

**MINUTES OF THE 452nd MEETING OF
THE OHIO TURNPIKE COMMISSION**

June 14, 1999

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting in the Administration Building at 682 Prospect Street, Berea, Ohio at 10:03 a.m. on June 14, 1999, with members of the staff: Gino Zomparelli, General Counsel and Deputy Executive Director-External Services; Robert Arlow, Deputy Executive Director-Operations; John Peca, Special Counsel, James Steiner, CFO/Comptroller; Dave Ransbury, Chief Engineer, Pat Patton, Government Liaison Officer, Karen Lenahan, (title), Thomas Amato, Assistant General Counsel and Dan Castrigano, Maintenance Engineer.

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

Ayes: Dr. Anthony, Mrs. Baker, Mr. Williams, , Mrs. Leever,

Nays : None.

The Chairman advised that Bob Blair, the representative from the Ohio Department of Transportation and Senator Armbruster were unable to attend today's meeting. She said she was not sure about Representative Buehrer's attendance today as he may arrive a little later (arrived at 10:05 a.m.)

We have a number of guests here today and we will ask them to identify themselves: Vince Chairucci, business consultant; ; Howard O'Malley, B & T Express; Bobby Everhart, URS Greiner, Eric Erickson, Fifth Third/Ohio Co.,; Captain Tim Escola, OSHP; Brian Connors, Connors & Co.; Mike Schipper, HNTB; Kathleen Cullen, Key Bank; Greg Thorp, Subway Restaurants; Mike Kurey, Advanced Restaurant Concepts; Stu Shear, Ohio Rehabilitation

Services Commission; Bob Hudecek, Key Bank; Alan Bauco, A. G. Edwards; Eric Small, SBK Brooks; Tom Tarantino, Climaco firm; Annette Justice, Mark Miller, Pryor McClenndon & Counts; Tom Travis, Fred McFall, Host Marriott Services; Frank Lamb, Huntington Bank; Ken Marley, Hardee's Food Systems; Bob Brown, Key Corp. McDonald; R, T. Andrews (Cleveland Monitor); Bob Barnett, Heidi Jedel, Barb Lesko and Diane Pring.

The Chairman welcomed Representative Buehrer who arrived at approximately 10:05 a.m. He said he enjoyed his swim in. The Chairman said, "Happy Flag Day" anyway.

The Chairman said the June 14, 1999 Meeting was the 452nd meeting of the Commission, and we were meeting at the Commission's headquarters as provided for in the Commission's Code of Bylaws. The minutes of the last Commission Meeting of April 26 1999, has been distributed to the members for their comments, and she would accept a motion for their adoption without reading.

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

Ayes: Mr. Williams, Mrs. Baker; Dr. Anthony and Mrs. Leever.

Nays: None.

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

The Chairman advised that various reports will be received and the Commission will act on a resolutions, draft copies of which has been previously sent to the members and updated drafts are also in the Members' folders. She said the resolutions would be explained during the appropriate reports.

The Chairman said, if there were no questions, the report of the Secretary-Treasurer, Mrs. Baker, would be received.

Mrs. Baker said the following listed items had been sent to the Members since the last regularly scheduled meeting of the Commission on April 26, 1999:

1. Draft of Commission Meeting Minutes of April 26, 1999.
2. Traffic and Revenue Report, April 1999
3. Financial Statement, April 1999
4. Investment Report, April 1999
5. Traffic Accident Summary Report, April 1999
6. Revenue by Month & Year April 1999
7. Litigation Report for the period ending March 31, 1999
8. Turnpike Notes and various news releases

Leever: We had a busy month of reading, haven't we – a little over a month. Thank you, Mrs. Baker. Is there a report on Budget & Finance?

Baker: No, there is not.

Leever: Our report on the financials, Mr. Steiner?

Steiner: Thank you Madame Chairman. I hope you have with you the materials – the Traffic & Revenue Report for the month of May. We just got it out early this morning and I hope it's included in your folders. That report does reflect that the traffic on the Ohio Turnpike for the first five months of 1999 was an all-time high. Do you have that report? (The members replied, yes.)

During this five-month period the number of passenger cars traveling the Turnpike traveled \$12,959 surpassing the prior record established last year by 368,000 cars or 2.9%. During the same period the number of commercial vehicles totaled 3,562,000 surpassing the prior record set in 1995 by 70,000 vehicles or 2%. This is also an increase of 205,000 commercials or 6.1% over the first five months of last year. Total traffic for the first five months of this year tallied 16,521,000 which surpasses the previous record established last year by 573,000 vehicle or 3.6%. If you look at just the month of May, the number of

passenger cars traveling the Turnpike totaled 3,174,000 surpassing the previous record set last year by 92,000 cars or 3%.

