

MINUTES OF THE 417th MEETING OF THE OHIO TURNPIKE COMMISSION

January 22, 1996

Pursuant to the bylaws, the Ohio Turnpike met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:07 a.m., on January 22, 1996, with Members of the staff: Allan V. Johnson, Executive Director; Gino Zomparelli, General Counsel; G. Alan Plain, Deputy Executive Director; Craig Rudolphy, Comptroller; Stephen G. Lorton, Director of Public Affairs; David H. Ransbury, Chief Engineer; Robert P. Barnett, Director of Information and Research; Alice Linn, Director of Patron Services; James H. Brennan, Development Coordinator; and others in attendance.

Present: M. Ben Gaeth, John Platt, Earl W. Williams, Marilyn R. Baker, Ruth Ann Leever, Umberto P. Fedeli

Absent: Jerry Wray, Richard A. Hodges

A motion was made by Mr. Williams, seconded by Mrs. Leever that the minutes of the meeting of December 20, 1995 and December 26, 1995, which had been examined by the Members, be approved without reading.

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

Ayes: Mr. Williams, Mrs. Leever, Mr. Platt, Mrs. Baker, Mr. Fedeli

Nays: None

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

The Chairman said Representative Richard A. Hodges and Jerry Wray could not be at that day's meeting. He said John Platt, Assistant Director of the Ohio Department of Transportation, was at the meeting in place of Mr. Wray and he had been authorized to represent and vote in his place.

The Chairman said that there were a number of guests at the meeting and he would ask them to identify themselves as follows: Barbara Lesko, the Executive Director's secretary; Sharon Isaac, Assistant General Counsel; Tracy Atkins, Atkins Professional Advantage; Connie Atkins, Atkins Professional Advantage; Josh Briggs, Huntington Capital Corp.; Mark Tylicki, taxpayer; Tom King, Ohio Trucking Association; Stratford Shields, Prudential Securities; Bob Doherty, Merrill Lynch; Sherry Nelson, Toll Collector at Westgate; Steve Wood, Paine Webber; Carol Mueller, Paine Webber; Eleonore Spencer, Legal Department; Don DePaulo, Traffic and Field Engineer; John Lee, Everen Securities;

Herb Gill, Gladieux Enterprises; Mike Kurey, Advance Restaurant Concepts; Joe Rice, Rice Consultants; Fred McFall, Host Marriott; David Patch, The (Toledo) Blade; Tom Sheeran, the Associated Press; Wendy Franklin, Lehman Brothers; Laura Fitzgerald, Administrative Services; Dawn Woodard, Society National Bank; Kathleen Collins, Society National Bank; Ken Zapinski, The (Cleveland) Plain Dealer; John Mitchell, Manager of Data Processing; Gary Joseph, ODOT; Cleve Brooks, SBK Brooks; Heidi Jedel, Information and Research; Mike Phillips, Engineering Department; Ed Presley, Society Bank; Matt Cox, Key Corp.; Dan Castrigano, Maintenance Engineer; Rob Fleischman, Greiner Engineering; Mike Schipper, OCDC; Keith Rosbury, HNTB; Kerry Ferrier, Engineering Department; Joe Disantis, Right of Way Coordinator; Anthony Palombo, Staff Counsel; Bob Arlow, Construction Coordinator; Gordon Reis, Seasongood and Mayer; Diane Pring, Legal Department; Leah Fox, ODOT; J. D. Lavelle, Key Corp and Frank Lamb, Huntington.

The Chairman said the meeting was the 417th of the Ohio Turnpike Commission and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The Chairman said there were various reports that 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 were also 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, Mrs. Baker, would be received.

Mrs. Baker said that the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission, December 20, 1995:

1. Weekly Traffic Statistics.
2. Drafts of the Commission Meeting Minutes of December 20, 1995, and Special Commission Meeting of December 26, 1995.
3. Investment Transactions December 1995.
4. Financial Statement December 1995.
5. Traffic Accident Summary Report December 1995.
6. Traffic and Revenue Report December 1995 and Summary for 1995.
7. Budget and Expense Report Twelve Months -- 1995.
8. OCDC Report January 1996.
9. Litigation Report for period ending December 31, 1995.
10. News Release #17 -- Chairman's Year-end Statement
#18 -- Free Coffee for New Year's Eve
#19 -- Delay in 9A Opening
#20 -- 15% Toll Increase

The Chairman said the report of the Secretary-Treasurer was accepted as offered. He said the report on Budget and Finance would be received.

Mrs. Baker said that at that time she would like Mr. Rudolphy to add to her report on Budget and Finance. She said he had a report on the Commission's budget for 1995.

Mr. Rudolphy said that, for the year 1995, the Commission's revenues were \$123,153,883, which was an 8.5 percent increase over the projected budget. He said the budget had been changed to reflect the increase in tolls so that it was an actual 8.5 percent increase.

Mr. Rudolphy said further that the Commission's operating expenditures for the year were about \$510,000 under budget, which was approximately 0.7 percent. He said that indicated the good estimating job that the staff had done.

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

Mr. Rudolphy said the Commission's outside auditors, Coopers and Lybrand, had arrived at the administration building that day to begin the final portion of the audit for 1995. He said they should be at the building for two to three weeks during which time the audit would be completed. He said copies would be distributed with the Commission's annual report, which was to be done on April 1st.

The Chairman said the report on Audit/Legal was accepted as offered. He ascertained there would be no report on Service Plazas. He said the report on Employee Relations would be received.

Mr. Disantis said that, as was reported at the last meeting, a hearing was held by the fact-finder concerning the current negotiations with the union representing the Commission's non-supervisory field, toll and maintenance personnel.

Mr. Disantis said further that there was a recommendation made and it was received last week. He said the Commission had until the next day to act on that recommendation. He said he would recommend that the Commission hold an executive session to discuss that recommendation prior to action of the Commission, if the Commission saw fit to do that.

