

**MINUTES OF THE 463rd MEETING OF  
THE OHIO TURNPIKE COMMISSION**

**November 6, 2000**

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting at the Commission's Administration Building at 10:00 a.m. on November 6, 2000, with members of the staff: Gino Zomparelli, Executive Director and Assistant-Secretary Treasurer, Deputy Executive Director; Dan Castrigano, Asst. Deputy Executive Director/Chief Engineer, Rob Fleischman, Asst. Chief Engineer, James Steiner, CFO/Comptroller, Pat Patton, Government Liaison Officer, Thomas Amato, General Counsel, Richard Morgan, Director of Information Systems; David Miller, Chief Auditor; Tim Ujvari, Maintenance Engineer, Kathy Dolbin, Human Resources Manager and Lauren Hakos, Public Affairs Manager.

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

Ayes:           Mr. Williams, Mr. Strnisha, Mr. Greenwood, Mr. Blair, Mrs. Leever, Representative Buehrer and Senator Armbruster  
Nays :           None.

The Chairman said Robert Blair is here today representing the Ohio Department of Transportation Director, Gordon Proctor, and is authorized to vote for him.

The Chairman advised that a number of guests were in attendance, and she would like them to introduce themselves.

The following representatives attended the meeting:

Vince Chiarucci, business consultant; John Peca, Climaco, Lefkowitz; Eric Erickson, Fifth Third Securities; Paul Stubbins, Seasongood & Mayer; Frank Lamb, Huntington Bank; Stephen Szanto, Public Financial Management; Ryan Conners, Conners & Co.; Bobby Everhart, Mike Burgess URS; Tom Travis, HMS Host; Howard O'Malley, B & T Express; Gil Brindley, Dick Corp.; Mark Miller, Pryor Counts & Co., Inc.; John Petty, Nat City Investments; Brett Bailey, McDonald Investments/Key Corp.; Steve Wood, PaineWebber; Mike Schipper, HNTB; Courtney Shea, Salomon, Smith Barney; David Patch (The Toledo Blade);

Captain Ferris, OSHP; Larry McQuillin, Advanced Restaurant Concepts, Inc. (ARCI); Stefan Holmes, First Merit Bank; Heidi Jedel, Tracy Cowley and Diane Pring.

The Chairman said Good Morning to all and said she thought there was something in the air because everyone she met was up-beat or perhaps it's the great weather we have had. This is the 463rd meeting of the Ohio Turnpike Commission, and we are meeting here in the Commission's headquarters as provided for in the Commission's Code of Bylaws.

The minutes of the last Commission Meeting of September 11, 2000 have been distributed to the Members for their comments, and I will accept a motion to adopt them without reading.

The minutes were moved for adoption by Commissioner Greenwood and seconded by Mr. Strnisha. A vote of ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Greenwood, Mr. Strnisha, Mr. Blair, Mr. Williams and Mrs. Leever

Nays : None.

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

If there are no further questions at this time, we will proceed with the report of the Secretary-Treasurer, Mr. Greenwood:

The following items have been sent to the members since the last regularly scheduled meeting of the Commission September 11, 2000:

1. Draft of Commission Meeting Minutes of September 11, 2000
2. Traffic and Revenue Report, August and September, 2000
3. Traffic Accident Summary Report, August and September 2000
4. Financial Statement, August and September 2000
5. Revenue by Month & Year, August and September 2000
6. Investment Report, August and September 2000

7. Budget Report – Nine Months 2000
8. Litigation Report for the period ending October 31, 2000
9. Various News Releases

Leever: Thank you, a report of financial and budgetary matters, Mr. Steiner?

Steiner: Madame Chairman, Commission Members, passenger car traffic set new, all-time records for the third quarter of this year and also for the first nine months of this year and although commercial traffic was somewhat behind the third quarter of last year, the year to date commercial traffic is still running at an all-time high. Passenger car traffic for the third quarter of the year totaled 10.9-M vehicles surpassing the previous record set last year by 12,000 cars or 0.1%. Commercial traffic for the third quarter totaled 2.4-M vehicles which was just short of the prior record set last year by 35,000 vehicles or 1.4%.

