

## MINUTES OF THE 429TH MEETING OF THE OHIO TURNPIKE COMMISSION

April 21, 1997

Pursuant to the bylaws, the Ohio Turnpike Commission met in regular session in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:12 a.m. on April 21, 1997, with members of the staff: Gino Zomparelli, General Counsel and Deputy Executive Director-External Affairs; Robert Arlow, Deputy Executive Director-Operations; Anthony A. DiPietro, Deputy Executive Director-Administration; Andrea Plassard, Assistant Comptroller; Daniel F. Castrigano, Maintenance Engineer; Sharon D. Isaac, Director of Toll Operations; John Mitchell, Director of Management Information Systems; Robert P. Barnett, Director of Information and Research; and others in attendance.

Present: Umberto P. Fedeli, Marilyn R. Baker, Earl W. Williams,  
Gary Joseph, Senator M. Ben Gaeth and  
Representative Richard A. Hodges

Absent: Ruth Ann Leever

The Chairman said the minutes of the last Commission meeting held on March 17, 1997, had been distributed to the Members for their comments and he would accept a motion to adopt them without reading.

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

Ayes: Mr. Williams, Mr. Joseph, Mrs. Baker, Mr. Fedeli

Nays: None

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

The Chairman said the meeting was the 429th of the Commission and it was being held at the Commission's headquarters as provided for in the Commission's Code of Bylaws. He said Ruth Ann Leever and Mr. Wray were unable to attend the day's meeting. He said that Gary Joseph, ODOT's Deputy Director of Economic Development, was authorized to represent and vote for Mr. Wray.

The Chairman said there were a number of guests at the meeting and he would ask them to identify themselves as follows: Eric Erickson, Ohio Company; Carol Mueller, Paine Webber; Sheelah House, SBK Brooks Investments; Fred McFall, Host Marriott; Brian Connors, Connors & Co.; Dick Boylan, Boylan & Associates; Eric Rainey, ODOT; Mike Kurey, Advanced Restaurant Concepts; Charles Visconsi, Key Capital Markets; Ed Presley, Key Bank; Paul Stubbins, Seasongood & Mayer; Bobby Everhart, URS Greiner; Lieutenant Harve Callahan, Ohio State Highway Patrol; Frank Lamb, Huntington Trust; Paul Sciria, Sciria & Associates; Cassaundra C. Thomas, MBE Coordinator; Rob Fleischman, Assistant Chief Engineer; Dick Lash, Director of Safety Services; Anthony Palombo, Staff Counsel; Barb Lesko, Executive Director's secretary; and Diane Pring, General Counsel's secretary.

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

The Chairman said the report of the Secretary-Treasurer, Mrs. Baker, would be received.

Mrs. Baker said the following items were sent to the Members of the Commission since the last regular scheduled meeting held on March 17, 1997:

1. Weekly Traffic Statistics
2. Traffic Accident Summary for March 1997
3. Traffic & Revenue Report for March 1997
4. Financial Statement for March 1997
5. Draft of Commission Meeting Minutes, March 17, 1997
6. Investment Transactions, March 1997
7. Budget & Expense Report for first three months of 1997
8. Independent Auditor's Report for Year Ended December 31, 1996
9. Various News Releases

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

The Chairman said the report on Service Plazas would be received.

Senator Gaeth said he had no report.

Mr. Plain said that on behalf of Senator Gaeth he wanted to say that the next Commission meeting had tentatively been set for May 12 and at that time a formal presentation would be made to the Commission and the news media showing the design for the new Turnpike service plaza buildings. He said the Commission's architect would be involved to show conceptual designs and models.

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

Mr. DiPietro said that he, Mr. Arlow and Debra Moore, the Commission's Human Resources Manager, were involved in seven employee meetings suggested by the Chairman at four different facilities. He said employees were invited to attend either morning or afternoon sessions.

Mr. DiPietro said further that the employees were given a run-down on a number of items that were on the agenda and then time was spent taking questions and answers and comments from employees. He said that, as Mr. Arlow could attest, reception of the meetings was very good.

The Chairman said he was told that some good ideas were presented by the employees at the meetings. He said that when the meetings were done maybe Mr. DiPietro could summarize the best ideas that were presented and give a report to the Commission. He said that when he did those meetings last year, it was ironic that after the second, third or fourth

meeting the same four or five recommendations kept coming up. He said there was a lot of good information that came out of those meetings.

The Chairman said that he thought Mr. Barnett was doing a nice job with the Commission's newsletter because we were doing a good job communicating with our associates about what was happening at the Turnpike. He said that studies done by MIT, Yale, and Harvard pointed out that the number one thing employees wanted to be involved in was the process and to be appreciated for what they were doing.

The Chairman said further that if employees were kept involved and their efforts were appreciated then better results would be achieved. He said he appreciated what was being done for the employees because it involved a lot of time, effort and travel on the Turnpike.

The Chairman said the report on Employee Relations was accepted as offered. He ascertained there would be no report from the Trustee. He said the report of the Ohio State Highway Patrol would be accepted.

Lieutenant Callahan said that for the first quarter of 1997 there had been a 21 percent reduction in accidents on the Turnpike compared to the first quarter of 1996.

The Chairman asked Lt. Callahan what he attributed the reduction to.

Lt. Callahan said a little bit of good weather and a lot of hard work by the Patrol.

The Chairman asked if the biggest cause of fatalities was still people falling asleep.

Lt. Callahan said that falling asleep and driver inattention were the primary causes.

The Chairman asked if drinking also was a problem.

Lt. Callahan said drinking was not a major problem. He said sleepy drivers were still the Patrol's major concern.

The Chairman said the report of the Patrol was accepted as offered. He ascertained there would be no report from the general consultant. He said the report of the Deputy Executive Director-Operations would be received.

Mr. Arlow said there were 15 construction projects underway on the Turnpike, which consisted of 5 third-lane projects (32 miles); 4 resurfacing projects (21 miles) and 6 bridge projects (20 bridges). He said all would be done by the end of the year. He said there were 7 fall projects that would start after the Labor Day holiday period and be completed next spring.

Mr. Arlow said there had been a slight problem with back-ups on the first day of construction, but corrective measures had been taken and there had not been any slowdowns or delays on the Turnpike due to construction projects since that time.

The Chairman said Mr. Arlow's report was accepted as offered.

The Chairman said that not only had the Commission been communicating with its employees, but also had been communicating with the media. He said the Executive Director

and General Counsel had met with the editorial boards of all the major daily newspapers located along the Turnpike and the Columbus Dispatch to communicate what was being done on the road and why it was being done. He said the Commission also needed to continue to communicate with legislators and get them information. He said the Commission's well-informed employees were its goodwill ambassadors in their dealings with customers.

The Chairman said the report of the Executive Director would be received.

Mr. Plain said the first resolution he had to introduce was a Resolution Awarding Contract No. 43-97-12 for the reconstruction of the Albion Road Bridge over the Turnpike, Milepost 162.2, reconstruction of the W. 130th Street Bridge over the Turnpike, Milepost 163.8, and reconstruction of the S. R. 176 Bridge over the Turnpike at Milepost 169.50, all located in Cuyahoga County, Ohio. He said there were six companies that submitted bids on that particular project and the low bid was submitted by The Ruhlin Company of Sharon Center, Ohio in the amount of \$3,949,679.35 which bid was below the engineer's estimate of cost for the project. He said he would read the Resolved as follows:

"RESOLVED that the bid of The Ruhlin Company of Sharon Center, Ohio, in the amount of \$3,949,679.35 for the performance of Contract No. 43-97-12, 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 chairperson 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. 43-97-12 is designated a System Project under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Contract No. 43-97-12 was moved for adoption by Mrs. Baker, seconded by Mr. Joseph as follows

#### **RESOLUTION NO. 24-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the reconstruction of the Albion Road Bridge over the Ohio Turnpike at Milepost 162.20; West 130th Street Bridge over the Ohio Turnpike at Milepost 163.8 and S.R. 176 Bridge over the Ohio Turnpike at Milepost 169.50, all located in Cuyahoga County, Ohio;

"WHEREAS, the Commission has received bids from six bidders 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 Ruhlin Company of Sharon Center, Ohio in the amount of \$3,949,679.35 for the performance of Contract No. 43-97-12 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 Ruhlin Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Ruhlin Company of Sharon Center, Ohio, in the amount of \$3,949,679.35 for the performance of Contract No. 43-97-12, 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 chairperson 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. 43-97-12 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. Baker, Mr. Joseph, 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. 24-1997.