The Chairman said the report on Employee Relations was accepted as offered. He said that at the last meeting he spoke of the Commission's accomplishments for 1995. He said that since the meeting was the first of the year he wanted to talk a little about the Commission's goals for 1996.

The Chairman said further that, some of the goals were consistent with what had been said in the past. He said that first the Commission was committed to assuring its customers the highest level of safety. He said that was the Commission's Number One priority.

The Chairman said further that, second, the Commission wanted the Turnpike to be accessible to Ohioans and for the users of the Turnpike to have access to Ohio's tourist attractions and to the businesses that added jobs to the state.

The Chairman said that, third, the Commission would continue to take steps necessary to promote economic development. He said those were the goals that were driving the major projects of 1996.

The Chairman said further that construction would begin in the spring on a third lane in each direction between Toledo and Youngstown. He said the project would be completed in four years and would permit the Turnpike to safely handle the steadily increasing traffic. He said traffic volume was up again in 1995 by about 4 percent, to more than 42 million vehicles.

The Chairman said further that two more interchanges would be opened in 1996. He said it was a continuation of the program that was started in 1991 when Mr. Brennan was Chairman. He said that when the interchange program was completed in 1998 there would be 33 interchanges, nearly double the number that existed only five years ago. He said the new interchanges had dramatically increased accessibility and had been a catalyst for economic development.

The Chairman said further that the Commission would continue its program of renovating the older interchanges to better enable them to handle the traffic for the 21st century. He said that all 16 service plaza restaurants would be upgraded to make them more appealing, both in terms of appearance and comfort and the choices they provided to our customers.

The Chairman said further that, just as the Commission was modernizing its physical facilities, it would be updating its management structure and practices in its efforts to continually improve its efficiency and effectiveness. He said that, in addition, the Commission would improve its communications with employees, with customers and with the political leadership of local and state government and with the public. He said the Commission had a great story to tell and it was critical that it be told effectively.

The Chairman said further that, finally, he would like to say a few words about several key associates who were attending their last Commission meeting. He said Lou Disantis had been with the Commission for 18 years and was retiring as Director of Administrative Services. He said Mr. Disantis had been instrumental in the Commission's Employee Relations program and had helped the Commission reduce many costs. He said he had administered all of the Commission's purchasing and contracts. He said he had brought a high level of professional service in all areas of his responsibilities. He said Mr. Disantis was going to be a very difficult man to replace since he had so many talents. He said Mr. Disantis was an attorney and a very, very nice person. He said he wished Mr. Disantis the best of luck in his retirement.

Mr. Disantis said he thanked the Chairman for his comments. He said he thanked the staff and the Commission for all the help they had given him. He said he appreciated it.

The Chairman asked Mr. Brennan, the Commission's former Chairman, if that day's Commission meeting was his last.

Mr. Brennan said it was his last Commission meeting.

The Chairman said Mr. Brennan had presided over the opening of new interchanges at 3A and the new Westgate. He said that for the past three years Mr. Brennan had been the Commission's Development Coordinator with the monumental task of working with local communities in conjunction with the I-73/I-74 Corridor Study and the interchange program. He said Mr. Brennan brought considerable experience and skill to his very difficult tasks and they spoke of his ability.

The Chairman said further that he first met Mr. Brennan when they were appointed to the Commission. He said he didn't know Mr. Brennan and he had thoroughly enjoyed working with him. He said you never had to guess where you stood with him because he said it like it was. He said Mr. Brennan was a great guy and he wished him good luck in his retirement or future endeavors.

The Chairman said further that Alice Linn was Director of Patron Services and had been with the Commission for 22 years. He said she had done a good job in overseeing compliance with the Commission's concession contracts and with maintaining its disabled vehicle service and provision of ambulance and fire service. He said Mrs. Linn was going to be retiring. He said he thanked her.

The Chairman said further that Ralph Rizzo, who was not at the meeting, also was retiring. He said Mr. Rizzo was a former Captain in the Ohio State Highway Patrol. He said Mr. Rizzo was the Commission's Safety Supervisor and the very high safety rating was testimony to his ability. He said Mr. Rizzo also acted as the Commission's minister or priest or religious spokesman occasionally. He said he wished Mr. Rizzo good luck as well.

The Chairman said that, on behalf of the other Commissioners, he wanted to thank them all for their distinguished services and good luck to all their families and future retirement plans.

The Chairman said the report from Mr. Platt for ODOT would be received.

Mr. Platt said that he knew some of the Members had been involved in ODOT's Project Selection Advisory Committee process and he wanted to let them know that, hopefully, the final meeting on that would be February 16th. He said the final rating

system for all of ODOT's projects throughout the state would be available after that meeting.

Mr. Platt said further that it had been a very interesting process and one that was long overdue. He said it gave priority to ODOT's various projects and it was coming to a conclusion.

The Chairman said Mr. Platt's report was accepted as offered. He said he would ask for Mr. Platt's comments during one of the resolutions. He said the report of the Development Coordinator would be received.

Mr. Brennan said that, starting at the west, the staff continued to work with the Corp of Engineers on the interchange with State Route 66, County Road 24, Interchange 2A, Fulton County, Archbold. He said the staff had a lot of things that had to be done with the Corps of Engineers which probably meant that the project would not be finished until 1997. He said the staff had hoped to get it done in 1996, but it looked more like 1997.

Mr. Brennan said further that the construction contract was expected to be awarded next month for the interchange with State Route 109 in Fulton County at Delta. He said work would begin in early spring and should be completed by the end of 1996.

Mr. Brennan said further that a contract had been awarded to demolish the abandoned railroad bridge over State Route 58 where an interchange would be built. He said plans would be modified to incorporate the third lane into the design for the interchange. He said the project was moving forward.