Commercial traffic for May totaled 770,000 vehicles surpassing the prior record set in 1995 when 16,000 or 2.2% -- this is also an increase of 44,000 commercial vehicles or 6.1% compared to May of last year. Total traffic for the month of May was 3,944,000 vehicles surpassing the previous record established last year by 136,000 or 3.6%. The preliminary data for the first 8 days of June indicates that we have had more than 1-million vehicles traveling the Turnpike during this period and that is out-pacing the volume during the same period for last year. Toll revenues for the first five months of 1999 total \$65.4 million exceeding the revenue for the same period last year by \$6.8 million or 11.7%. This is also exceeded the year to date budgeted toll revenue by \$1.2 million or 1.8%. The other revenues and our operating maintenance and administrative expenses for the first five months of 1999 are all in line with the amounts that were budgeted. Madame Chairman, that concludes my report and I would happy to respond to any questions.

Williams: So your report actually indicates that in spite of the fact that we have construction going on, third lane and the plazas being worked on that in spite of that our, traffic patterns on the Turnpike have increased rather than decreased as a result thereof. Is that correct?

Steiner: Yes, that's correct.

Leever: Thank you for your report. Do we have a report on the service plazas at this time or shall we wait?

Plain: We can let Bob talk and maybe Karen can say something about what we have planned for the 17th.

Arlow: Madame Chairman and members, the service plazas at Commodore Perry and Erie Islands – when we bid them last year, we estimated they would take approximately 11 months to build and with some complications and receiving

steel and some other soil problems, it will take us 11-1/2 months to complete. We think that we are still right in the ball park and we plan on having them totally finished by Thursday and we will be able to open some services to the public which is the fueling and the restroom facilities and some other services. All of the food concessions that we bid two months ago will not be totally open until July but there will be some opened later this month. We will be opened later this week for the two that we planned on.

Leever: Please repeat the sentence – when are they going to be totally up and going?

Arlow: They should be totally open by the second week in July – with all the food concessions. It will be completed this week totally and open for some services, but the concessions had a problem getting started - permitting and getting their permits and everything in order to get their food concessions up and running. That will take a few weeks to have all of their materials installed and ready to go. It will be by the second week of July all the food concessions should be up.

Williams: Madame Chairman, does that mean we will have a Grand Opening at a point when everything is completed?

Plain: That is what we are planning on. Mr. Williams, I'd like Karen Lenahan to step up and we have something planned for this Thursday.

Lenahan: What we have planned for this Thursday is a preview. The majority of the buildings will be done, except for the food concessions, we have a preview planned to show-off to everybody how beautiful the buildings are and what we have done in a very short amount of time. What we have planned for the future is once Host Marriott is completely built-out and ready, we'll host a Grand Opening to celebrate again what we have accomplished..

Leever; Mr. Plain?

Plain: Madame Chairman, recently The Blade did a little what I call – “ a hit on us” on the service plazas and I don’t see anyone here from the Blade or the PD . I don’t’ know if there is any news media here, but

(I’m here from the Cleveland Monitor.)

Good, welcome. One of the problems, I had talked to a reporter from the Blade who did the article for probably an hour on the phone and was not making much progress. He seemed to have an ulterior motive in mind. He kept getting things confused. I called the Editor. I said I don’t’ think this guy understands what we are saying to him. He said he’s a fair guy. When the story came out, I was a little shocked. Some of the things we had talked about, he misconstrued. It’s one thing for the paper to make a mistake but they also have an office of the AP Wire Service in their building in which they furnish the story. They put this inaccurate story out to all of the other news media, all of the electronic media – the radio and TV – were carrying these things like it was chiseled in stone. For the record, I just wanted to clarify a couple of things in one article. They talk about that the Commission was delayed because the Commission decided to be its own general contractor on the projects. We have never been our own general contractor on the projects. We never have been our own general contractor on any of the projects that we have done. I don’t know where they got that idea. What we did on this one was to have more contracts for the separate trades and things like that then we have had on previous contracts. We have a construction manager to coordinate everything for us. We administer the contracts like we do every contract. We make sure that everything is done according to the specifications and then we sign off on the pay quantities that are furnished to us and certified by our construction manager. That’s a total lie.

Talk about warning signs. We have warning signs at every service plaza because of construction we have some delays. We also put advance warning signs at the last plaza that was open warning everybody that food and fuel is

here because the next one is closed and the next one will be 60 miles away. They seem to get things confused on our deadlines and dates and things. It says, completion of the re-construction of the sixteen plazas will be three years later than initially reported. They report a lot of things. What we do is we get a preliminary estimate. What the cost will be. We will get a preliminary estimate on what the completion date is going to be. If things change during the course of that, we establish new timetables. We are not locked into what they say it should be done at. We have to adjust based on what the circumstances are surrounding the construction. We had late delivery of steel which was no fault of the Turnpike Commission. We had some remediation – soil remediation because we have been pumping fuel for years and years and we knew we were going to find some and we came into some things and had to take care of it. Those things have delayed the project. It basically is, as Mr. Arlow reported, we are still doing this within about a year. For a construction project of this magnitude with the number of contracts we have and the complexities involved in coordinating all of this, I think it's remarkable. I think that is where they missed the story. That we have been able to do that which would take somebody else probably two years to do we have been able to compress it into one year still maintain traffic, handle traffic out there. We have had had very very few – only a couple complaints from the general public on any of it. I am irritated by newspapers that tend to make the news. They are like Monday morning quarterbacks. They want to criticize every move you make and they have never been in the front line or trenches and have to do anything. We are the constructors, we are the ones that make the news. They are suppose to report it and when they report it inaccurately it upsets me. I have been upset many times over the years, believe me.