The Chairman said that he had been getting some good comments on Cassandra Thomas regarding her visits to companies to explain the Commission's positive approach with regard to minority business enterprise opportunities. He said he thought it was great that she was taking a pro-active role visiting minority companies and encouraging them to work for the Commission.

Mr. Williams said he heard that the meeting with representatives of minority-owned firms after the last Commission meeting in Berea was very successful.

Mr. Plain said Mrs. Thomas was taking a very active role in setting up meetings to show contractors and consultants how to get on the lists to be informed of bid opportunities for contracts. He said she also had been busy processing applications for MBE certifications. He said she was working very hard to develop that program.

Mr. Plain said the next resolution was a Resolution Awarding Contract No. 43-97-13 for the reconstruction of the Black River bridge over the Turnpike at Milepost 174.10 and reconstruction of the Metroparks bridge over the Turnpike at Milepost 179.0 located in Summit County, Ohio. He said the Commission received four bids in response to the invitation and the low bid was submitted by The Ruhlin Company in the amount of \$2,144,220.45. He said the bid was under the engineer's estimate of cost to do the work. He said he would read the Resolved as follows:

"RESOLVED that the bid of The Ruhlin Company of Sharon Center, Ohio, in the amount of \$2,144,220.45 for the performance of Contract No. 43-97-13, 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 chairperson 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. 43-97-13 is designated a System Project under the Commission's 1994 Master Trust Agreement."

A Resolution Awarding Contract No. 43-97-13 was moved for adoption by Mr. Williams, seconded by Mrs. Baker as follows:

**RESOLUTION NO. 25-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the reconstruction of the Black Road Bridge over the Ohio Turnpike at Milepost 174.10 and reconstruction of the Metroparks Bridge over the Ohio Turnpike located at Milepost 179.00 located in Summit County, Ohio;

"WHEREAS, the Commission has received bids from four bidders 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 Ruhlin Company of Sharon

Center, Ohio in the amount of \$2,144,220.45 for the performance of Contract No. 43-97-13 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 Ruhlin Company;

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of The Ruhlin Company of Sharon Center, Ohio, in the amount of \$2,144,220.45 for the performance of Contract No. 43-97-13, 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 chairperson 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. 43-97-13 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. Williams, Mrs. Baker, Mr. Joseph, 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. 25-1997.

Mr. Plain said the next resolution was a Resolution Awarding Contract 43-97-15 for the reconstruction of the Patten Tract Road bridge over the Turnpike at Milepost 112.5 and the Thomas Road bridge over the Turnpike at Milepost 115.1 in Erie County, Ohio. He said four bids were received in response to the invitation and the low bid was submitted by The S. E. Johnson Companies, Inc. of Maumee, Ohio in the total bid price amount of \$2,323,818.24 which again was below the engineer's estimate of cost to perform the work on this contract. He said he would read the Resolved as follows:

Mr. Williams asked that before Mr. Plain read the Resolved he would like to know the engineer's estimate.

Mr. Arlow said the estimate was \$2,583,000.

"RESOLVED that the bid of The S. E. Johnson Companies, Inc. of Maumee, Ohio, in the amount of \$2,323,818.24 for the performance of Contract No. 43-97-15, 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 vice-chairperson 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. 43-97-15 is designated a System Project under the Commission's 1994 Master Trust Agreement."

The Chairman said he would abstain on the vote. He abstained from all voting pertaining to the resolution awarding contract No. 43-97-15. He also did not participate in any discussion of such resolution.

A Resolution Awarding Contract No. 43-97-15 was moved for adoption by Mr. Joseph, seconded by Mr. Williams as follows:

**RESOLUTION NO. 26-1997**

"WHEREAS, the Commission has duly advertised according to law for bids upon a contract for the reconstruction of the Patten Tract Road Bridge over the Ohio Turnpike at Milepost 112.5 and the Thomas Road Bridge over the Ohio Turnpike located at Milepost 115.1 located in Erie County, Ohio;

"WHEREAS, the Commission has received bids from four bidders 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, Inc. of Maumee, Ohio in the amount of \$2,323,818.24 for the performance of Contract No. 43-97-15 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 \$2,323,818.24 for the performance of Contract No. 43-97-15, 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 vice-chairperson 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. 43-97-15 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. Joseph, Mr. Williams, Mrs. Baker

Nays: None

Abstain: Mr. Fedeli

The Chairman declared the resolution stood adopted with all Members present, excluding himself, voting in the affirmative. The resolution was identified as No. 26-1997.

Mr. Plain said the next resolution was a Resolution Authorizing the Executive Director to Take Further Action Concerning Award of Contract Under Invitation No. 3542-C for furnishing (32) solar-powered, portable message boards with remote base station and accepting in-trade (21) diesel-powered message boards. He said four bidders responded to the invitation and the low bid was submitted by Signalisation Ver-Mac, Inc. in the amount of \$609,600.

The Chairman asked where the company was headquartered.

Mr. Plain said they were located in Quebec.

Mr. Plain said he would read the WHEREAS as follows:

"WHEREAS, the four bids received in response to Invitation No. 3542-C were reviewed by the traffic and safety engineer who has advised that a 'sample' portable message board furnished by each of the four bidders is currently being tested, and said testing should be completed by April 25, 1997."

Mr. Plain said further that, until the testing was done and it was determined that specifications were complied with fully, the staff could not make a recommendation with regard to the low bid.

The Chairman asked if anyone checked out the company or knew anything about them.

Mr. Zomparelli said the Traffic and Safety Engineer had not completed his tests and was unable to make a recommendation to Mr. Plain, but in the Members' folders there was a bid tab of the companies who submitted bids.

The Chairman said it was ironic that the company who was farthest away was considerably less than the company in the Commission's own backyard.

Senator Gaeth said he did not understand what the boards were and asked for a brief description.

Mr. Plain said the message boards were those used in Turnpike construction zones. He said they were changeable message signs that were, for example, stationed at lead-ins to crossovers for single-lane traffic zones. He said the messages could be controlled by the Berea Radio Room over cellular phone lines. He said they were high tech, computerized devices.

Mr. Plain said further that message boards powered by diesel fuel had to be constantly maintained. He said that solar energy would charge the batteries in the new signs so that Maintenance personnel would not have to go out to take care of them.

Mr. Plain said the resolution would give him the authority to take whatever action was necessary after the testing was done and an evaluation was made.

Mr. Joseph asked if the staff was going to test the lowest bidder.

Mr. Plain said the staff was going to test them all.

The Chairman said the staff also was going to look at the trade-in allowance difference. He said one company was going to give the Commission \$105,000 and another offered \$27,000.

Mr. Zomparelli said he didn't know if all four "sample" boards would be tested. He said the Traffic & Safety Engineer would start with the lowest bidder and if it was acceptable he was sure a decision would be based on that test.

Mr. Plain said the staff had samples from all four bidders.