Mr. Brennan said further that the Federal Highway Administration approved the justification study for an interchange at Interstate 77 in Cuyahoga and Summit Counties. He said the approval came in a letter to Jerry Wray, Director of the Ohio Department of Transportation, dated January 2nd. He said the staff was preparing an RFP for design scope and that phase would take approximately one year.

Mr. Brennan said further that final engineering plans were due on February 18th to reconnect Mahoning County Road 18 to interchange 15. He said a notice would be issued for bids on construction in March. He said construction could start in April.

Mr. Brennan said further that the access point study continued for the proposed interchange at State Route 11 in Mahoning County. He said the Commission needed to develop its strategy for the public meeting in that instance.

Mr. Brennan said further that he would give a status report on the remaining tasks assigned to ODCD for the Great Lakes/Mid-Atlantic Corridor, I-73/I-74 as follows:

Task 5 - Communication Plan Assistance Expanded was 90 percent complete.

Task 9 - Defining and Adherence to Federal and State Environmental Processing Requirements was 80 percent complete.

Task 11 - Major Investment Study regarding the Delaware Bypass was 70 percent complete.

Mr. Brennan said further that the Commission's financial commitment as of December 31 increased by approximately \$50,000 to a total of approximately \$5,325,000.

Mr. Brennan said further that OCDC had moved from their Strongsville office to the HNTB office in downtown Cleveland. He said Gillette Cobb had been transferred to Dallas, Texas. He said Dan Becker would divide his efforts with OCDC and a new assignment in Dallas.

Mr. Brennan said further that Mike Schipper, who was at the meeting, was currently in charge of finishing up the Delaware Bypass Study.

Mr. Brennan said further that the environmental study continued for the Maumee River Crossing at Toledo. He said he believed the Maumee River Task Force realized that funding for that project by the Ohio Turnpike Commission was remote. He said he thought ODOT was discussing that somewhat further with them.

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

Mr. Arlow said there were presently four projects that were under way. He said one was the construction of the new interchange 5A in the Toledo area.

Mr. Arlow said further that there were three toll plaza renovations being done at that time. He said they were at Exits 9A, 14 and 15. He said he was happy to say that Exit 9A was partially completed and opened to traffic that Wednesday, which would be January 24th. He said the islands had been extended and the new automated equipment had been installed. He said there would be some additional work in the spring, but it would not interfere with the operation of Exit 9A. He said the other two toll plazas would be completed in 1996.

The Chairman ascertained there would be no reports from General Counsel, Mr. Lamb and Captain Ash. He said the report of the Executive Director would be received.

Mr. Johnson said that his report would consist mainly of introducing and explaining three of the resolutions that were before the Commission that day.

Mr. Johnson said further that the first was a Resolution Awarding Contract No. 59-96-01. He said it was a contract for mainline repairs and resurfacing between mileposts 14.8 through 27.7 in Williams and Fulton Counties. He said there were three bids

received on the contract. He said the low bid was submitted by the S. E. Johnson Company of Maumee, Ohio. He said he would read the Resolved as follows:

"RESOLVED that the bid of the S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$6,098,577.90 , using crushed slag, for the performance of Contract No. 59-96-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 59-96-01 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. 59-96-01 was moved for adoption by Mrs. Leever, seconded by Mrs. Baker as follows:

RESOLUTION NO. 1-1996

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for mainline repairs and resurfacing of original construction sections C-55, C-56, C-57, C-58 and C-59 between Milepost 14.8 to Milepost 27.5, including guardrail improvements, in Williams and Fulton Counties, Ohio;

"WHEREAS, the Commission has received bids from three 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 the S. E. Johnson Companies of Maumee, Ohio, in the amount of \$6,098,577.90, using crushed slag, for

the performance of Contract No. 59-96-01 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07, Section 9.312 and Section 153.54, all of the Revised Code of Ohio, and that a performance bond with good and sufficient surety has been submitted by the S. E. Johnson Companies, Inc.

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of the S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$6,098,577.90, using crushed slag, for the performance of Contract No. 59-96-01, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 59-96-01 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Leever, Mrs. Baker, Mr. Platt, Mr. Williams, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 1-1996.

Mr. Johnson said the second resolution was a Resolution Awarding Contract No. 59-96-02. He said it was a contract for mainline repairs and resurfacing between mileposts 55.5 through 62.5 in Lucas County, including resurfacing of Interchange No. 4 which also was within the confines of that project. He said there were four bids on that project. He said he would read the Resolved as follows:

"RESOLVED that the bid of Gerken Paving, Inc. of Napoleon, Ohio, in the amount of \$4,016,600.45, using crushed slag, for the performance of Contract No. 59-96-02, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with

said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 59-96-02 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

A resolution awarding contract No. 59-96-02 was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

RESOLUTION NO. 2-1996

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for mainline repairs and resurfacing of original construction sections C-47 and C-48 between Milepost 55.5 to Milepost 62.5, including guardrail improvements, and Interchange No. 4 at Milepost 59.6 in Lucas 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 Gerken Paving, Inc. of Napoleon, Ohio in the amount of \$4,016,600.45, using crushed slag, for the performance of Contract No. 59-96-02 has been determined by the Commission to be the lowest responsive and responsible bid received;

"WHEREAS, the Commission has been advised by its general counsel that said bid conforms to the requirements of Section 5537.07, 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 Gerken Paving, Inc.;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Gerken Paving, Inc. of Napoleon, Ohio, in the amount of \$4,016,600.45, using crushed slag, for the performance of Contract No. 59-96-02, is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the chairman and executive director, or either of them, hereby is authorized (1) to execute a contract with said successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid bid; (2) to direct the return to the other bidders of their bid security, when appropriate, and (3) to take any and all action necessary or proper to carry out the terms of said bid and of said contract; and

"FURTHER RESOLVED that Project No. 59-96-02 is designated a System Project under the Commission's 1994 Master Trust Agreement."