They talk about that we only our previous experience – construction experience was in building a maintenance building 15 years ago. Now, I personally have probably between ½ billion to 1 billion dollars worth of construction behind me and the rest of my staff -- in that one maintenance building, actually we built eight maintenance buildings, but they didn't pick that up either. I don't' know

where they are coming from in some of these statements except that the publisher couldn't stop there.

There are a few other errors in the reporting. I don't mind being criticized. We do have a problem. We've got more traffic; we reported it. We went ahead with the third-lane project to handle the traffic. We were criticized for that. Now everybody is enjoying that because we are ahead of most of the other agencies in getting these things accomplished. We said that our service plazas were almost unrepairable. We developed these plans. I think these plazas will be the finest in the world. We are making it better for our customers and for the people of Ohio we are able to showcase economic development, tourism throughout the whole state from these locations. We are doing a tremendous job for the State in that respect. And to be criticized from people who don't know what they are talking about is beyond me.

They talk about not having enough portable toilets. We had those out last year and they didn't even see them. We had them out this year particularly for the Memorial Day weekend when we know, but we have them at other places, too. We even have them at some of our interchanges. It goes unnoticed. It's easy to criticize. That's because they never have done anything productive in their lives. (I'll end it with that.) I'm just sorry they aren't here, I'll just have to write it to them, which I will and their little compadre, Mary Lou Johanik – the little twit out there that continues to pick on us.

When I talked to her last year, she used the Turnpike every day to go back and forth to work. She pays \$.50 a day more than she used to and she's really upset about that. I said, why don't you go another way, why not use S. R. 2? She said, no because it's a lot quicker and safer on the Turnpike. I said that's what you are paying for. End of story. They drive me crazy.

Leever: We would never have guessed that, Alan.

Plain: I really get upset. We have a small staff that's worked very, very hard and very long – many meetings with everyone to make this thing happen. It is happening and then to have somebody blind-side you with some inaccuracies to sell their poor paper, it's beyond me. I'll say this, long after their paper and these articles have taken their rightful place in all of the dumps, those plazas will be serving the State and its citizens for a long, long time. You can quote me on that, too. That's all I have to say on that.

Leever: Oh good. We all echo your sentiments and we feel the frustration that you feel. It's not very nice to pick up a newspaper and once again you are called something that you are not sure why this is happening. But we are dealing with it and our best way to deal with it is to just get the job done and that's exactly what we are doing. And then what are they going to say – nothing. There will be no story.

Plain: The public appreciates it. They are truly remarkable buildings.

Leever: They are. And Bob Arlow, thank you from the bottom of our hearts, for your work on this. As Alan said, this staff is so small, and all of you working together have made this possible. And in under a year – under a year from nothing - from scratch and rather than getting slammed for it, you deserve all the accolades in the world. You will receive them when this is done. I have no doubt about that. You will only hear good and wonderful things, I'm sure.

Plain: Is she going to be a reporter, now?

Leever: I thought about it. Come Thursday, we will enjoy Thursday,

Plain: Yes we will.

Leever: And we will enjoy whenever because we are going to do it and we're going to be there. Thank you for the report on the service plazas. Next, a report on Employee Relations.

DiPietro: Madame Chairman and members of the Commission, as you know we have been extensively involved in the Voluntary Early Retirement Incentive (VERI) Plan . At this point in time we have had 89 individuals indicate their intention to participate in the Program. That is about 185 individuals that we knew were eligible to participate. About 48% of the ones that we were aware of have indicated their desire to participate. That breaks down to about 50 people in Toll – that’s full time and part time and 33 in Maintenance and 6 so far in the Administration. The first group of individuals who can take advantage of this will be those individuals who will retire on June 30th , 1999 with their retirement effective on July 1st. There are 18 people who will be leaving at that point. As correspondence to those individuals who indicated that they were going to take the buy-out, those individuals who are not and are members of the Collective Bargaining Agreement have a bonus payment pursuant to the contract that will be coming to them in July. We are working on developing those payments to two individuals who are entitled to that bonus payment. We needed to know who are going to take it so they don’t participate in the buy-out. You can take one or the other but not both. We are in the process of putting forward those bonus payments.

Leever: Is my name on the list?

DiPietro: I will check and let you know.

Williams: How many of those individuals that are eligible for retirement are in “key positions” that have to re-filled?

DiPietro: Each department will be looking at those individuals who are leaving, Mr. Williams. We have not selected any number of individuals specifically at this point in time that need to be replaced. Obviously, the Executive Director is one that will need to be replaced and I think we already identified that. But on a case-by-case basis as we go through those key individuals, we’ll be making that determination. At this point in time, we do not have a definitive answer.

Williams: I would like to be informed in terms of if “new hires” are being made, and if so, who those individuals are and what positions they are going to hold prior to the time those positions are filled.

Leever: Thank you, Mr. DiPietro. Our Executive Director, Mr. Plain?