Mr. Joseph asked if the lowest bid sample was tested first and if it were acceptable then the contract would be awarded to that company.

Mr. Zomparelli said the award would go to the lowest responsive bidder.

Mr. Plain said it would go to the lowest responsive and responsible bidder.

Mr. Williams asked Mr. Plain what he wanted the Commission to do.

Mr. Plain said the resolution would authorize the Executive Director to take any action concerning the award of contract after the testing was done.

The Chairman said that if the lowest bidder did not test well, he thought the Commission would feel more comfortable if the decision regarding an award were made by the Members.

Mr. Plain said he would too, particularly if it was over \$500,000.

Mr. Zomparelli said he thought the Traffic & Safety Engineer was hoping to make a decision quickly because of all the road construction.

The Chairman asked Mr. Plain that, if the equipment of the low bidding company checked out well and all things seemed to work well, if Mr. Plain wanted to make the award.

Mr. Plain said the Chairman was correct. He said that because there would be construction zones without message boards it was important to have them in a timely fashion. He said that if they waited until the next Commission meeting in May problems could occur.

The Chairman asked what happened when the diesel-powered message board ran out of fuel.

Mr. Plain said the crews filled them up and kept checking them.

The Chairman asked when they knew they ran out.

Mr. Plain said they checked them periodically. He said the crews knew approximately how long they lasted and then they were serviced and everything checked out. He said that was done on a daily basis.

Mr. Plain asked Mr. Arlow if he had any more information on the necessity of awarding the contract to make sure there were sufficient message boards.

Mr. Arlow said the Maintenance Department was short about 6 or 8 boards for the construction that was underway. He said it would be in the staff's best interest to award the contract as quickly as possible once the determination was made in order to get the additional boards in to finish the construction season. He said that was why the staff was pressing the Executive Director to make the award once the analysis was completed.

The Chairman said he didn't have a problem with it.

Mr. Zomparelli said that, as General Counsel and to make the Members more confident, he would make sure that the contract was awarded to the lowest responsive bidder and they were only looking at the four bidders who submitted bids.

Mr. Plain said the message boards were needed on the road as a safety measure and that was the only reason he wanted to make the award in that manner. He said he would read the Resolved as follows:

"RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to execute a contract with the lowest responsive and responsible bidder;

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

"FURTHER RESOLVED that the executive director of the Ohio Turnpike Commission is hereby authorized to take any action necessary concerning award and execution of a contract for the furnishing of thirty-two (32) solar-powered, portable message boards with remote base station, and the successful bidder shall accept in trade twenty-one (21) diesel-powered message boards, prior to the next meeting of the Commission, including the award of contract for such invitation or the rejection of the bids received in response thereto."

A Resolution Authorizing the Executive Director to Take Further Action Concerning Award of Contract under Invitation No. 3542-C was moved for adoption by Mrs. Baker, seconded by Mr. Williams as follows:

**RESOLUTION NO. 27-1997**

"WHEREAS, the Commission has advertised for bids for Invitation No. 3542-C for the furnishing to the Commission of thirty-two (32) solar-powered, portable message boards with remote base station, and the successful bidder shall accept in-trade twenty-one (21) diesel powered message boards;

"WHEREAS, on March 25, 1997, four bids were received in response to that invitation and are currently being reviewed by the Commission's staff;

"WHEREAS, it is anticipated that the expenditures of the Commission for solar-powered, portable message boards under Invitation No. 3542-C shall exceed \$500,000 and in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such contract;

"WHEREAS, the four bids received in response to Invitation No. 3542-C were reviewed by the traffic and safety engineer who has advised that a "sample" portable message board furnished by each of the four bidders is currently being tested, and said testing should be completed by April 25, 1997;

"WHEREAS, the traffic and safety engineer advises that after completion of the above-mentioned testing, he will then be in a position to make an award recommendation;

"WHEREAS, the Commission desires to delegate to the executive director authority to take action on behalf of the Commission concerning the award of a contract for the furnishing of thirty-two (32) solar-powered, portable message boards with remote base station, and the successful bidder shall accept in-trade twenty-one (21) diesel powered message boards, if such action is deemed necessary prior to the next Commission meeting so that the portable message boards will be available during the construction season;

"NOW, THEREFORE, BE IT

"RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to execute a contract with the lowest responsive and responsible bidder;

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

"FURTHER RESOLVED that the executive director of the Ohio Turnpike Commission is hereby authorized to take any action necessary concerning award and execution of a contract for the furnishing of thirty-two (32) solar-powered, portable message boards with remote base station, and the successful bidder shall accept in trade twenty-one (21) diesel powered message boards, prior to the next meeting of the Commission, including the award of contract for such invitation or the rejection of the bids received in response thereto."

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Joseph, 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. 27-1997.

Mr. Plain said the next resolution was a Resolution Amending Resolution No. 21-1997. He said he would read the WHEREAS of the resolution as follows:

"WHEREAS, it has been brought to the attention of the Commission that the bid tabulation showing the unit prices for Group III was not extended to include six snow plows under Package A and eight snow plows under Package B, therefore, the total contract award of \$383,794.00 was in error, as listed in Resolution No. 21-1997, and the corrected total amount of the award is **\$502,584.00** [\$364,562.00 under Group II, and \$132,022.00 under Group III]."

Mr. Plain said it was an oversight and the resolution was a housekeeping task.

The Chairman asked if the low bidders were awarded the contracts.

Mr. Castrigano said they were.

Mr. Plain said nothing changed. He said it was just the incorrect amount that they had in the resolution, and they wanted to correct the amount. He said he would read the Resolved as follows:

"RESOLVED that the Commission hereby amends the last paragraph of Resolution No. 21-1997 as follows:

"RESOLVED that the bid of West Gate Ford Truck Sales, Inc. of Youngstown, Ohio for Group I of Invitation No. 3537-C in the amount of \$420,238.00; and the bid of Concord Road Equipment Mfg., Inc. of Painesville, Ohio for Groups II and III of Invitation No. 3537-C in the total amount **\$502,584.00** is, and is by the Commission deemed to be the lowest responsive and responsible bids received and is accepted and the chairperson [vice-chairperson] and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidders of their bid security at such time as West Gate Ford Truck Sales, Inc. and Concord Road Equipment Mfg. have entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

A Resolution Amending Resolution No. 21-1997 was moved for adoption by Mrs. Baker, seconded by Mr. Joseph as follows:

#### **RESOLUTION NO. 28-1997**

"WHEREAS, pursuant to Resolution No. 21-1997, adopted March 17, 1997, the Commission awarded contracts for the furnishing to the Commission, under Group I, Fourteen (14) current model truck cab and chassis, 33,000# GVWR, and accepting in-trade (14) used trucks to West Gate Ford Truck Sales, Inc. of Youngstown, Ohio for its total bid in the amount of \$420,238.00;

"WHEREAS, pursuant to Resolution No. 21-1997, the Commission also awarded contracts for the furnishing to the Commission, under Group II, the furnishing and installation of (14) combination dump/spreader body, central hydraulic system and lighting system, and under Group III, the furnishing and installation of (4) reversible front snow plow with quick hitch to Concord Road Equipment Mfg., Inc.;

"WHEREAS, the resolution stated that the total bid in the amount of \$383,794.00 submitted by Concord Road Equipment Mfg., Inc. of Painesville, Ohio for Groups II and III was accepted;

"WHEREAS, it has been brought to the attention of the Commission that the bid tabulation showing the unit prices for Group III was not extended to included six snow plows under Package A and eight snow plows under Package B, therefore, the total contract award of \$383,794.00 was in error, as listed in Resolution No. 21-1997, and the corrected total amount of the award is **\$502,584.00** [\$364,562.00 under Group II, and \$138,022.00 under Group III];

"NOW, THEREFORE, BE IT

"RESOLVED that the Commission hereby amends the last paragraph of Resolution No. 21-1997 as follows:

"RESOLVED that the bid of West Gate Ford Truck Sales, Inc. of Youngstown, Ohio for Group I of Invitation No. 3537-C in the amount of \$420,238.00; and the bid of Concord Road Equipment Mfg., Inc. of Painesville, Ohio for Groups II and III of Invitation No. 3537-C in the total amount of **\$502,584.00** is, and is by the Commission deemed to be the

lowest responsive and responsible bids received and is accepted and the chairperson [vice-chairperson] and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidders of their bid security at such time as West Gate Ford Truck Sales, Inc., and Concord Road Equipment Mfg. have entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

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

Ayes: Mrs. Baker, Mr. Joseph, 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. 28-1997.