Passenger car traffic for the first nine months of the year totaled 27.8-M vehicles surpassing the previous record set last year by 555,000 cars or 2.0%. Commercial traffic during the first nine months of the year totaled 7.1-M vehicles surpassing the previous record set last year by 202,000 vehicles or 2.9%. Total traffic for the first nine months of the year surpassed the prior record set last year by 757,000 vehicles or 2.2%.

Preliminary data for October indicates that both passenger and commercial traffic volumes for the month are comparable to those from last year. The General Fund revenues for the first nine months of the year exceeded the amount budgeted by \$1.8-M and our operating maintenance and administrative expenses for the first nine months of the year were \$3.5-M less than the amount budgeted. Madame Chairman, that completes my report and I'd be happy to respond to any questions.

Leever: Are there any questions for Mr. Steiner? Thank you very much. And now we will have a report from our Executive Director.

Zomparelli: Thank you Madame Chairman, I have several draft resolutions to present to the Commission. The first draft resolution is Resolution Awarding Contract No. 43-00-04. This draft resolution was prepared

for bids that the Commission solicited for a contract for reconstruction of S.R. 795 bridges over the Ohio Turnpike at Milepost 65.1 and the reconstruction of Oregon Road Bridge over the Ohio Turnpike at Milepost 67.2 located in Wood County, Ohio.

The Commission received four bids for the performance of said contract. The bids have been reviewed and analyzed by the Commission's assistant deputy executive director-chief engineer. The low bid was submitted by E. S. Wagner Co. of Oregon, Ohio in the amount of \$6,835,136.71. The tab is attached for the review. The low bidder is below the engineer's estimate. The Assistant Deputy Executive Director-Chief Engineer and myself recommend that this contract be awarded to E. S. Wagner Co. The Resolved of the resolution reads:

**“RESOLVED** that the bid of **E. S. Wagner Company** of Oregon, Ohio in the amount of **\$6,835,136.71**, for the performance of Contract No. 43-00-04 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. 43-00-04 is designated a System Project under the Commission's 1994 Master Trust Agreement.”

The Chief Engineer is here to answer any questions the Commission Members might have. I recommend that the Commission move to adopt this resolution.

Greenwood: I move that we adopt the resolution awarding Contract No. 43-00-04.

Williams: Second.

Leever: Any questions?

Blair: I'll ask one – Is this going to be the standard steel girder? Have you guys starting experimenting with – I know you're using segmental concrete in the bigger widening – I keep wondering because it's so expensive all this steel to do – will you be going for that in the shorter spans?

Castrigano: Madame Chair, Commission Members, yes these bridges will be standard steel girders. As you said earlier, we are putting concrete girders on the Cuyahoga River Bridge, and we are currently looking at concrete girder bridges for some of our future interchange projects also.

Leever: No further questions, all right we have a motion and second, would you please call the roll?

Roll: Mr. Blair-yes; Mr. Strnisha-yes; Mr. Williams-yes; Mr. Greenwood-yes; Mrs. Leever-yes.

Resolution No. 43-00-04 is adopted.

Zomparelli: The next draft resolution you will find in your packet is a resolution awarding Contract No. 58-00-02 (Parts A, B and C). The Commission advertised for bids upon a contract for renovations to the Commission's Interchange 34 (a/k/a TP-3 in Wauseon) located at Milepost 34.9 in Fulton County and designated as Contract No. 58-00-02. The Commission received bids from two bidders for the performance of said contract. The bidders were given the option to submit a single bid in response to Parts A, B and C or any combination thereof.

The bids have been reviewed by the Commission's Deputy Executive Director-Chief Engineer and myself and legal counsel. We recommend that the bid be awarded as follows: The Resolved reads:

“RESOLVED that the bid of **Blaze Construction** of Berea, Ohio, in the amount of **\$4,251,789.20** for the performance of **Contract No. 58-00-02 (Part A)** and the bids of **Mosser Construction, Inc.** of Fremont, Ohio, in the amount of **\$325,200.00** and **\$508,250.00** for the

performance of **Contract No. 58-00-02 (Parts B and C, respectively)** are, and are by the Commission, determined to be the lowest responsive and responsible bids received for the performance of said contract, and are accepted, and that the chairperson and executive director, or either of them, hereby is authorized (1) to execute contracts with said successful bidders in the form heretofore prescribed by the Commission pursuant to the aforesaid bids; and (2) to take any and all action necessary or proper to carry out the terms of said bids and of said contracts; and

FURTHER RESOLVED that Project No. 58-00-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.”