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Platt, Mrs. Leever, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 2-1996

Mr. Johnson said the final item was a Resolution Authorizing the Executive Director to Take Immediate Action Concerning the Commission's Agreement with the Ohio Corridor Development Consortium (OCDC). He said that, as has been reported already, the consortium was conducting the studies on behalf of the Commission on the Great Lakes/Mid-Atlantic Corridor Project.

Mr. Johnson said the final item being studied on that corridor was a Major Investment Study for the Delaware Bypass. He said that the study was scoped in such a manner so that it would finish with a designation of five different alternatives in that corridor area. He said that in discussions with ODOT officials the staff had determined that it would be appropriate to conclude the Commission's role in the study by narrowing those five alternatives down to a single alternative so that the project wasn't left dangling as it was concluded.

Mr. Johnson said further that it could be done by changing the scope and authorizing OCDC to come up with a single alternative. He said the study was originally scheduled to be concluded in a month or so with the five alternatives. He said that, by authorizing that the additional step be taken, the study would be concluded in March or April. He said Mr. Rosbury and Mr. Schipper were at the meeting and could answer any further questions.

The Chairman said he had a letter that was sent to him by Jerry Wray. He said copies of the letter were in the Members' folders. He said he would read the letter and ask Mr. Platt for his comments. He said it was a letter to him dated January 11 and sent to the administration building. He said he would read it as follows:

"Dear Umberto:

"This is to express my appreciation to you for your leadership on the Ohio Turnpike Commission regarding the study of the Interstate 73/74 Great Lakes/Mid-Atlantic Regional Corridor authorized in the Intermodal Surface Transportation Act of 1991.

"Given the current backlog of major new capacity highway projects awaiting funding in ODOT's development pipeline, your willingness, along with my other colleagues on the Commission, to take on this study has been most welcome.

"Now that the feasibility study has been completed by the Ohio Corridor Development Consortium, we should complete the work already done by proceeding with the Preferred Alignment Analysis for the section including the Delaware Bypass.

"As you know, the Delaware Bypass has been identified as a Number One priority for the entire corridor in Ohio. I would appreciate it if the Commission would consider this subject in the next meeting. The explosive growth and development along U.S. 23 Corridor between the City of Delaware and Interstate 270 in north Franklin County makes the eventual need for a Delaware Bypass a certainty sometime in the near future - sometime in the future.

"Thank you for your consideration of this matter.

"Respectfully, Jerry Wray, Director of the Department of Transportation."

The Chairman said that Mr. Platt had some things to say about the matter.

Mr. Platt said that he just wanted to point out, as Jerry Wray had said in his letter, the U.S. 23 corridor was a major choke point of congestion between Delaware and Columbus. He said it ranked as one of the five highest congested areas in the state. He said the traffic count had greatly increased in that area.

Mr. Platt said further that having a preferred alignment ODOT estimated it would save up to \$700,000. He said that as more and more time passes the Federal requirements required duplication of work already completed. He said the longer the final alignment was delayed the more likely that the cost would increase from the \$700,000 estimate that ODOT had at that time.

Mr. Platt said that, for example, public hearings would have to be held if selection was not made in three years.

Mr. Platt said another reason for having a preferred alignment was the mere fact that there's five alignments and the corridors were very wide. He said the situation had caused a lot of concern for property owners. He said it was unnecessary concern because there was going to be one preferred alignment. He said that by delaying a decision on the preferred alignment the disruption continued on and on and people's lives were not set. He said they didn't know what was going to happen in the future.

Mr. Platt said further that ODOT thought that a final conclusion should be made on a preferred alignment that would cause the least disruption to all the persons who might be affected.

Mr. Platt said that for that reason he certainly urged passage of the resolution.

Mrs. Baker asked that if the Commission approved the resolution what would be the cost of finishing the study.

Mr. Johnson said it would add approximately \$250,000 to the over \$5.5 million that the Commission already expended. He said he thought it was a reasonable amount to bring the study to a final conclusion.

Mr. Johnson said further that, as Mr. Platt explained, if a preferred alignment was not selected then ODOT would have to pick it up some time later. He said the estimate was probably at least a million dollars to get to the same point a few years from now.

Mr. Johnson said further that Mr. Rosbury and Mr. Schipper had conducted the public hearings for OCDC in the Delaware area. He said he thought they could assure the Commission that what Mr. Platt had said regarding the fact that not selecting a preferred alignment had caused a great deal of concern in that area.

Mr. Johnson said that, in fact, there would be another public meeting to be held the next day. He said that being able to inform those attending that meeting that a preferred alignment would be sought would help a great deal in that area. He said it would ease the concern of the public and public officials in the area.

Mr. Johnson said further that it did not in any way commit the Commission to anything further than just completing the study. He said it would be the wrap-up of the Commission's involvement.

Mrs. Baker said that before the Commission voted on the resolution she thought the Members should think very carefully. She said the Commission already committed and spent \$5.5 million. She said the Commission was now being asked to spend another \$250,000. She said she understood the argument being made by Mr. Johnson and Mr. Platt. She said it probably should save ODOT some money down the road.

Mrs. Baker said further that she did not think the Commission had the funds to complete the study. She said that, on top of that, there was legislation pending that would prohibit the Commission from doing anything off the Turnpike mainline.

The Chairman said the legislation was proposed and the Commission was acting within the law as currently written.

The Chairman said that one of the things that the Commission had been criticized for was that it had gone over and beyond the responsibilities of a typical Turnpike. He said the Commission had worked very closely with the Governor's office and very closely with ODOT to better the transportation system in Ohio.

The Chairman said further that about five percent remained to be done to complete the project so that ODOT knew what was the best place to put the corridor.