Senator Gaeth asked how old the trucks being traded in were. He said they probably had a lot of miles on them.

Mr. Castrigano said the trucks being traded in were from 1987-1990 and the mileage on them was approaching 200,000 miles.

Mr. Plain said the next resolution was a Resolution Awarding a Contract under Invitation No. 3546-C for other trucks. He said there were five bidders under Group I and two bidders for Groups II and III. He said he thought the Members had the bid tabulations attached to the resolution. He said the resolution was for furnishing ten (10) current-model truck cab and chassis, 58,000 lbs. GVWR and accepting in trade (10) used trucks and furnishing and installing (10) combination, dump/spreader body, central hydraulic system and lighting system and furnishing (10) each front snow plows with quick hitch and wing plow.

Mr. Plain said the low bidder was not responsive and so the contract was going to the second bidder, Lima Ford, Inc. d/b/a Mike Pruitt Ford whose bid was responsive.

Mr. Joseph asked why the low bidder was not responsive.

Mr. Plain said that bidder submitted component data regarding fuel tanks that were not mounted correctly and in compliance with the specifications. He said the group from Lima Ford was in full compliance.

The Chairman asked what was the difference in pricing.

Mr. Plain said the difference in pricing was approximately \$25,000.

The Chairman asked who was higher.

Mr. Plain said bidder No. 2 was \$25,000 higher.

The Chairman said the low bidder did not have the right equipment.

Mr. Castrigano said the Chairman was correct.

The Chairman asked if there was that much difference in costs for the right equipment.

Mr. Castrigano said there was that much difference and the second bidder completely complied with specifications. He said the staff checked it out and it seemed reasonable.

Mr. Plain said the other part under Group II and Group III they were going with the low bidder. He said that was for Item #1 and Item #2 under Group II and Item #1 under Group III.

The Chairman asked Mr. Castrigano if the trade-in trucks had the same kind of mileage on them as the trade-in vehicles in the previous contract mentioned.

Mr. Castrigano said these trade-in trucks were 1987 models and also had high mileage.

Mr. Plain said that for Item #2 they were going with Concord Road Equipment Manufacturing.

Mr. Plain asked Mr. Castrigano if he would comment on Group III.

Mr. Castrigano said Group III had two items. He said Item #1 was for a fixed front plow and the lowest bidder was Ace Truck Equipment Company. He said Item #2 was for a front reversible plow and the lowest bidder on that one was Concord Road Equipment. He said it was the difference of a front plow between the two items.

The Chairman said it was really tough to compare the trucks. He said they had Navistar versus Volvo versus Fords. He said they even had different equipment.

Mr. Castrigano said the Chairman was correct.

Mr. Plain said the staff had to make sure they all complied with the specifications.

The Chairman said they were different types of trucks. He said that, quite frankly, he was not an expert and he couldn't tell the difference between a Volvo, Ford and Navistar.

Mr. Castrigano said that when the staff wrote the specifications they were written so any truck manufacturer could bid.

The Chairman asked if that was better than just picking the type of truck they thought was the best.

Mr. Castrigano said he thought it allowed for more competition.

The Chairman asked if one truck was better quality than the others.

Mr. Castrigano said they were all good trucks.



Mr. Plain said the Commission had various manufacturers over the years--Ford, International, Chevy, and GM. He said they all met the specifications. He said they had good success with all of them. He said they would like to have one truck because of the inventory for repairs over a ten-year period, but the current arrangement allowed for more competition and better bids were received as a result of it.

Mr. Zomparelli said the specifications were advertised so that prospective bidders could have a chance to submit questions about them.

The Chairman said he wondered if the Legal Department ought to ask if the Commission had a preference toward an American manufacturer since Volvo was obviously not American.

Mr. Plain said they were probably all built in the United States.

Mr. Zomparelli said that, all things being equal, the Commission would like to award to an American company.

Mr. Plain said the Commission ought to buy what was built over here.

Mr. Plain said he would read the Resolved as follows:

"RESOLVED that the bid of Lima Ford, Inc. d/b/a Mike Pruitt's Ford of Lima, Ohio for Group I of Invitation No. 3546-C in the amount of \$471,565.00; and the bid of Ace Truck Equipment Company for Group II and Group III (Item #1) of Invitation No. 3546-C in the total amount of \$377,570.00 and the bid of Concord Road Equipment Mfg., Inc. of Painesville, Ohio, for Group III (Item #2) of Invitation No. 3546-C in the amount of \$91,172.00; is, and is by the Commission deemed to be the lowest responsive and responsible bids received and is accepted and the chairperson [vice-chairperson] and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidders of their bid security at such time as Lima Ford, Inc., d/b/a Mike Pruitt's Ford; Ace Truck Equipment Company and Concord Road Equipment Mfg., have entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

A Resolution Awarding a Contract under Invitation No. 3546-C was moved for adoption by Mr. Williams, seconded by Mrs. Baker as follows:

#### **RESOLUTION NO. 29-1997**

"WHEREAS, the Commission has advertised for bids for Invitation No. 3546-C for the furnishing to the Commission **Group I:** Ten (10) current model truck cab and chassis, 58,000# GVWR, and accepting in-trade (10) used trucks; **Group II:** furnishing and installing (10) combination dump/spreader body, central hydraulic system and lighting system; and **Group III:** furnishing and installing (10) front snow plows with quick hitch and wing plow; and bids from seven bidders were received in response to that invitation and have been reviewed by the Commission's staff; and

"WHEREAS, it is anticipated that the expenditures of the Commission for (10) current model truck cab and chassis, equipped with snow and ice control equipment, as more fully described under Groups II and III of Invitation No. 3546-C shall exceed \$500,000 and in accordance with Article V, Section 1.00 of the Commission's Code of Bylaws, Commission action is necessary for the award of such contract;

"WHEREAS, the bids received in response to the invitation were reviewed by the maintenance engineer who has stated that the lowest responsive and responsible bid for Group I was submitted by Lima Ford, Inc., d/b/a/ Mike Pruitt's Ford of Lima, Ohio in the amount of \$471,565.00; and the lowest responsive and responsible bid for Groups II and Group III (Item #1) was submitted by Ace Truck Equipment Company of Zanesville, Ohio in the total amount of \$377,570.00; and the lowest responsive and responsible bid for Group III (Item #2) was submitted by Concord Road Equipment Mfg., Inc. of Painesville, Ohio, in the amount of \$91,172.00; and these bidders propose to furnish materials and services in accordance with the Commission's specifications;