As a reminder to the Commission Members, this is a re-bid. At the last meeting we asked permission and authority for the Commission to re-advertise. Originally we had only received one bid. It proved to be prudent to re-bid because we did receive two bids this time. It was a lot more competitive climate and the second bidder was the new bidder on this project. They have done work for us in the past and is currently doing work for us at Exit 10 that's Blaze Construction who bid on Part A. By re-advertising and re-bidding the Commission was able to save \$105,000. I would recommend that the Commission move to adopt the resolution awarding Contract No 58-00-02.

Leever: We need a motion.

Williams: I move for adoption.

Strnisha: Second.

Leever Are there any questions?

Roll: Mr. Blair-yes; Mr. Strnisha-yes; Mr. Greenwood-yes; Mr. Williams-yes and Mrs. Leever-yes.

Resolution awarding Contract No. 58-00-02 (Parts A, B and C) is adopted.

Zomparelli: The next draft resolution for the Commission Members' review is captioned "Resolution Concerning Award of Contract Pursuant to Invitation No. 3756." This is an invitation regarding the furnishing to the Commission of sodium chloride (a/k/a rock salt) estimated at approximately 51,700 tons.

We advertised for bids. The Commission received six bids in response to our invitation. Bidders submitted alternate bids which included additional "piler" charges if needed. A bid tab is attached for your review and the Assistant Deputy Director/Chief Engineer is here to answer any questions regarding this bid. I'll read the Resolved:

"RESOLVED that the bids of the following companies:

<u>Items</u>	<u>Company</u>	<u>Estimated Amount</u>
1,2,3 & 5	The Detroit Salt Co., L.C. Detroit, Michigan	\$207,715.00
4,6,7 & 8	IMC Salt, Inc Overland Park, Kansas	517,257.00
9	Cargill, Inc., Salt Division North Olmsted, Ohio	52,056.00
10,11,12, 13 and 14	Morton Salt Chicago, Illinois	683,242.00

for Invitation No. 3756 are, and are by the Commission deemed to be the lowest responsive and responsible bids received and are accepted and the chairperson and executive director, or either of them, is hereby authorized (1) to execute a contract with each successful bidder in the form heretofore prescribed by the Commission pursuant to the aforesaid invitation; (2) to direct the return to the other bidder of its bid security, when appropriate; and (3) to take any and all action necessary to properly carry out the terms of said contract."

This invitation is in approximate format because we don't know exactly how much salt we'll need. It depends on obviously on

weather circumstances, but I'll recommend that the Commission move to adopt this resolution.

Leever; We need a motion.

Greenwood: I'll move for adoption.

Williams: Second.

Leever: Any questions?

Strnisha: Madame Chair, just out of curiosity more than anything and I noticed you put in the tabulation how this compares to last year and it's about the same – is that right?

Zomparelli: Yes.

Strnisha: Some of the and I've wondered why this is the case, these are basically different locations that they deliver to along the Turnpike. Some are a little less, one is a lot more, any ideas of transportation costs associated that are different. I understand you may not know why one is different than the other.

Castrigano: Madame Chair, Commission Members, as you'll notice from the cost comparison that sometimes break costs are approaching 50% of the actual material costs so quite a bid depends on stock pile location relative to the delivery location.

Strnisha: A good portion of the award appropriately given the bid is some locations pretty far – are these the corporate headquarters or where they are getting the salt from.

Castrigano: These are corporate headquarters.

Strnisha; So is the salt coming from nearby.

Castrigano; The majority of the salt comes from around the Lake Erie area. Our Maintenance Engineer is here. I don't know if we are still involved with shipping it in from Chili this year or not?



Ujvari: No we are not. We are not getting shipments from Chili this year.

Strnisha: The furthest one is Overland Park, Kansas. That's a corporate headquarters and they would have mines closer. Correct?

Castrigano: Correct.