The Chairman said further that in the information packet the Members received each month there were at least ten or twenty articles from smaller newspapers describing how people were very upset because they thought the road would be going through their backyards.

The Chairman said further that he thought the Commission owed it to those people to let them know where the preferred alignment would be located so that the people who didn't need to be worried or concerned wouldn't be. He said he was in favor of finishing the study.

Mrs. Baker asked if ODOT was willing to pay for the final phase of the study.

Mr. Platt said that ODOT would essentially have to start over in the consulting process in order to utilize Federal funds. He said ODOT had to begin anew and receive proposals and qualifications. He said that just the mere fact of trying to utilize ODOT's funding source it would probably take a year to a year and a half to get the consultants back on board. He said that in itself would be a delay.

He said further that if the Commission could complete the study then ODOT would be involved in the final solution of construction. He said ODOT was prepared to include the Delaware bypass as a project in the future.

Mr. Platt said further that once the preferred alignment was set ODOT could do the environmental process and carry that forward to eventual construction. He said that to stop at that time and try to start up again using ODOT's funding source would probably add a year to eighteen months to the process.

Mr. Platt said further there also was the looming reauthorization of the Intermodal Surface Transportation Efficiency Act, which would happen sometime in 1997. He said that ODOT knew from the last time that ISTEA was passed in 1991 that a whole series of

additional studies were required. He said that an example was the Major Investment Study that was a new requirement.

Mr. Platt said further that ODOT didn't know what might happen over that eighteen-month period of time. He said it would be nice to get the study completed. He said ODOT certainly appreciated all the fine work that had been done by ODCD and with the Commission providing the support. He said it had been a good partnership between ODOT and the Commission and ODOT intended to go forward with the recommendations. He said that with that he would like to move for approval of the resolution.

Senator Gaeth asked if the preferred alignment would be for the whole road or just around Delaware.

Mr. Brennan said it would be for just the Delaware bypass.

Senator Gaeth asked if there was any credibility to future development of the designated route if there was no anticipation of how to finance it.

Mr. Platt said that ODOT recognized that the U.S. 23 corridor between Delaware and Columbus had been a large problem. He said it was a very high accident area and rated very high for a solution. He said that under ODOT's Project Rating System that would be finalized in February the project would be one that they would want to consider doing as quickly as possible. He said that Federal funds would have to be utilized and maybe even some innovative or more creative financing could be used because of the development opportunities that would exist along the route. He said it was one ODOT intended to go forward with very quickly.

Senator Gaeth asked when would the final alignment be done in terms of the study.

Mr. Schipper said that the study of the MIS could be completed in April of 1996. He said it would then be up to whoever carried the study forward to advance the next environmental phases. He said April of this year was an excellent time to move into ODOT's Stage Two procedure. He said that the presumption was that it would be acted on in a separate motion by others.

Mr. Johnson said that it was his understanding that a project did not get into ODOT's rating system until it was narrowed down to a single alignment.

Mr. Platt said that Mr. Johnson was correct. He said that ODOT didn't put a project in its rating system until it had a Project Identification Number or a PID number as it was known. He said the project had to have a preferred alignment set before a PID number was assigned to it. He said that at that point ODOT began to program the next part which was called the preliminary engineering. He said that the next step after that would be to go to design.

Mr. Platt said further that included in the preliminary engineering would be a financial analysis. He said that, in other words, it would show how ODOT was going to fund the whole project.

Mr. Johnson said that there again the important part was to get down to that single alignment so that it could be put in the priority rating system.

Mrs. Leever said that the Commission talked about being partners with ODOT and being part of the state's transportation system so it would be very foolish at that point not to complete the study.

The Chairman said that the Commission referred to ODOT as being its big brother. He said that at any time the little brother could help the big brother the Commission was happy to help.

Mr. Platt said he thanked the Commission very much.

Mrs. Baker said she still had some problems with all the money that had already been spent. She said that the money had been spent and hopefully the corridor would be used someday.

A resolution Authorizing the Executive Director to Take Action Concerning the Commission's Agreement with the Ohio Corridor Development Consortium (OCDC) was moved for adoption by Mr. Platt, seconded by Mrs. Leever as follows:

RESOLUTION NO. 3-1996

"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. 1-9, through various resolutions presented to the Commission, were approved and ratified;

"WHEREAS Task Order No. 11 was ratified and approved by Commission Resolution No. 24-1995 adopted July 17, 1995, which resolution authorized and directed the executive director to take any and all action necessary or proper to implement the execution of the above-mentioned orders;

"WHEREAS, the Ohio Department of Transportation has advised the Commission that it is beneficial to contract for additional work related to the Major Investment Study where the scope would be expanded to obtain a preferred alignment analysis for the section including the Delaware, Ohio Bypass;

"WHEREAS, the Delaware Bypass has been identified as the number one priority for the entire I-73/I-74, Great Lakes Mid-Atlantic Corridor in Ohio;

"WHEREAS, the executive director and the Commission's staff have discussed modifying the Major Investment Study with OCDC and recommends that the Major Investment Study be modified so that the Commission may contract for additional work necessary to obtain from OCDC a preferred alignment analysis for the section of the I-73/I-74 Corridor which would comprise the Delaware Bypass;

"WHEREAS, since there shall be an increase in the total authorization of the Major Investment Study, it is the recommendation of the Commission's members that the executive director be authorized and directed to take all necessary action to contract with and/or extend the Commission's agreement with the Ohio Corridor Development Consortium (OCDC) to expand the scope of the Major Investment Study to include a preferred alignment analysis for the Delaware Bypass;

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby authorizes and directs the executive director to proceed with the modification of the Major Investment Study for the I-73/I-74 Corridor and authorizes and directs the executive director to take all necessary action to contract with and/or extend the Commission's agreement with the Ohio Corridor Development Consortium (OCDC) to expand the scope of the Major Investment Study to include a preferred alignment analysis for the Delaware Bypass."