"WHEREAS, the Commission's general counsel has reviewed the bids received and has advised the Commission that the procedure followed by the Commission in advertising for Invitation No. 3546-C is in accordance with Section 5537.07 of the Revised Code of Ohio, and that the bid of Lima Ford, Inc., d/b/a/ Mike Pruitt's Ford for Group I is the lowest responsive and responsible bid received, and that the bid of Ace Truck Equipment Company for Group II and Group III (Item #1) is the lowest responsive and responsible bid received, and that the bid of Concord Road Equipment Mfg., Inc. for Group III (Item #2) is the lowest responsive and responsible bid received and the Commission may legally enter into a contract with these bidders to furnish the truck cab and chassis described under Group I of Invitation No. 3546-C and to furnish and snow and ice control equipment described under Groups II and III of Invitation No. 3546-C; and

"WHEREAS, the Commission's minority business enterprise coordinator has reviewed the documents submitted by each of the bidders and has advised Lima Ford, Inc., d/b/a Mike Pruitt's Ford, has been certified by the Commission as a Minority Business Enterprise (MBE) under Group I, and that MBE waivers have been granted to Ace Truck Equipment Company for Group II and III (Item #1) and to Concord Road Equipment Mfg., Inc. under Groups III (Item #2);

"WHEREAS, the executive director has reviewed the bids received and has recommended to the Commission that contracts be awarded to the lowest responsive and responsible bidders, Lima Ford, Inc. for Group I; Ace Truck Equipment Company for Group II and Group III (Item #1) and Concord Road Equipment Mfg., Inc. for Group III (Item #2);

"NOW, THEREFORE, BE IT

"RESOLVED that the bid of Lima Ford, Inc., d/b/a/ Mike Pruitt's Ford of Lima, Ohio for Group I of Invitation No. 3546-C in the amount of \$471,565.00; and the bid of Ace Truck Equipment Company for Group II and Group III (Item #1) of Invitation No. 3546-C in the total amount of \$377,570.00 and the bid of Concord Road Equipment Mfg., Inc. of Painesville, Ohio, for Group III (Item #2) of Invitation No. 3546-C in the amount of \$91,172.00; is, and is by the Commission deemed to be the lowest responsive and responsible bids received and is accepted and the chairperson and executive director, or either of them, is hereby authorized (1) to execute a contract with the successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to

direct the return to the other bidders of their bid security at such time as Lima Ford, Inc., d/b/a/ Mike Pruitt's Ford; Ace Truck Equipment Company and Concord Road Equipment Mfg., have entered into a contract and furnished a performance bond required thereby; and (3) to take any and all action necessary to properly carry out the terms of said contract."

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

Ayes: Mr. Williams, Mrs. Baker, Mr. Joseph, 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. 29-1997.

Mr. Plain said he had one final resolution and it was resolution authorizing the Executive Director to Enter into a Contract with Portage County to Construct a Water Line which will Provide Water Service to Portage and Brady's Leap Service Plazas. He said wells currently supplied those service plazas and they were not very good.

Mr. Plain said further that in paying \$645,000 to Portage County to construct the water line the Commission would have a 20-year pay back period. He said that anybody tapping into the line would be assessed based on their frontage and that money would be credited back to the Commission to off-set the price it paid. He said he would read the Resolved as follows:

"RESOLVED that the Executive Director and General Counsel are hereby authorized and directed to enter into an agreement with the Portage County Water Resources Department for the construction of a water line to the Portage and Brady's Leap Service Plazas, at a cost not to exceed \$645,000."

Mr. Joseph asked if tap-in fees would reimburse the Commission for fronting the \$645,000.

Mr. Plain said the Commission would be reimbursed from tap-in fees based on a charge per property frontage.

Mr. Zomparelli said that in the event any future property owners tap in during the 20-year period those fees would go to the Commission. He said that if there were no tap-ins then the Commission would not get any money.

The Chairman asked what was wrong with the current water line.

Mr. Castrigano said the service plazas were currently being serviced by wells and a water treatment plant. He said the wells and the plant were approaching 50 years old. He said that if municipal water was not secured the Commission would have a major capital investment to upgrade the wells and water treatment plant.

The Chairman asked if there was a good chance the Commission could recoup some of its investment.

Mr. Castrigano said there was a good chance that could be done.

Mr. Plain said that area was developing and would offer a pay back for the Commission's investment. He said also the water line would provide better service to the service plazas.

A Resolution Authorizing the Executive Director to Enter into a Contract with Portage County to Construct a Water Line which will Provide Water Service to Portage and Brady's Leap Service Plazas was moved for adoption by Mr. Joseph, seconded by Mr. Williams as follows:

**RESOLUTION NO. 30-1997**

"WHEREAS, due to the planned renovation of the Commission's service plazas, the Commission desires to provide water service to the Ohio Turnpike Commission's service plazas located at Portage and Brady's Leap;

"WHEREAS, the Commission has negotiated with the Portage County Water Resources Department to provide water to the Ohio Turnpike Commission's Portage and Brady's Leap Service Plazas;

"WHEREAS, Portage County Water Resources Department shall design and construct a waterline which will extend along State Route 303 from Infirmary Road to the Brady's Leap Service Plaza;

"WHEREAS, the Commission will contribute the amount of \$645,000.00 to Portage County for the costs of this project;

"WHEREAS, the Commission's Maintenance Engineer and Executive Director have reviewed the project and both concur that it is in the Commission's best interests and most cost-effective to enter into an agreement with the Portage County Water Resources Department;

"NOW, THEREFORE, BE IT

"RESOLVED that the Executive Director and General Counsel are hereby authorized and directed to enter into an agreement with the Portage County Water Resources Department for the construction of a water line to the Portage and Brady's Leap Service Plazas, at a cost not to exceed \$645,000.00."

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

Ayes: Mr. Joseph, Mr. Williams, Mrs. Baker, 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. 30-1997.

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

Mr. Zomparelli said he had one resolution that was prepared in connection with the proposed interchange with the Turnpike in the vicinity of County Road 24 (State Route 66) in Archbold, Ohio at Milepost 25.3 in Fulton County, Ohio. He said he would read the Further Resolved as follows:

"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: (legal descriptions attached)."

The Chairman asked if the Commission was buying the properties.

Mr. Zomparelli said the Commission was buying two properties and on the third, they would obtain a temporary construction easement.

The Chairman asked if the property owner was OK with the purchases and obtaining the easement.

Mr. Zomparelli said the owner, Mr. Ervin Wyse, opposed the purchases and had been an opponent of the interchange or at least at that location. He said that was why the staff was requesting the appropriation.

Representative Hodges asked how the staff had proceeded in general and what was being paid for the property around that area.

Mr. Zomparelli said that once he got the authority from the Commission he would file a petition for appropriation and deposit approximately \$160,000 with the court. He said that was the amount of the offer made to Mr. Wyse. He said about 45 acres were involved.

Representative Hodges asked if the Commission was paying \$160,000 for 45 acres of land.

Mr. Zomparelli said that amount was for two parcels. He said the first parcel was about 44 acres, the second parcel was about one acre and the third parcel was just a temporary construction easement.

The Chairman said the property must have been properly appraised.

Mr. Zomparelli said the property had been appraised.

The Chairman asked if Mr. Wyse had a problem with the value or was it that he didn't want the interchange.

Mr. Zomparelli said he didn't want the interchange on his land. He said he didn't know if Mr. Wyse was for or against the interchange, but through his attorney he had said he won't sell his land. He said Mr. Wyse and his attorney had closed the door on negotiations with the Commission, so the appropriation had to be filed. He said he certainly would like to avoid litigation. He said the staff always made an attempt to avoid it.

The Chairman asked Representative Hodges if he knew the Wyse family and had he been in touch with them.

Representative Hodges said he knew the family, but he had not been in touch with them on that issue.

The Chairman said the staff worked with them as much as they could, but the Commission needed the land.

Representative Hodges said he understood, though he was curious about the process.

Mr. Zomparelli said Mr. Wyse was one of the group of property owners that was trying to appeal the Commission's 401 certifications that were obtained through the Army Corps of Engineers dealing with water quality.