Zomparelli: Madame Chairman, Commission Member Strnisha, you correctly point out the confusing part of this bid process because there really is no rule of thumb. Just because the company is closer, you would think they would save in the shipping and freight costs of the salt. But last year or the year before, we had a company from Chili that was able to get it cheaper than we could from Lake Erie – Morton Salt. Commission Member Blair can attest to it – ODOT's budgeting and frustrations with the salt prices.

Strnisha: Is this consistent with ODOT's pricing?

Blair: Yes, we are always amazed with the lake so close the rate charges they don't seem to go with how far they travel. We have found the same thing.

Zomparelli: I know that's something the legislature has in the past given some consideration to. We all ask the same questions. How can it vary so much? I guess it's like airfares. It doesn't make any sense.

Williams: Is the salt delivered upon demand or is it delivered and stored?

Castrigano: Madame Chair, Commission Members, we have fourteen storage location across the Turnpike which we start the season off with a full supply but as the season goes it is delivered as required.

Leever: What percent were we able to save from last winter – was there much we saved and I assume this could be stored?

Castrigano: We want to start a season with at least 70% capacity on hand and we get to the end of the season if we are low, we will re-fill from the previous contract just in case we had a problem awarding beginning of the next winter season.

Zomparelli: Last year, we had too much salt.

Castrigano: We never have too much salt.

Leever: What did we do with it?

Zomparelli: Our storage containers were full so they kept it on their site until we depleted our supply.

Castrigano: You may have noticed the dome structures – that’s where it is.

Leever: Are they full?

Castrigano: Just about.

Zomparelli: Hopefully for a long time.

Armbruster: Do trucks drive on the Turnpike with their loads or do they deliver on our state routes?

Castrigano: The majority of the material comes along the Turnpike. That’s where the access to the domes are.

Armbruster: I know salt trucks are notoriously overweight; in North Ridgeville I gave a truck a fine and never got any salt.

Castrigano: Yes, they have to comply with the same weight limits as the rest of the vehicles.

Armbruster: That’s why the transportation costs go up and down.

Roll: Mr. Strnisha-yes; Mr. Blair-yes; Mr. Williams-yes; Mr. Greenwood-yes and Mrs. Leever-yes.

The resolution awarding contracts for Invitation No. 3756 for a one-year period is adopted.

Zomparelli: The next resolution I have for the Commission Members’ review is “Resolution Adopting Preliminary Budget for the Year 2001 and

Providing for Deposits Required under the 1994 Trust Agreement during said year”

Pursuant to Section 5.01, Article V of the Commission’s 1994 Master Trust Agreement dated February 15, 1994, said section provides that the Commission must prepare a preliminary budget for the ensuing fiscal year on or before November 15 of each year.

The CFO/Comptroller and myself have prepared this preliminary budget for the year 2001 and are submitted same for Commission’s review and considerations. We will come back to the December meeting after the Chairman has had a chance to meet with the staff and review the preliminary budget for the final budget, but this is a “preliminary” budget and it’s a requirement of the Master Trust Agreement, and I’ll ask Mr. Steiner, our CFO to comment.

Steiner: Madame Chairman, Commission Members, revenue pledged on behalf of bondholders in accordance with our Master Trust Agreement along with the associated expenditures are separately identified on the proposed budget. The proposed toll budget of \$183,125,000 is 883,000 or 0.5% higher than the budget for the year 2000.

While anticipated investment revenues of \$7.3-M are \$4.7-M less than the amount budgeted for 2000. This decrease is due to the fact that we continue to expend funds for the addition of the third lane and consequently we have less money to invest. The total 2001 pledged revenues budget of \$190,425,000 is \$3.8-M or 2.0% less than the budget for 2000.

The proposed budget for expenditures of pledged funds totals \$135.9-M which is an increase of \$1.8-M or 1.4% over the 2000 budget. The expenditure budget includes cost of living increases pursuant to the terms of collective bargaining agreements that we have in effect for 2001. The budget also includes a 3.5% salary increase effective January 7, 2001 for regular, full-time employees who are not members of the collective bargaining unit.

As we mentioned before, historically, salary increases were awarded at the beginning of each calendar year and a number of years ago in the midst of collective bargaining negotiations, salary increases were

delayed until September of that year. Since that point, we have been awarding salary increases on a mid-year schedule and with the adoption of the 2001 budget, we are proposing to return to our past practice of awarding salary increases at the beginning of each calendar year.