Plain: Thank you, Madame Chairman. We have a couple of things. One thing I want to report on is last Tuesday, June 8th. We had our Oversight Meeting down in Columbus. We met in the Capital there one of the guests that came in was Representative Damschroder who sat in on the meeting and asked several questions – one on traffic on some of the parallel routes that we have talked about, wanted to know some details on an accident that happened on the Turnpike involving a construction worker that was injured and whether we were doing everything we could to prevent some types of things. We assured him that we are continually revising our safety practices and he questioned the need for flag people out there and we have been using flaggers for 43 years to help move traffic on and off. When you have a situation where a trucker was following too close and was inattentive and then decided he couldn't stop in time to avoid a truck in front of him he pulled into the work zone and ran over the individual. Those kinds of things, I don't know there is anything that you can really do to prevent those types of things. They are unfortunate. We have good zones out there, I think some of the finest in the country. We have been very fortunate with some of the safety features we have added to the road. We are continually monitoring the zones. The individual was really put in the wrong place; he was not where he should have been. Still, those kinds of things, when trucks are out there going 65 mph and they are not paying attention you can have some serious problems. I don't know anything, I have been on this type of thing for over 39 years - both with the State and the Turnpike in trying to work out as much as you can. There is just no way you can prevent every fatality. Things happen and they will find a way to make it happen. We will continue to monitor it. We assured him that we would and that we will follow-up to a letter to him on what

we are doing and what we have done. It's one of those things that you just do the best you can. You can't come up with anything.

Leever; Mr. Plain, may I interrupt you. What about this bill about the speed limit of the trucks. Has anything happened with that – is it going anywhere? Is it going to happen?

Plain: I don't know. It's something that the truckers are pushing. They had their representatives there to increase the thing. Rather than a Turnpike issue, I think it's a state-wide issue. It's something that you can't isolate in one area and not in some other area. I was away on vacation. I happened to go both in Pennsylvania and W. Virginia. In W. VA it's 70 mph for all vehicles. In PA it had different signs – 55 and 60 mph 65 mph for some vehicles.

Leever; At the 70 mph speed limit, are they doing 70?

Plain: Yes. (Arlo_ they're doing 80.) But at 55 they do 65 or 75.

Leever; I had a truck pass me yesterday it was like I was parked and I was not parked.

Plain; It's not unusual. I think no matter what you interstate you travel on, particularly in the Cleveland area, I-71, 480, 271 and Turnpike. There is a tendency to try and push the envelope higher. People have to understand.

Leever: I was wondering what was happening.

Plain: I'm still it's still down there. Whether anyone will vote on it, but I think that's something that you have to look at and not isolate the Turnpike. If you go on the Turnpike you can drive faster. You have to look at the whole state and all of the other roads the truckers drive on. What's the best thing for the state. That's something the legislature going to have to look at.

Zomparelli: Madame Chair, the Executive Director and I have at least several conversations with Capt. Escola, OSHP about monitoring safety especially in the third-lane areas where we have concrete barriers where Patrol doesn't have the opportunity to turn around as quick and catch up to a speeder they have

identified. We talked to Captain last week and we are trying to develop some new strategies. We'll have to –

Plain; Use the airplane.

Leever: It's very difficult.

Plain; We also had a conference with all of our large combination vehicles – the long doubles and the triples combination vehicles that are by permit with us. We had a meeting here at the Admin. Bldg. to go over safety issues, we had OSHP participate and recognize that some of the truckers/drivers are not following the prescribed procedures. We want to enforce it. We are asking the companies to work with us on safety. There are some that are willing to do some video and things to put out on safety – how to drive, how to do different things. When we were at the Oversight Meeting, I talked to Tom King who is a representative of the Trucking Association, and Director. I asked him to start going to his membership and telling the companies that it is something that they will have to solve and work with us to get the speeds in line and all the other violations – following too closely. I think sometimes that causes more problems that speed alone. It is evident in that one fatality that we had where the guy was following too close and you can see them traveling right next to each other beyond the proper speed limits. You usually try to go after those that are following too close because that tends to end up the ones that causes the accidents. So we have asked trucking association to work with us, contact our people that we are going to step up our efforts to monitor the traffic. If we have to use it by using the Patrol planes, we will do that to make sure that we keep our safety.

I have a couple of resolutions, Madame Chairman. The first one is a resolution rejecting the bids for Contract 38-99-01 and that was for some towers that we have to put up for microwave communication tower improvements. We only had two bidders in response to the invitation to bid. On the last sheet of the packet it shows the two bidders. The problem that we encountered and I was advised by the Legal Department that the bid bonds were insufficient and therefore we

cannot consider them – that’s a technicality that you cannot waive so we will have to reject and re-advertise for bids as soon as possible.

Leever: Are we ready to do that?

Plain: Yes. I’d like to read the Resolved:

“RESOLVED that the above-mentioned bids, hereto received pursuant to the advertisement for bids upon Contract No. 38-99-01, Part A and B, for the renovations of twenty-nine (29) communication towers at the above-mentioned locations be and the same hereby are rejected, and the executive director is authorized to notify the bidders in writing of said action, to return to the bidders the bid security furnished by it and take whatever steps are necessary to re-advertise, forthwith.”