The Chairman said he had gone out to visit Archbold some time ago and there was a lot of growth in that area. He said that not only did they have Sauder Woodworking, which was a significant employer, but there also was a big manufacturer of frozen pizzas.

Representative Hodges said he supported the interchange.

Mr. Zomparelli said the Commission had received and opened bids for the construction of the interchange. He said the staff had not had time to review the bid, but they would like to award the contract for the construction of the interchange at the next Commission meeting.

The Chairman said the Commission was moving ahead and had helped retain some 2,000 jobs at Sauder Woodworking, plus an additional 2,000 jobs had been added as a result of the Commission's pledge to build the interchange.

Mr. Joseph said ODOT was paying \$3,200 or \$3,300 an acre for property.

Mr. Zomparelli said the Commission made a fair offer. He said that all the Commission was permitted to pay was what the property was worth.

The Chairman asked if one or two appraisals were made.

Mr. Zomparelli said one appraisal was obtained from a very experienced appraiser. He said he had done work in the past for the Commission and was very familiar with the area. He said that certainly the staff would be willing to listen to Mr. Wyse's attorney.

The Chairman said that he had sat down with many groups in his office with cookies and coffee and talked about building interchanges. He said that whenever you took their land away and built a road in their backyard they got mad at you. He said that he didn't care how nice you were, how much you negotiated or how much you talked to the land owners, they didn't want it. He said that he could not blame them, but on the other hand he didn't think you could stop progress.

Mr. Zomparelli said that the resolution only permitted the staff to file for appropriation and Mr. Wyse was represented by an attorney named David Zoll.

The Chairman asked Representative Hodges if he knew Mr. Zoll.

Representative Hodges said he knew Mr. Zoll from his work on tort reform.

The Chairman asked if Mr. Zoll was a Workers' Comp lawyer.

Mr. Zomparelli said Mr. Zoll practiced in different areas and had represented other property owners at different locations. He said the staff was able to settle those cases with him, but at that point his client was not willing to settle. He said the staff would file the appropriation, but if they didn't have to go to court and were able to settle then they would do that. He said the Commission had received and opened bids on April 17th for the construction of the interchange.

Mr. Plain said work on that interchange wasn't scheduled to start until July.

Mr. Zomparelli said work could not start until the Commission had either bought the property or gotten permission to enter the property. He said Mr. Wyse would not give the Commission permission to enter. He said he would not give a Right of Entry.

Mr. Joseph said law only permitted the Commission to pay for farmland what it was valued at for current use.

Mr. Zomparelli said it was market value. He said the way the law read you couldn't take into account the improvement, i.e., the interchange. He said that in the same regard, if the improvement would decrease property values, the Commission couldn't pay the lesser value. He said the Commission had to pay the value at the time of the take. He said the appraised value was what the property was worth at that time. He said there were costs of litigation that would be worth avoiding.

Mr. Plain said the staff had made every effort to settle.

Mr. Zomparelli said it was a question of damages when they went to court. He said the only issue to determine was whether the Commission had the necessity to appropriate the property and with the resolution it did. He said the only other issue was the fair market value of the property. He said he recommended the resolution be adopted.

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. Baker, seconded by Mr. Joseph as follows:

**RESOLUTION NO. 31-1997**

"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 County Road 24 (S. R. 66) and the Ohio Turnpike in the vicinity of Milepost 25.3 in Fulton 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>
Ervin E. Wyse	23364 County Road H Archbold, OH 43502
John Trudel Auditor, Fulton County	210 S. Fulton Street Wauseon, OH 43567
Dennis Hales Treasurer, Fulton County	210 S. Fulton Street Wauseon, OH 43567

"The aforementioned property to be appropriated is described as follows:

**Parcel No. 2A-6WL - Fee Simple**  
**Parcel No. 2A-6WL-1 - Fee Simple**  
**Parcel No. 2A-6T - 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. 2A-6WL

A certain parcel of land comprising part of the Southwest Quarter (1/4) and part of the Southeast Quarter (1/4) of Section 5, Town 7 North, Range 5 East, in Franklin Township, all in Fulton County, Ohio, the said certain parcel of land being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the centerline of right of way of Township Road 24, (formerly Zone-Southern Road), (Westerly line of the said Section 5), (Plain Station 42+18.33, centerline of right of way of the said Township Road 24), with the centerline of right of way of County Road H, (Plan Station 20+00.00, centerline of right of way of the said County Road H), [the said centerlines of right of ways of Township Road 24, County Road H and the hereinafter described centerline of right of way Ohio Turnpike Project Number 1, (Interstate Highways 80 and 90), herein defined as the centerlines of right of ways of said Roads and Highways in the Plans and Specifications of the Ohio Turnpike Commission C.I.P. No. 55-94-03], the said point of intersection of the centerline of right of way of Township Road 24 with the centerline of right of way of County Road H, being the Southwesterly corner of the said Section 5 [Southeasterly corner of Section 6, Town 7 North, Range 5 East, in the said Franklin Township, (Northeasterly corner of Section 7 and Northwesterly corner of Section 8, all in Town 7 North, Range 5 East, in German Township, Fulton County, Ohio)]; thence North 00° 24' 47" West, along the said centerline of right of way of Township Road 24, [Westerly line of the said Section 5, (Easterly line of the said Section 6)], a distance of 1,332.42 feet, more or less, to the point of intersection of the said centerline of right of way of Township Road 24 with the existing southerly right of way line of the aforementioned Ohio Turnpike Project Number 1, [(said point of intersection being at Plan Station 55+50.75, centerline of right of way of the said Township Road 24), (Plan Station 164+61.63, 110.00 feet, right, Ohio Turnpike Project Number 1)]; thence Easterly, along the said Southerly right of way line of the aforementioned Ohio Turnpike Project Number 1, said Southerly right of way line of the aforementioned Ohio Turnpike Project Number 1 being a circular curve to the right, or south, having a radius of 11,345.23 feet, measured, (11,349.16 feet, record), an arc distance of 2,661.09 feet, more or less, the said arc subtending a central angle of 13° 26' 21", measured, more or less, and the chord of the said arc having a chord distance of 2,654.99 feet, measured, more or less, to the point of intersection of the aforementioned southerly right of way line of the Ohio Turnpike Project Number 1, with the North and South centerline of the said Section 5, (said point of intersection being at Plan Station 191+ 48.52, 110.00 feet, right, of the said centerline of right of way of the Ohio Turnpike); thence South 00° 16' 46" East, along the said North and South centerline of Section 5, a distance of 10.00 feet, more or less, to the point of intersection of the said North and South centerline of the said Section 5, with the southerly right of way line of the Ohio Turnpike Project Number 1, (120.00 feet, right, of the said centerline of right of way of the Ohio Turnpike), said point of intersection being Plan Station 191 + 48.23, 120.00 feet, right of the said centerline of right of way of the Ohio Turnpike); thence continuing Easterly, along the aforementioned Southerly right of way line of the Ohio Turnpike Project Number 1, said southerly right of way line of the said

Parcel No. 2A-6WL (Con'd.)

