tax levies or settlements? Does the employing unit have a tax base? If not, the amount of tax revenue per year must be given.
- f. SIGNATURE LINES -

The first required signature would be the following:

- \* State Departments - The director or administrator of the employing unit.
- \* County Units - The president of the county commissioners.
- \* City Units - The president of city council.
- \* Township Units - The chairman of the board of trustees.
- \* Village Units - The president of village council.

The second required signature would be the following:

- \* State Departments - The authorized fiscal officer.
- \* County Units - The county auditor.
- \* City Units - The city auditor.
- \* Township Units - The township clerk.
- \* Village Units - The village clerk.

The third required signature is necessary only if a specific department within an employing unit is designated as a subordinate employing unit. The third required signature would be the director, administrator or superintendent of the department which was designated as the subordinate employing unit.

NOTE: This form may be duplicated.

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
277 East Town Street, Columbus, Ohio 43215-4642

EMPLOYER NOTICE OF ADOPTION OF A  
VOLUNTARY RETIREMENT INCENTIVE PLAN

This is to certify that \_\_\_\_\_ has established  
a voluntary retirement incentive plan in compliance with Section  
145.297, Ohio Revised Code. A copy of the plan is attached.

The effective date of the plan is \_\_\_\_\_, it  
terminates on \_\_\_\_\_, and the maximum years of service  
credit purchasable is \_\_\_\_\_ year(s) per eligible employee.

The plan is being established due to a termination of  
operations. CHECK ONE: YES \_\_\_\_\_ NO \_\_\_\_\_

Are you fully supported by direct state or local tax levies  
or settlements: \_\_\_\_\_ YES \_\_\_\_\_ NO IF NO, GIVE AMOUNT OF  
TAX REVENUE PER YEAR \_\_\_\_\_

COMPLETE THESE SIGNATURES: COMPLETE THIS SIGNATURE IF NECESSARY:

1. \_\_\_\_\_  
Employing Unit/Employer Code  
\_\_\_\_\_  
Officer/Title (SIGNATURE)  
\_\_\_\_\_  
Officer/Title (PLEASE PRINT)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Date

2. \_\_\_\_\_  
Fiscal Officer Reporting to  
PERS/Title (SIGNATURE)  
\_\_\_\_\_  
Fiscal Officer Reporting to  
PERS/Title (PLEASE PRINT)  
\_\_\_\_\_  
Date

3. \_\_\_\_\_  
Subordinate Employing Unit/  
Employer Code.  
\_\_\_\_\_  
Officer/Title (SIGNATURE)  
\_\_\_\_\_  
Officer/Title (PLEASE PRINT)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Date

NOTE: DO NOT USE THIS FORM IF  
THE RETIREMENT INCENTIVE PLAN  
IS REQUIRED BY SECTION 145.298  
OHIO REVISED CODE. USE FORM  
F-111b.



Dear Employee:

Effective April \_\_\_\_\_, 1995 the Ohio Turnpike Commission (the "Commission") has established the Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission. In general, this plan allows the Commission to purchase additional years of service credit for their employees which will enable some employees to retire early.

The Questions and Answers below are designed to explain the major provisions of the plan.

Q1: How long does the Voluntary Retirement Incentive Plan last?

A: One (1) year. The plan begins on April \_\_\_\_, 1995 and terminates on April \_\_\_\_\_, 1995.

Q2: Who is eligible to participate in this plan?

A: All employees of the Ohio Turnpike Commission who are members of PERS on April \_\_\_\_\_, 1995 and not excluded by statute.

Additional Eligibility Requirements:

1. To participate in the Plan you are or will be eligible to retire under PERS on or before the date the plan terminates.
2. You agree to retire within 90 days of receipt of notice from PERS of the purchase of the additional service credit.

Q3: How many additional years will the Commission purchase for me?

A: The lesser of: (1) three years of service credit, or (2) an amount of service credit equal to 1/5 of your total service credit with a PERS employer not including any service provided by this plan.

Example: An employee with 10 years of service would receive 1/5 of his total service credit or an additional 2 years so he would retire within a total of 12 years of service credit.

Q4: How do I elect to participate in the early retirement incentive plan?

A: Pick up an Application for Retirement (Form SR-1) from the Director of Administrative Services, and return it upon completion. After filing Form SR-1, you will be required to sign an Employee and Employer Agreement and submit an approved document that certifies your date of birth.