If there are no questions, I would like to motion and a second to reject these bids.

Anthony: I have two questions we had previously voted on this so we had previously authorized this – is that correct?

Zomparelli: Madame Chair, Dr. Anthony, I’m not sure I understand your question. Yes, this is for communications tower renovations, but it was not done by resolution. A resolution is only to approve the expenditure if it was in excess of \$500,000.

Anthony: Why did we get such a low turnout – just two bidders?

Plain: That I cannot answer, Bob?

Arlow: In the tower rehabilitation business there are only a few companies involved. These are the existing microwave and communication towers that we have at our toll plazas and our maintenance buildings and what we are asking them is to go out and rehabilitate them – paint them, keep them up to the FCC standards. So we sent them to all the companies that are listed, but only two responded.

Anthony: Alan, we are rejecting these bids because of technicalities?

Plain: Yes, that you can’t cure. Those are incurable according to the General Counsel and we have had that happen in the past where they have insufficient bid bonds.

Anthony: Will we notify them and just re-advertise?

Plain: We take the action here and we will go back and return their bid securities to them and notify them we will be re-advertising for bids as soon as possible.

Leever: Do you anticipate that they will re-bid?

Plain: It may help too because now that the bids are out on the table, maybe we'll get more competition. But maybe we won't because we didn't get bids for two of the items. We'll try to put it out and if we come up with any other names we will add them to the list.

Anthony: So moved.

Williams: Second.

Roll: Dr. Anthony-yes, Mr. Williams-yes; Mrs. Baker-yes, Mrs. Leever-yes.
(Special Counsel John Peca arrived at 10:40 a.m.)

Plain: The next resolution is a resolution awarding Contract 58-99-02 and this contract is for the reconstruction of the "Eastgate" toll plaza which is out near the PA line in Mahoning County. We had two bidders. Both bidders have performed work satisfactorily for the Commission previously. The low bid was submitted by A. P. O'Horo Co of Youngstown in the total amount bid of \$10,310,000 which is about \$4,600,000 less than the other bid and their bid is also below the engineer's estimate of cost.

Leever: \$2 million almost.

Plain: We contacted the company this morning to make sure that they had included everything because of the difference between the two bids and they assured us that they intend to do everything in accordance with the contract specifications and plans and that they feel comfortable with the bid they submitted. We just wanted to make sure this morning at the last minute that they didn't forget anything or miss a line item that they were suppose to get. The staff feels comfortable and they have done a lot of work for us previously. We recommend award of this contract. I'll read the Resolved:

RESOLVED that the bid of **The A. P. O'Horo Company** of Youngstown, Ohio, in the amount of \$10,310,000.00 for the performance of Contract No. 58-99-02 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 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; and (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. 58-99-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.

I recommend that we adopt this resolution. I need a motion and a second.

Baker: I move to approve.

Anthony: Second.

Leever: Are there any questions?

Anthony: I had one out of curiosity. Mr. Williams and I note that \$10-M is a lot of cans of paint to renovate. I see Mr. Ransbury is here, can we ask what this project entails?

Plain: That's more than just renovation. It's rebuilding all new toll plaza, new utility buildings, added lanes.

Anthony: It's almost like starting from scratch, right?

Arlow: Madame Chairman, Commission Members, we are building an entire new toll plaza. We are moving it 1.7 miles from where the existing toll plaza is located and we need the extra room. That's why we are moving it because we are extending the number of lanes in the toll plaza. We presently have 8 and we are going to 11 lanes to make it more convenient for our travelers to enter and exit the Turnpike so we are moving it back 1.7 miles from the existing plaza.

Anthony: So this includes the removal of the old plaza?

Arlow: It includes everything – the building of the new plaza, adding the extra lanes, removal of the old plaza and repaving of all the area.

Plain: That's the oldest plaza we have. That's one of the remaining original sections that was opened in 1954.

Anthony: That should be in a museum.

Plain: We'd be happy to ship it to Cleveland State for display.

Leever: Put it in your parking garage at the entrance, right?

Anthony: I think Kent State would prefer it.

Leever: OK, we have a motion and a second; please call roll.

Roll: Mrs. Baker-yes, Dr. Anthony-yes; Mr. Williams-yes and Mrs. Leever-yes.

Plain: That resolution is adopted. The next resolution and as you can see there is quite a bit of material there. I'll let you have a chance to look it over. This is a resolution awarding Contracts and rejecting proposals for the operation of the food concessions and retail/gift shops at the Commission's Great Lakes and Towpath Travel Centers under Contract TR-8B. I am going to ask General Counsel to assist me in this as we look through this.