Ohio Turnpike Project Number 1, being a circular curve to the right, or South, having a radius of 11,335.23 feet, measured (11,339.16 feet, record), an arc distance of 1,288.13 feet, more or less, the said arc subtending central angle of  $06^{\circ} 30' 40''$ , measured, more or less, and the chord of the said arc having a chord distance of 1,287.44 feet, measured, more or less, to a point on the said southerly right of way line of the Ohio Turnpike Project Number 1, being at Plan Station 204+50.00, 120.00 feet, right, of the centerline of right of way of the Ohio Turnpike; thence South  $77^{\circ} 28' 00''$  West, a distance of 103.27 feet, to a point at Plan Station 203+50.00, 150.00 feet, right, of the centerline of right of way of the Ohio Turnpike; thence Westerly, along a circular curve to the left, or South, having a radius of 11,305.23 feet, measured (11,309.16 feet, record), an arc distance of 740.18 feet, more or less, the said arc subtending a central angle of  $03^{\circ} 45' 05''$ , measured, more or less, and the chord of the said arc having a chord distance of 740.05 feet, measured, more or less, to a point at Plan Station 196+00.00; 150.00 feet, right, of the centerline of right of way of the Ohio Turnpike; thence South  $00^{\circ} 21' 08''$  West, a distance of 15.00 feet, more or less, to a point at Plan Station 196+00.00, 165.00 feet, right, of the centerline of right of way of the Ohio Turnpike; thence continuing, Westerly, along a circular curve to the left, or South, having a radius of 11,290.23 feet, measured, (11,294.16 feet, record), an arc distance of 295.68 feet, more or less, the said arc subtending a central angle of  $01^{\circ} 30' 02''$ , measured, more or less, and the chord of the said arc having a chord distance of 295.67 feet, measured, more or less, to a point at Plan Station 193+00.00, 165.00 feet, right, of the centerline of right of way of the Ohio Turnpike; thence South  $86^{\circ} 39' 09''$  West, a distance of 380.70 feet, to a point at Plan Station 189+13.66, 173.19 feet, right, of the centerline of right of way of the Ohio Turnpike; thence South  $78^{\circ} 40' 05''$  West, a distance of 180.12 feet, to a point at Plan Station 28+07.73, 100.00 feet, right, of the baseline for Ohio Turnpike Interchange 2A, Ramp F; thence Southwesterly, along a circular curve to the left, or South, having a radius of 409.30 feet, an arc distance of 480.37 feet, the said arc subtending a central angle of  $67^{\circ} 14' 41''$ , and the chord of the said arc having a chord distance of 453.27 feet, to a point at Plan Station 22+10.00, 100.00 feet, right, of the baseline for Ohio Turnpike Interchange 2A, Ramp F; thence South  $06^{\circ} 43' 30''$  West, a distance of 210.00 feet, to a point at Plan Station 20+00.00, 100.00 feet, right, of the baseline for Ohio Turnpike Interchange 2A, Ramp F, (Plan Station 39+10.80, 132.50 feet, right of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B); thence South  $23^{\circ} 41' 27''$  West, a distance of 156.95 feet, to a point at Plan Station 38+00.00, 115.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence continuing, Southwesterly, along a circular curve to the right, or North, having a radius of 412.34 feet, an arc distance of 138.68 feet, the said arc subtending a central angle of  $19^{\circ} 16' 11''$ , and the chord of the said arc having a chord distance of 138.02 feet, to a point at Plan Station 37+00.00, 115.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South  $63^{\circ} 12' 30''$  West, a distance of 136.32 feet, to a point at Plan Station 36+00.00, 100 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A,

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Ramp B; thence continuing, Southwesterly, along a circular curve to the right, or North, having a radius of 397.34 feet, an arc distance of 111.63 feet, the said arc subtending a central angle of 16° 05' 49", and the chord of the said arc having a chord distance of 111.26 feet, to a point at Plan Station 35+16.47, 100.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B, thence South 82° 42' 42" West, a distance of 316.47 feet, to a point at Plan Station 32+00.00, 100.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South 07° 17' 18" East, a distance of 100.00 feet, to a point at Plan Station 32+00.00 200.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B, thence South 82° 42' 42" West, a distance of 500.00 feet, to a point at Plan Station 27+00.00, 200.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence North 07° 17' 18" West, a distance of 70.00 feet, to a point at Plan Station 27+00.00, 130.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South 82° 42' 42" West, a distance of 60.00 feet, to a point at Plan Station 26+40.00, 130.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B, thence North 07° 17' 18" West, a distance of 20.00 feet, to a point at Plan Station 26+40.00, 110.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South 82° 42' 42" West, a distance of 168.52 feet, to a point at Plan Station 24+71.48, 110.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South 86° 08' 58" West, a distance of 216.28 feet, to a point at Plan Station 22+68.27, 110.00 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South 82° 20' 22" West, a distance of 179.71 feet, to a point at Plan Station 20+90.00, 132.67 feet, right, of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B, [Plan Station 47+60.89, 90.00 feet, right, of the said centerline of right of way of Township Road 24, (Westerly line of the said Section 5)]; thence South 04° 54' 48" West, a distance of 161.59 feet, to a point at Plan Station 46+00.00, 75.00 feet, right, of the aforementioned centerline of right of way of Township Road 24; thence South 00° 24' 47" East, a distance of 382.23 feet, more or less, to a point on the Southerly line of the said Section 5, (centerline of right of way of County Road H), (said point at Plan Station 42+17.85 feet, right, of the said centerline of right of way of Township Road 24); thence, North 89° 58' 59" West, along the said centerline of right of way of County Road H, a distance of 75.00 feet, more or less, to the point of beginning; containing 43.242 acres of land, more or less, including the present right of ways of the aforementioned Township Road 24 and County Road H which occupies 0.801 of an acre of land, more or less; subject to legal easements, restrictions, leases of record and records in respective utility offices.

The bearings referred to herein are based upon an assumed meridian and are used only for the determination of angular measurements.

Exhibit "A"

**Parcel No. 2A-6WL-1**

A certain parcel of land comprising part of the Southeast Quarter (1/4) of Section 5, Town 7 North, Range 5 East, in Franklin Township, in Fulton County, Ohio, the said certain parcel of land being more particularly bounded and described as follows:

Commencing at the point of intersection of the centerline of right of way of Township Road 24 (formerly Zone - Southern Road), (Westerly line of the said Section 5), (Plan Station 42+18.33, centerline of right of way of the said Township Road 24), with the centerline of right of way of County Road H, (Plan Station 20+00.00, Centerline of right of way of the said County Road H), [the said centerlines of right of ways of Township Road 24, County Road H and the hereinafter described centerline of right of Ohio Turnpike Project Number 1, (Interstate Highways 80 and 90), herein defined as the Centerlines of right of ways of said Roads and Highways in the Plans and Specifications of the Ohio Turnpike Commission C.I.P. No. 55-94-03], the said point of intersection of the centerline of right of way of Township Road 24 with the centerline of right of way of County Road H, being the Southwesterly corner of the said Section 5, [Southeasterly corner of Section 6, Town 7 North, Range 5 East, in the said Franklin Township, (Northeasterly corner of Section 7 and Northwesterly corner of Section 8, all in Town 7 North, Range 5 East, in German Township, Fulton County, Ohio)]; Thence North 00° 24' 47" West, along the said centerline of right of way of Township Road 24, [Westerly line of the said Section 5, (Easterly line of the said Section 6)], a distance of 1,446.23 feet, more or less, to the point of intersection of the said centerline of right of way of Township Road 24, (Plan station 56+64.56), with the centerline of right of way of the aforementioned Ohio Turnpike Project Number 1, [Plan Station 164+90.95, measured, Ohio Turnpike Plan Station 164+90.35, record)]; thence Easterly, along the said centerline of right of way of the Ohio Turnpike Project Number 1, said centerline being a circular curve to the right, or South, having a radius of 11,455.23 feet, measured, (11,459.16 feet, record), an arc distance of 2,660.69 feet, measured, more or less, the said arc subtending a central angle of 13° 18' 29", measured, more or less, and the chord of the said arc having a chord distance of 2,654.71 feet, measured, more or less, to the point of intersection of the said centerline of right of way of the Ohio Turnpike Project No. 1, with the North and South centerline of the said Section 5, (said point of intersection being at Plan Station 191+51.64, more or less, measured; thence North 00° 16' 46" West, along the said North and South centerline of Section 5, a distance of 115.05 feet, more or less, to the point of intersection of the said North and South centerline of Section 5, with the existing Northerly right of way line of the said Ohio Turnpike Project Number 1, said point of intersection being at Plan Station 191+54.84, 115.00 feet, left, said point of intersection also being the POINT OF BEGINNING; thence continuing North 00° 16' 46" West along the said North and South centerline of Section 5, a distance of 95.04 feet, to a point at Plan Station 191+57.44, 210.00, left, of the said centerline of right of way of the Ohio Turnpike; thence South 81° 43' 25" East, a distance of 147.15 feet, to a point at Plan Station 193+00.00, 185.00 feet, left, of the said centerline of right of way of the Ohio Turnpike; thence South 84° 46'