Q5: How will I know that the additional service I am owed under the Voluntary Retirement Incentive Plan has been granted by PERS?

A: You will receive notice from PERS.

Q6: What if I die before the effective date of my benefit?

A: Your participation in the Voluntary Retirement Incentive Plan terminates and your beneficiaries are not eligible for any benefits under this plan.

This letter is a summary description of the plan document and the relevant statutes and is not intended to replace it. In the event that any items have not been covered or there are conflicts between this summary or from plan representatives, the written terms of the official plan document and the governing statutes will always control.

If you have any questions, or if you would like to review or receive a copy of the plan document, contact the Director of Administrative Services at 234-2081, Ext. 250.

AUTHORIZATION TO RELEASE INFORMATION

I, \_\_\_\_\_, hereby authorize the release of the necessary account  
Employee

information by the Public Employees Retirement System to the Ohio Turnpike Commission in connection with the Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission. This authorization shall expire twelve (12) months from the date of signature.

I am also a member of:

State Teachers Retirement System

School Employees Retirement System

A copy of this completed form is sufficient to act as an original.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Date

**VOLUNTARY RETIREMENT INCENTIVE PLAN  
FOR EMPLOYEES OF THE OHIO TURNPIKE COMMISSION**

**EMPLOYEE AND EMPLOYER'S AGREEMENT**

The undersigned agree that \_\_\_\_\_ is eligible to retire under the  
EMPLOYEE'S NAME

Public Employees Retirement System on an age and service retirement benefit, or will qualify to retire with the purchase of service credit under the Voluntary Retirement Incentive Plan for Employees of the Ohio Turnpike Commission authorized under Section 145.297, Ohio Revised Code and Ohio Administrative Code 145-15-04.

Further, it is agreed that the Ohio Turnpike Commission will make payment, either in one payment or by a first installment payment on \_\_\_\_\_ (this date must be  
MONTH, DAY, YEAR

no later than the last day of the month before the employee's effective benefit date or the termination date of the plan whichever is earlier). The employee's effective benefit date is \_\_\_\_\_ (this date must be the first day of a month and the employee  
MONTH, DAY, YEAR

cannot receive compensation for service on or after this date).

The employee agrees to retire no later than 90 days after receiving notice from the Voluntary Employees Retirement System PERS that the service credit being purchased by the Ohio Turnpike Commission has been granted. If the employee's effective benefit date is not within the 90 day period, the service credit will be forfeited and the retirement system will refund the amount paid for the service credit to the Ohio Turnpike Commission.

The employee understands that if he/she dies prior to his/her effective benefit date, then this Agreement is cancelled and no benefits under this Plan will be paid to the employee's beneficiaries. The employee authorizes release of necessary account information by the Public Employees Retirement System to the Ohio Turnpike Commission in connection with the Voluntary Retirement Incentive Plan For the Employees of Ohio Turnpike Commission.

The Ohio Turnpike Commission requests certification of the total cost of purchasing service credit for the above-named employee under its Voluntary Retirement Incentive Plan which provides for the purchase of a maximum of 3 years. By signing this Agreement, the Ohio Turnpike Commission accepts liability for the service credit to be purchased.

The employee is also a member of: [mark applicable box(es)]

- State Teachers Retirement System
- School Employees Retirement System

\_\_\_\_\_  
Fiscal Officers Signature/Title

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Countersignature (if necessary)

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Ohio Turnpike Commission  
Employing Unit

\_\_\_\_\_  
Address

\_\_\_\_\_  
Employer Code

\_\_\_\_\_

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, 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. 11-1995.

Mr. Johnson said that, although the next Commission meeting would be set for Monday, April 10th, there was a conflict in May with a conference that several of the staff would be attending in Washington, D.C.

The Chairman said he suggested the meeting be held later in April and that the May meeting be skipped. He said there also would be some problems with Easter vacations. He said that if the meeting could be held on April 24th everyone would be back in school by then. He said that at the April meeting a date for a June meeting could be scheduled.

There being no further business to come before the Commission, a motion was made by Mr. Bergsmark, seconded by Mrs. Leever that the meeting adjourn until the next meeting on April 24.

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. Wray, Mr. Williams,  
Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:18 a.m.

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



Allan V. Johnson  
Assistant Secretary-Treasurer