Zomparelli: Madame Chair, Commission Members, We opened bids on June 9th – last week concerning the food concessions and the retail gift shop operations at the Great Lakes and Towpath Travel Centers which are currently under reconstruction. This is located in Cuyahoga County near Milepost 170 on the Turnpike. We received bids from six different companies and in each bid from each company there were a number of alternatives. We have quite a large to selection to make as far as which concessions we were going to recommend to the Commission for award. We are in a position to recommend to the Commission that an award be made for Units #1, 2, 3 and 5. Unit 1 would be a food concession/retail shop; Unit 2 is a food concession; Unit #3 is also a food concession and Unit #5 is the retail gift shop located in the lobby and common area of the new travel centers. Unit #4 is the sit-down, family-type restaurant that the Commission is seeking at the travel centers. We only received one bid . We received more than one bid but only from one company on Unit #4. There were no other bids on Unit #4 – the sit-down, family-style restaurant. However, the company that submitted a bid for Unit #4 had made it part of a all inclusive package along with Unit 1, 2, 3, and 5. We couldn't award it separately.

The staff has reviewed, the Executive Director has reviewed it, Dan Castrigano, our maintenance engineer has also part of the review team, Joe Disantis, our right of way coordinator, myself and Tom Amato, our Assistant General Counsel. I'll let the Executive Director inform the Commission Members as to what units were accepted, but the bid that has been submitted and which we are

recommending from the review staff on the Travel Center is legally sufficient and did comply with the goals as well as the laws relating to the operation of the service plazas. Alan, if you want to turn to the last page of the resolution, you can read the Resolved on page three:

RESOVLED that **the Alternate #3** bid of Advanced Restaurant Concepts, Inc., of Toledo, Ohio, which utilizes the following concepts:

Unit	Gross Receipts Bid %	Concept
1	15.75% as package	Travel Express/Coffee Beanery
2	15.75% as package	Pizza Hut Express
3	15.75% as package	Wendy's
4	NO BID	
5	15.75% as package	Hallmark

is, and is by the Commission determined to be, the **best** of all bids and combinations of bids received for the performance of Contract TR-8B and is accepted;

FURTHER RESOLVED that the executive director and general counsel hereby are authorized to execute Contract TR-8B (Units 1, 2, 3, 5) (Great Lakes and Towpath) Travel Centers, which provides for an initial term of five (5) years and at the Commission's option to extend for three (3) year periods, with Advanced Restaurant Concepts, Inc. in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and to take any and all action necessary or proper to carry out the terms of said bid and said contract; and

FURTHER RESOLVED that the Commission concurs in the above-mentioned rejection recommendation that all other bids and alternates submitted for Units 1, 2, 3, 4 and 5 be rejected and further directs that the Commission re-advertise forthwith for bids for Unit #4 (food concession/sit-down restaurant) under Contract TR-8B (Great Lakes and Towpath) Travel Centers;

FURTHER RESOLVED that the executive director is instructed to return the bid security of all other bidders as soon as said contract is executed."

I would like a recommendation to adopt this resolution; we need a motion and a second.

Anthony: So moved.

Baker: Second.

Leever; Any questions?

Zomparelli: Madam Chair, Commission Members, I just want to point out and make sure that it is understood that the Units 1, 2, 3 and 5 were part of a package bid submitted by Advanced Restaurant Concepts. It is not a separate bid per unit and that we look forward to re-bidding #4.

Leever: Are we prepared to do that right away?

Zomparelli: Yes. We'll start working on it right after the meeting if the Commission directs us.

Leever; OK, we need a roll call, please.

Plain; Dr. Anthony-yes; Mrs. Baker-yes; Mr. Williams-yes; Mrs. Leever-yes. The resolution is adopted.

Leever: This project has taken years and years of work. I remember when I first came on the Commission we were talking about this and it has come to fruition and it's going to happen.

Plain; We appreciate all of the help from all of the staff and the architects, construction managers and the existing operators of the food concepts for bearing with us and continuing on until we could get all of these things set up. We appreciate Advanced Restaurant and RAX people. They were in for a long haul with us and have been very, very cooperative and helpful in seeing us through some very difficult times. That concludes my report, Madame Chairman.

Leever: Thank you, Mr. Plain. Mr. Arlow?

Arlow; Thank you Madame Chairman, Commission Members, We have approximately 19 construction projects underway right now. We have approximately 17 miles of resurfacing, one in the east and one in the west. The resurfacing project in the west is finishing up presently and will be opened by June 25th and be totally completed. Off the road there is a bi-directional out there and that will be done and we are working towards our July 1st mandate to open up two lanes of traffic for the entire summer as we have done for the entire 28 years. The bi-directional in the west will be opened up on the June 25 and beginning on July 1st we will have two lanes of traffic opened for the entire summer season so we will not have any slow-downs in our summer traffic – our peak traffic period. The

resurfacing project in the east is completed for the spring phase and we will begin the fall phase after Labor Day. We have approximately 14 miles of third-lane project underway, ten of which will be completed this year. This will give us a total of 91 third-lane miles completed at the end of 1999 out of 160 miles. There will be two more beginning in fall – two more projects of 10 miles. By the end of year 2000, we will have approximately 105 miles completed out of the 160 miles.