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14" East, a distance of 305.92 feet, to a point at Plan Station 196+00.00, 155.00 feet, left, of the said centerline of right of way of the Ohio Turnpike; thence South 87° 14' 02" East, a distance of 405.34 feet, to a point at Plan Station 200+00.00, 145.00 feet, left, of the said centerline of right of way of the Ohio Turnpike; thence South 70° 52' 30" East, a distance of 105.49 feet, more or less, to a point on the said existing northerly right of way line of the Ohio Turnpike Project Number 1, (the aforementioned point on the said existing northerly right of way line of the Ohio Turnpike Project Number 1, being at Plan Station 201+00.00, 115.00 feet, left, of the said centerline of right of way of the Ohio Turnpike); thence Westerly, along the said Northerly right of way line of the Ohio Turnpike Project Number 1, said northerly right of way of the Ohio Turnpike Project Number 1, being a circular curve to the left, or South, having a radius of 11,570.23 feet, measured, (11,574.16 feet, record), an arc distance of 954.64 feet, measured, more or less, the said arc subtending a central angle of 04° 43' 39", measured, more or less, and the chord of the said arc having a chord distance of 954.37 feet, measured, more or less, to the point of beginning, containing 1.004 acres of land, more or less; subject to legal easements, restrictions, leases of record and records in respective utility offices.

The bearings referred to herein are based upon an assumed meridian and are used only for the determination of angular measurements.

**Exhibit "B"**

**Parcel No. 2A-6T**

A certain parcel of land comprising part of the Southwest Quarter (1/4) of Section 5, Town 7 North, Range 5 East, in Franklin Township, all in Fulton County, Ohio, the said certain parcel of land being more particularly bounded and described as follows:

Commencing at the point of intersection of the centerline of right of way of Township Road 24, (formerly Zone-Southern Road), (Westerly line of the said Section 5), (Plan Station 42+18.33, centerline of right of way of the said Township Road 24), with the centerline of right of way of County Road H, (Plan Station 20+00.00, centerline of right of way of the said County Road H), [the said centerlines of right of ways of Township Road 24, County Road H, and the hereinafter described centerline of construction Ohio Turnpike Interchange 2A, Ramp B (Interstate Highways 80 and 90), herein defined as the centerlines of right of ways of said Roads and of construction of said Ramp in the Plans and Specifications of the Ohio Turnpike Commission C.I.P. No. 55-94-03], the said point of intersection of the centerline of right of way of Township Road 24 with the centerline of right of way of County Road H, being the Southwesterly corner of the said Section 5, [Southeasterly corner of Section 6, Town 7 North, Range 5 East, in the said Franklin Township, (Northeasterly corner of Section 7 and Northwesterly corner of Section 8, both in Town 7 North, Range 5 East, in German Township, Fulton County, Ohio)]; thence South 89° 58' 59" East, along the said centerline of right of way of County Road H, [Southerly line of the said Section 5, (Northerly line of the said Section 8)], a distance of 75.00 feet, to a point at Plan Station 42+17.85, 75.00 feet right of the said centerline of right of way of Township Road 24; thence North 00° 24' 47" West, a distance of 382.23 feet, to a point at Plan Station 46+00.00, 75.00 feet right of the aforementioned centerline of right of way of Township Road 24; thence North 04° 54' 48" East, a distance of 57.43 feet, to a point at Plan Station 46+57.18, 80.33 feet right of the said centerline of right of way of Township Road 24 (Station 20+80.33, 236.38 feet right of the centerline of construction of Ohio Turnpike Interchange 2A, Ramp B); thence North 82° 42' 42" East, a distance of 621.13 feet, to a point at Plan Station 26+75.00, 200.00 feet right of the said centerline of construction of Ohio Turnpike Interchange 2A, Ramp B, said point being the POINT OF BEGINNING; thence continuing North 82° 42' 42" East, a distance of 125.00 feet, to a point at Plan Station 28+00.00, 200.00 feet right of the said centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence South 07° 17' 18" East, a distance of 50.00 feet, to a point at Plan Station 28+00.00, 250.00 feet right of the said centerline of construction of Ohio Turnpike Interchange 2A, Ramp B, thence South 89° 33' 16" West, a distance of 125.90 feet, to a point at Plan Station 26+75.00, 235.00 feet right of the said centerline of construction of Ohio Turnpike Interchange 2A, Ramp B; thence North 07° 17' 18" West, a distance of 35.00 feet, more or less, to the point of beginning, containing 0.122 acres of land, more or less; subject to legal easements, restrictions, leases of record and records in respective utility offices.

The bearings referred to herein are based upon an assumed meridian and are used only for the determination of angular measurements.

**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. Baker, Mr. Joseph, 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. 31-1997.

Senator Gaeth said he had a curious question to ask and that was who did the Commission buy their road salt from and how much did they pay.

Mr. Castrigano said there were two contracts last year and they went to Morton and North American Salt. He said he didn't remember the actual bids.

Senator Gaeth said he brought up the question because in passing the ODOT budget they found out that they could not buy salt from Canada which would cost \$8.00 a ton less than that purchased in Ohio. He said it was in a statute somehow that the salt had to be bought in Ohio. He said they tried to take that requirement out and got all kinds of grief.

Mr. Plain said he thought the legislature ought to take a look, and maybe the Attorney General's office, at that whole salt deal in this state. He said that when you compared price bids sometimes with other agencies, other agencies seemed to buy it cheaper than the Commission did.

Mr. Plain said further that he knew that ODOT was experiencing the same thing and he didn't want to say there was any fixing going on. He said he thought somebody had to look into the whole situation because you saw strange bids. He said they were all competitive bids, but the Commission could not get bids as low as a county through which the Turnpike passed.

The Chairman asked how that happened.

Mr. Plain said that was what he would like somebody else to find out. He said he didn't have the authority or power to do that, but he thought somebody ought to look into that situation.

Mrs. Baker said she suggested that Mr. Plain write a letter on behalf of the Commission to the Attorney General asking her to look into it.

Mr. Plain said that ODOT had experienced the same types of circumstances. He said he thought the letter to the Attorney General should be written and the bidding variances examined before the Commission went out for its next bids.

The Chairman asked if there was any other business.

Mr. Plain said the next Commission meeting would be held on May 12th, which was the second Monday in May.

Representative Hodges asked if the next Turnpike Oversight Committee was the week after the Commission meeting.

Mr. Plain said that meeting was on Thursday, May 22 in Columbus at 11:00 a.m.

There being no further business before the Commission, a motion was made by Mrs. Baker, seconded by Mr. Williams that the meeting adjourn until the next meeting on May 12.

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

Ayes: Mrs. Baker, Mr. Williams, Mr. Joseph, Mr. Fedeli

Nays: None

The Chairman declared the meeting adjourned. The time of adjournment was 11:15 a.m.

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

  
Marilyn R. Baker, Secretary-Treasurer