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

Ayes: Mr. Platt, Mrs. Leever, Mr. Williams, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 3-1996.

The Chairman said the report of the Executive Director was accepted as offered.

The Chairman said he would like to read a few paragraphs of a letter from the Governor which was addressed to him at his office. He said he would read it as follows:

"As we begin the new year, I would like to thank you for your leadership with the Ohio Turnpike Commission. I'm proud of all that you and the other Commission Members have been able to accomplish. In addition to the work that you do to maintain the physical

aspects of the Turnpike, you've also been instrumental in assisting many businesses in Ohio. General Motors at Lordstown and Delta just to name a few.

"You've grown from being an institution for transportation to a tool for economic development."

The Chairman said the last paragraph said:

"I hope you'll share my letter with the other Members of the Commission. I appreciate the hard work and sacrifice you have all made while serving your fellow citizens.

"All my best for a happy, healthy New Year."

Governor George V. Voinovich."

The Chairman said he wanted to get the letter into the record.

The Chairman said that several months back when Allan Johnson had announced that he would be retiring he had asked the Commission's Vice Chairman, Ruth Ann Leever, to conduct a nationwide search for his replacement. He said he would ask Mrs. Leever to give the Commission a report of the situation and the Committee's recommendation.

Mrs. Leever said that, first of all, she wanted to thank the Chairman for the opportunity to serve the Commission in that capacity.

Mrs. Leever said further that at the Ohio Turnpike Commission meeting on November 1, 1995, at which Allan V. Johnson announced he would retire from the Commission at the end of February 1996, the Chairman appointed Ruth Ann Leever, Vice Chairman, to head a group to solicit and interview applicants and to make a recommendation for appointment of a new Executive Director of the Commission.

Mrs. Leever said further that, subsequently, the full review group was named consisting of Ruth Ann Leever, Senator M. Ben Gaeth, Allan V. Johnson, and John Peca, Advisor. She said she also would like to add that the review group was very happy to have General Counsel Gino Zomparelli help out at one point. She said the group needed diversity, certainly, and varying opinions. She said it was a very diversified group.

Mrs. Leever said further that the availability of the position was advertised in the Wall Street Journal on December 1, 1995, and, furthermore, it was announced in the December issue of Tollways, the newsletter of the International Bridge, Tunnel and Turnpike Association, which was the association of toll facilities around the world.

Mrs. Leever said further that the Commission issued a news release of Mr. Johnson's pending retirement which generated a number of stories and obviously resulted in several of the applications that were received. She said that, in all, over 60 applications were received from persons across the United States.

Mrs. Leever said further that it took a while to go through all of the resumes, to short list them and begin the interviews. She said that, while all of the people interviewed probably or eventually could head and lead the staff of the Commission, it was the review group's conclusion that G. Alan Plain was uniquely qualified to serve as Executive Director in the critical years ahead as the Commission carried out its massive renovation and expansion program.

Mrs. Leever said further that he was completely familiar with the Commission and its mission. She said he knows the staff and also the many public and private entities with which the Commission interfaced. She said he is respected by those individuals and groups and by his peers. She said he had the experience and vision and deserves the chance to be appointed Executive Director.

Mrs. Leever said further that, accordingly, the review group believed the Commission would be eminently well served by Mr. Plain as Executive Director and they recommend his selection and appointment. She said that, furthermore, his starting salary as Executive Director should be set at five percent higher than his current salary as Deputy Executive Director. She said that Mr. Plain should be granted another five percent increase after one year and a final five percent increase after two years. She said the increases would be in addition to any general increases granted to the Commission's administrative staff employees.

Mrs. Leever said further that, finally, the review group recommended that the Commission authorize that a contract of employment be declared and executed to set forth all the terms and conditions of the Executive Director's employment.

Mrs. Leever said that it should be noted in closing that the review group was impressed by the background and experience of Louis Martin and, if he was interested, the Commission might explore some other position and role for him.

Mrs. Leever said further that, the review group was tremendously impressed with not only the number of qualified applicants but their capabilities. She said she thought the Commission could be duly impressed by the number of candidates and the quality and caliber of them. She said that said a lot for Mr. Plain. She said the Commission would enjoy working with him.

Mrs. Baker asked if there was a probationary period with the contract.

The Chairman said that his philosophy was that everyone was on probation if they didn't perform.

Mr. Williams said he was wondering about the five percent increase on two occasions without some kind of review. He said it seemed to him that the Commission was projecting what was going to happen in the future in two instances when a review of some type might mean an increase was not warranted.

The Chairman said he would ask the Commission's Special Counsel to put wording in the contract that said that upon review and satisfaction of that review.

The Chairman said also that the review group did a nationwide search and Mrs. Leever found that there were a lot of very, very qualified candidates and interesting people. He said that by the same token, the Commission had a lot of things coming up and there were a lot of people retiring. He said the fact that Mr. Plain was willing to forego a nice buyout program was admirable.

The Chairman said further that, quite frankly, if Mr. Plain took the buyout, retired and took a job in the private sector he would earn a lot more money than he would by taking the Executive Director's position. He said the combination of his retirement and additional salary would be more than he would receive as Executive Director.

The Chairman said further that the fact that he wanted to take the leadership role and help the Commission continue to do what it had done and follow in the footsteps of Allan Johnson was commendable. He said Mr. Plain had been with the Commission nearly 25 years and he didn't know if anybody could say that he hadn't paid his dues.

The Chairman said further that Mrs. Leever and the review committee did a fine job and he commended them for it.

Mr. Johnson said he wanted to comment on the name of Louis Martin, which had been mentioned by Mrs. Leever. He said Mr. Martin was in private law practice in Pennsylvania at that time. He said he was the former Executive Director and also served as Chief Counsel with the Pennsylvania Turnpike Commission. He said Mr. Martin was an extremely qualified person.