We have one interchange under rehabilitation right now - #6. That's started and it will be finished later this year. Eastgate will start later this month after the contracts are signed. We have three major bridges under construction right now. Two will be completed this year and one will be completed next year. Another major bridge project – the Cuyahoga River Bridge will start later this summer we hope. We are just waiting for all the permits to come in at this point. We have four service plazas under construction. We talked about that earlier. Two will be open this week and the other two by estimate will be opened in September.

Plain: Madam Chair, Mr. Arlow, on the one bridges over, we were behind schedule on one.

Arlow: We have five bridges over the Turnpike that are under construction presently and that's the end of my report. Except all of them will be completed by the end of this month except one bridge and they are working around the clock to be open by the July 1st deadline. They may not be completed but they will be completed on the Turnpike. There will be no zones on the Turnpike. They may still have some remaining work of approximately seven days on the surface of the bridge but it will not interfere with the Turnpike traffic. That is the latest word I have this morning. That's my construction report, Madame Chairman, and if there are any questions, I'd be happy to entertain them.

Plain: Madame Chair, one other comment, again on schedules and timing - we set out schedules anticipated schedules. We have to do things in accordance with what our traffic is doing. We're going to take care of our customers out there. We have adjusted some of the schedules because when its' done and it's done and the newspapers aren't going to tell us that this is the deadline and you're behind this or behind that. We are trying to do what we think is best for our operation #1 what's best for our customers to accommodate them and if we have to make certain adjustments throughout the terms of the total construction period, that's what we will do. The other things we have to watch are coverage and various things with the economics of the Turnpike and our bonds and payments and everything else. We are doing some things to accommodate things when the project was initially put together. It was an "estimate" a "preliminary estimate" and I keep trying to get this across to the newspapers, when you get a preliminary estimate that's exactly what it is. The Engineering hasn't been done, the soil have not been tested to see what the substructure is going to be and anything else that you might run into. Once that's done and contracts are let, and we get the engineering design, things change. Because conditions change and you can't tell that with preliminary estimates or preliminary engineering. Most non-technical people don't understand that. That's process you have to go through and once we have the plans in hand and the design done, that's when we go out for our real estimate. Again, it's an engineer's estimate. Until it's built and all the pluses and minuses go through if you have any additions or change order or extra work order required because of some unforeseen things, you do that and then you have deletions – maybe you didn't use as many quantities for some things you scheduled as you did. We are doing real well, I think with the total. We are underbudget normally and on time so I don't get we should get so concerned about what they write. That's our schedule and that's our goal. Those are things that were put out initially and in a preliminary stage without the benefit of the engineering and the expertise of all the consultants to see what we will run into. Even some of the bridges they thought we could just go ahead and add a third lane. When you get into the analysis of the structures you find out

that no, the existing superstructure won't handle it. Maybe you need some new piers whatever it takes to make sure that it's safe and adequate to handle the third-lane traffic. I think there are concepts and misconceptions out there when people write things and they take that as gospel to track something. They don't have the benefit of the other meetings or they don't come to some of the meetings and hear some of the things that we are adjusting to. I just wanted to add that because I think it's important that the Commission understand and some of the other people involved understand. They don't set the timetables for us. We are going to do it and how we can best accomplish the project and handle our customers.

Leever: I agree on the bottom line is – when it is done and it is done properly, safely and that's the most important thing. You have said it all there.

Plain: That's the big picture. It's getting it accomplished and that's the big picture. And how it's going to benefit everyone and the State—ease of travel and safety and everything else. That's the big picture not somebody complained because there was a dirty restroom or something. We are going to avoid all that in the future.

Leever: Mr. Arlow, I want to check. All of our overhead bridges will be completed by June 30th. Is that correct for the third-lane projects?

Arlow: All but two, Madame Chairman. We have two railroad bridges that have not been started because we don't know who to contact yet because of the transition and purchase of the railroad we have been hunting them down for the past 18 months and in the past 30 days we finally got the name of someone that can help us. Other than those two bridges we will be complete with our overhead bridge project.

Leever: Also, on the Cuyahoga River bridges, you mentioned obtaining permits. Do we anticipate any difficulty?

Arlow: We have all the permits we are just waiting for the Federal Highway and National Parks Board to sign off and they now have the information in front of them to sign. That's all they have to do is sign it, and we anticipate having that back by the middle of July. We should be ready to start thereafter.

Leever: So things are going well. Thank you. Frank Lamb?

Lamb: No report, Madame Chairman.

Leever: Captain Escola?

Escola: Thank you, Madame Chairman. I'd just like to assure everyone that Patrol is really committed to furnishing patron services up here. As Mr. Plain and Mr. Zomparelli mentioned we already have had numerous conversations about more effective ways of regulating traffic and violations to make this road an even safer road. Patrol is very proud to be a part of this.

We are also happy to announce that over the Memorial Day weekend, it was a very safe weekend for everyone up here. We had almost half the number of people injured as we did last year. In the four-day holiday weekend, we assisted 1,456 people up here. We also participated in Operation Safe Stop which is where we put troopers in service plazas for certain periods of time to assist the patrons with anything they need – flat tires, give them directions, and assist them in any way we can. Just in the plaza alone we assisted 725 people over that period.