The Chairman said the Commission had a Resolution Appointing Executive Director that he would ask Mrs. Leever to read.

Mrs. Leever said that she would read the resolution as follows:

"WHEREAS, Allan V. Johnson, has submitted his resignation as Executive Director, and he shall retire from the Commission on February 29, 1996;

"WHEREAS, the Commission members have determined it is in the best interests of the Ohio Turnpike Commission to promote the Deputy Executive Director, G. Alan Plain, to the position of Executive Director of the Commission effective January 23, 1996; subject to the terms of the Employment Agreement attached hereto as "Exhibit "A";

"WHEREAS, the Commission members have determined that it is in the best interests of the Ohio Turnpike Commission to appoint Allan V. Johnson to the position of Executive Director Emeritus effective January 23, 1996, to February 29, 1996;

"NOW, THEREFORE, BE IT

"RESOLVED that G. Alan Plain be, and hereby he is, appointed Executive Director of the Commission effective January 23, 1996, to serve at his and the Commission's mutual pleasure, and his compensation shall be as set forth in the Employment Agreement attached hereto and incorporated herein as Exhibit "A"; and

"FURTHER RESOLVED that the Chairman of the Commission shall be authorized and directed to take any and all action necessary or proper to implement and execute the above-mentioned Employment Agreement."

RESOLUTION NO. 4-1996

"WHEREAS, Allan V. Johnson, has submitted his resignation as Executive Director, and he shall retire from the Commission on February 29, 1996;

"WHEREAS, the Commission members have determined it is in the best interests of the Ohio Turnpike Commission to promote the Deputy Executive Director, G. Alan Plain, to the position of Executive Director of the Commission effective January 23, 1996; subject to the terms of the Employment Agreement attached hereto as "Exhibit "A";

"WHEREAS, the Commission members have determined that it is in the best interests of the Ohio Turnpike Commission to appoint Allan V. Johnson to the position of Executive Director Emeritus effective January 23, 1996, to February 29, 1996;

"NOW, THEREFORE, BE IT

"RESOLVED that G. Alan Plain be, and hereby he is, appointed Executive Director of the Commission effective January 23, 1996, to serve at his and the Commission's mutual pleasure, and his compensation shall be as set forth in the Employment Agreement attached hereto and incorporated herein as Exhibit "A"; and

"RESOLVED that Allan V. Johnson be, and hereby is, appointed to the position of Executive Director Emeritus effective January 23, 1996, to February 29, 1996; and

"FURTHER RESOLVED that the Chairman of the Commission shall be authorized and directed to take any and all action necessary or proper to implement and execute the above-mentioned Employment Agreement."

EMPLOYMENT AGREEMENT

This contract for employment is made and entered into as of the ____ day of January, 1996 by and between the **Ohio Turnpike Commission** having its principle place of business at 682 Prospect Street, Berea, Ohio 44017 ("Commission") and **G. Alan Plain**, whose address is 16921 Rabbit Run, Strongsville, Ohio 44136 ("Employee").

WHEREAS, by Resolution No. 4-1996 dated January 22, 1996, the Commission appointed Employee as Executive Director of the Commission; and

WHEREAS, also pursuant to Resolution No. 4-1996 dated January 22, 1996, the Chairman of the Commission was authorized to negotiate and execute an employment contract with Employee as Executive Director of the Commission; it is now, therefore, agreed as follows:

WHEREAS, Employee is eligible to participate in The Voluntary Retirement Incentive Plan, a copy of which is attached as Exhibit 1, offered by the Commission and by Employee's execution of this Agreement, the Commission acknowledges that the Employee is foregoing his opportunity to elect early retirement pursuant to said Voluntary Retirement Incentive Plan.

1. **Employment.** The Commission hereby employs Employee and Employee hereby accepts employment upon the terms and conditions herein set forth.

2. **Duties.** Employee shall serve as the Executive Director of the Commission and as such shall perform the duties and obligations as set forth under any applicable section of the Ohio Revised Code; the Bylaws of the Commission; Resolutions, contracts and agreements of the Commission now and hereafter applicable and such other duties or directives adopted or specified by the Commission from time to time. Employee shall devote full time to the performance of the duties under this Agreement.

EXHIBIT "A"

(Note: Because of the size thereof, page one is attached hereto for reference.)

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

Ayes: Mrs. Leever, Mr. Platt, Mr. Williams, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 4-1996.

Mr. Plain said he wanted to thank the Chairman and the other Commission Members for their support and the confidence that they had expressed in him and he looked forward to working very closely with the Members and seeking their input as the Commission embarked on the tremendous rebuilding and expansion program before them.

Mr. Plain said the Commission did have a small but dedicated staff and work force that was willing to accept that challenge and to move quickly and efficiently into the program that the Commission had laid out.

Mr. Plain said further that he also wanted to take the opportunity to thank Allan Johnson, first of all, for enabling him to come to the Ohio Turnpike Commission years ago. He said he wanted to also thank Mr. Johnson for his support, advice and direction that he had provided him through his distinguished twenty-five plus years as Executive Director.

Mr. Zomparelli said there was one more resolution for consideration of the fact finding and now with the collective bargaining agreement. He said he recommended that a Commission Member move to go into executive session to discuss collective bargaining.

The Chairman said that was the only subject to be discussed in the executive session so the Commission's business other than that would be done. He said that after the executive session the Commission will come back to conclude the meeting formally. Mrs. Baker said that she moved that the Commission adjourn its meeting to hold an executive session in order to discuss, prepare and review labor matters in connection with the current collective bargaining negotiations. She said that at the end of the executive session the Commission would reconvene.

Mr. Platt said he seconded the motion.

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

Ayes: Mrs. Baker, Mr. Platt, Mr. Williams, Mrs. Leever, Mr. Fedeli

Nays: None

(The executive session ran from 10:58 a.m. to 11:34 a.m.)

The Chairman said the meeting would reconvene.

Mr. Johnson said there was a resolution before the Members to accept the fact-finder's report on the collective bargaining negotiations. He said it was a resolution entitled a Resolution Accepting the Findings of the Fact-Finder Relative to Collective Bargaining Negotiations. He said they were a number of Whereases. He said the Members had an explanation earlier in the morning and during the executive session about the status of those negotiations. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby accepts the report and recommendations of the fact-finder as set forth in his recommendations dated January 16, 1996."

Mr. Johnson said further that the Commission Members all had a copy of that report from the fact-finder and, on behalf of the group that represented the Commission in those negotiations, he certainly recommended that the fact-finder's recommendations be adopted by the Commission. He said that, although he did not participate directly in those negotiations, he considered that the fact-finder's recommendations were reasonable and acceptable.

A Resolution Accepting the Findings of the Fact-Finder Relative to Collective Bargaining Negotiations was moved for adoption by Mr. Williams, seconded by Mrs. Leever as follows:

RESOLUTION NO. 5-1996

"WHEREAS, negotiations have taken place between representatives of the Commission and United Electrical, Radio and Machine Workers of America, Local 791 ("Union"), as representatives of all regular, full-time, non-supervisory field employees in the Toll Collection, Maintenance and Engineering Departments (although not including section clerks, chief mechanics and sign shop clerks);

"WHEREAS, the parties have met ten times between October 26, 1995, and December 21, 1995, to negotiate a successor agreement;

"WHEREAS, the Commission's current Collective Bargaining Agreement with the United Electrical, Radio and Machine Workers of America, Local 791 ("Union"), expired January 1, 1996;

"WHEREAS, 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, James M. Mancini;

"WHEREAS, the fact-finder issued his recommendations and conclusions on January 16, 1996, 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 J. Millstone, 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 January 16, 1996.

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

Ayes: Mr. Williams, Mrs. Leever, Mr. Platt, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the resolution stood adopted with all Members voting in the affirmative. The resolution was identified as No. 5-1996.

Mr. Johnson said that from then until the end of construction bidding season, which would probably be up through April, there was going to be a number of contracts that were going to be on the table for the Commission to act on involving new interchanges. He said that, for example, the one at State Route 109 in Fulton County, which was tied to the Northstar Steel plant and was critical. He said the bids on that interchange were due to be opened on February 15th.

Mr. Johnson said further that the bids on the first, third lane project were due to be opened on February 26. He said it was a recommendation of the staff that the Commission give them a couple of days to analyze that third lane bid and that the next Commission meeting be on February 28, which was a Wednesday.

The Chairman asked Mr. Johnson when the March meeting would have to be held.

Mr. Johnson said he didn't have a schedule for March. He said he was not sure the staff had it all mapped out yet about when bids were going to be opened, but it was likely that it would be appropriate to have two Commission meetings in March. He said that maybe they would be held on March 11th and 25th.

Mr. Arlow said there were going to be about four or five bids coming out in March that were critical to the third lane project.

The Chairman asked if there was a way to have the bids closer together so that the Members would not have to come to a meeting two or three times a month. He said that perhaps the bids would be received to coincide with the meetings or have the approval dates arranged so that they could be acted on at one meeting. He said it made no sense to have two meetings just to approve three or four more contracts when that could be done at one meeting.

Mr. Johnson said that was what the staff was trying to do. He said the staff didn't know exactly when the meeting would be held. He said the Commission was somewhat off schedule with its meetings. He said the normal meetings provided for in the Bylaws were the second Monday of each month.

Mr. Johnson said further that the Commission was off that schedule by meeting that day. He said the Commission meeting in February also would be off that schedule. He said part of the problem was getting the plans finished to put the bidding package together.

The Chairman said that it was best to go ahead and hold the February 28th meeting and look at March and the rest of the year regarding meeting dates.

Mr. Johnson said that he would suggest that at least the Commission fix one of the dates in March. He said that way everybody got it on their calendar and if it was changed then a special meeting could be called. He said only three voting Members were needed for a quorum.

Mr. Williams said he suggested that the Commission meet on February 28th and tentatively place on the Members' calendars the 11th and 25th of March. He said those dates could be left open and the Members could be notified of any changes.

The Chairman said that the other thing that could be done at the next meeting, if the Commission knew what was coming up for approval, would be to grant authority to award a contract to a low bidder for a specific project. He said that it would depend on how complicated the contract was or how involved.

Mr. Zomparelli said that could be done on a case by case basis.

The Chairman said that if the Commission knew what was coming up in the second part of March then they could discuss that. He said that maybe the Commission Members would not feel uncomfortable granting authority to award a low-bid contract.

Mr. Platt said he thought February 28th was when bids were to be opened.

Mr. Johnson said that the bids would be opened on February 26th.

Mr. Peca said he was not certain the Commission could delegate that authority if the award was over \$500,000. He said that if it was for over \$500,000 then Commission action would have to be taken.

Mr. Johnson said that it had been done before where the Commission had given authority and then ratified the award at a later date.

Mr. Peca said that if a contract had a fixed amount the Commission could increase the authority for that contract. He said he didn't think the Commission could make a blanket delegation to award to the lowest bidder on an unknown amount. He said that was the difference.

The Chairman said that the Commission would look at that possibility when the contracts came up for award. He said the next meeting would be on February 28th and tentative dates of March 11th and 25th would be set.

There being no further business to come before the Commission, a motion was made by Mr. Platt, seconded by Mr. Williams that the meeting adjourn until the next meeting on February 28.

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

Ayes: Mr. Platt, Mr. Williams, Mrs. Leever, Mrs. Baker, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. Time of adjournment was 11:42 a.m.

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


Marilyn R. Baker, Secretary-Treasurer