On a little different note, Friday, we had a fatal accident – Friday morning, June 11 at about 2:00 a.m. A patron was thrown off a Greyhound bus for creating a disturbance on the bus. Rather than the bus driver stopping at the service plaza, and dropping him off, he dropped him off right on the mainline. They did not inform us of this until after they did so. This person was -- we don't know what was wrong with the person yet – but he was creating a disturbance on the bus and when he got on the mainline he was running back and forth across and in front of traffic and was struck and killed.

Plain; He was pulling the driving wheel of the bus. While he was on the bus, he was grabbing the wheel and fighting with the driver.

Escola; He was trying to interfere with the bus driver's operation of the bus. He was loud and disruptive. He had awakened everyone on the bus. Because of this the bus

driver felt compelled to get him off as soon as he could. He dropped him off on the mainline and as a result he ended up being involved in a fatal accident. Once again, we are committed to patron services and safety, we have talked about getting the airplane up to work more on the Turnpike to reduce crashes and slow people down who are following too close. Identify “sleepy” driver patterns and do everything we can to make it a safer road. Thank you.

Leever: And I would like to say that a woman driver driving alone, a great deal of time, when I do see a State Patrol vehicle in the plazas, it is somehow a very comforting feeling even though I don't need them, I know they are there. Who knows, maybe all of us may need help and it's a very comforting feeling to see a patrol car in the plazas.

Last but not least, Mr. Zomparelli?

Zomparelli: Thank you, Madame Chair, Commission Members, I have two draft resolutions included in your folders. Both resolutions relate to possible appropriation of property that may be necessary for the Eastgate terminal project we have located in the vicinity of Milepost 238.7 in Mahoning County. The first relates to the property owner, La Farge Corporation, et al. Also named is the Mahoning County Auditor and Mahoning County Treasurer because it is required in an appropriation proceeding. I'll read the Resolved:

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:

LaFarge Corp., et al.

George J. Tablack
Auditor, Mahoning County

John Reardon
Treasurer, Mahoning County

A copy of the legal description is attached as Exhibit "A" and "B" and the property is a little bit more than an acre (1.267 acres) and

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.

Our Right of Way Coordinator has been involved in negotiations with this property owner and he still feels that legal action doesn't seem likely to be required in this case, but as a precaution we have drafted this resolution.

I recommend that the Commission move to adopt this resolution.

Williams: Madame Chair, I move for the adoption of this resolution.

Baker: Second.

Leever: Any questions?

Roll: Mr. Williams-yes, Mrs. Baker-yes, Dr. Anthony-yes; Mrs. Leever-yes.

Zomparelli: In the same way, the second resolution relates to the same project, the Eastgate terminal (which is spelled wrong, but we will correct it – we missed the "t") Again, it is located at Milepost 238.7, Ohio Turnpike in Mahoning County. Resolved reads:

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:

Charles Barth, et al.

George J. Tablack
Auditor, Mahoning County

John Reardon
Treasurer, Mahoning County

The Legal description is attached as Exhibit "A" and "B" and I believe it is just under an acre. They are not large parcels, they are very small.

"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.

Again, I move as a precaution that we adopt this resolution if real estate appropriation is needed.

Baker: So moved.

Williams: Second.

Leever: Are there any questions, call the roll, please.

Roll: Mrs. Baker-yes, Mr. Williams-yes; Dr. Anthony-yes; Mrs. Leever-yes.

Zomparelli: Madame Chair, Commission Members, I have one last item that I need to confer with the Commission members on, but it will involve having to go into an executive session. I can wait until the very end to make sure there is no further business before I ask one of the Commission Members to move.

Leever: I think this is the very end, Gino.

Zomparelli: We need to set the date for the next meeting.

Leever; Oh yes we do, July 12th – we are all getting out our calendars and it's already done.

Plain: We just want to make sure, it that date convenient for everyone?

Baker: I won't be here.

Plain; Any other conflicts?

Leever; Then tentatively we will set the next Commission Meeting for July 12th and we adjourn until that time.

Zomparelli: Wait, I'd like one of the Commission Members to move to go into executive session so I can discuss eminent court action.

Williams: Madame Chairman, I move that we adjourn this meeting to hold an executive session in order that we might have a conference with the Commission's General Counsel concerning the dispute involving the Commission that is subject to eminent court action.

Leever: We need a second.

Anthony: Second. (time: 11:15 a.m.)

Roll: Mr. Williams-yes; Dr. Anthony-yes; Mrs. Baker-yes; Mrs. Leever-yes.

Zomparelli: OK, we need to motion to re-convene.

Williams: I'd like to make a motion that we reconvene the Commission meeting.

Anthony: Second.

Leever; Roll, please.

Plain: Mr. Williams-yes; Dr. Anthony-yes; Mrs. Baker-yes; Mrs. Leever-yes.

OK, now we need a motion to adjourn.

Baker; I'll make a motion to adjourn until July 12th.

Williams And I'll second that.

Roll: Mrs. Baker-yes, Mr. Williams-yes; Dr. Anthony-yes; Mrs. Leever-yes.

Zomparelli: Thank you. Meeting adjourned at 11:55 a.m.

/dsp