The reduction of the administrative and insurance expenses as you will note is related to the termination of the Voluntary (PERS) Early Retirement Incentive Program which terminates November 30, 2000.

You will also see an increase in Debt Service expenditures and this is related to a proposed debt issuance that is tentatively scheduled for late next spring or early next summer.

We propose that \$3-M be transferred to the Renewal and Replacement Fund which then leaves \$55.5-M available for transfer to the System Projects Fund to support the construction of the third lane, the new service plazas and other related projects.

The proposed budget for non-pledged revenues of \$13.9-M is \$1-M or 7.9% higher than the budget for 2000. Increased expenditures are related to the cost of operating and maintaining the new service plazas. The proposed transfer of \$2.9-M to the Fuel Tax Fund represents fuel taxes along with associated investment earnings. We are proposing \$200,000 be transferred to a reserve to building a Capital Improvement Reserve for the new service plazas and finally we propose that the remaining \$4.9-M in non-pledged funds be transferred to the System Projects Fund also to help support construction of the new service plazas.

I'd be happy to respond to any questions.

Strnisha: Mr. Steiner, I notice the reserve you mentioned for the travel centers, is this the first time we have done this? Is this new and how did we arrive at that?

Steiner: This was new last year and this is part of our contracts with the food service providers at the new service plazas. With each contract we are requiring that the food service contractors contribute 1% of their gross

revenues to this Capital Improvement Reserve for future enhancements of those buildings and refurbishments.

Strnisha: So this comes out of the revenues produced by the Operators.

Steiner: Right and since we don't have current expenditures to match against those funds right now, we are proposing that those funds be set aside in reserve for future expenditures.

Greenwood: I'd just like to comment on that. I think that's an excellent idea. Too many times public entities don't do anything to set aside for capital improvements and ten years later they have to act.

Leever: Are there any further questions? Then we will need a motion to adopt this preliminary budget.

Greenwood: I move that we adopt the preliminary budget for the year 2001.

Williams: Second.

Leever: Are there any further questions?

Roll: Mr. Blair-yes; Mr. Strnisha-yes; Mr. Williams-yes; Mr. Greenwood-yes and Mrs. Leever-yes.

Resolution adopting OTC's preliminary budget for the year 2001 is adopted.

Zomparelli: Madame Chairman, I'd like to report to the Commission on two other matters. The first one pertains to the resolution the Commission adopted on September 11, 2000 authorizing the Executive Director to take action necessary concerning the award and execution of contract No. 54-98-04 for the installation of a sanitary sewer service at the Commission's Portage and Brady's Leap Service Plaza at MP 197.0 in Portage County.

Those are the pair of service plazas under re-construction right now. I just want to report to the Commission that I did award the contract to Kirila Contractors, Inc. in the amount of \$781,327.50 on October 2,

2000. That award was pending upon receipt of the OEPA permit and we did receive the permit and construction is underway.

The second matter I wanted to bring the Commission up to date on concerns the bids for food concessions and retail gift shops at OTC's service plazas – Portage and Brady's Leap in Portage County (Contract TR-8C). The Commission received bids from Advanced Restaurant Concepts, Inc. (ARCI); HMS Host Toll Roads, Inc. and McDonalds Corporation. I'm not in a position to make a recommendation to the Commission today on the operations of the food concessions and gift shop retail, but we have included the names of the bidders and the concepts in your folder you have a six-page bid summary. You can see on page 1 – ARCI submitted a concept of Wendy's at Unit #3 and a Denny's at Unit #4 at both Portage and Brady's Leap.

HMS Toll Roads submitted three alternative packages for the Portage and Brady's Leap areas. Alternate #1 was a Starbucks (Unit #1), Flatbreadz (Unit #2); Burger King (Unit #3) and a Travel Mart (Unit #5).

HMS Alternate #2 package was Travel Mart (Unit #1 and 2); Burger King (Unit #3), Flatbreadz/Starbucks (retail in Unit #4) and Fossil/Bijoux Terner (Unit #5).

HMS Alternate #3 package was the same thing except excluding the Flatbreadz/Starbucks retail in Unit #4.

The third bidder, McDonalds Corporation, had submitted on pages 5 and 6, several alternatives. In their first choice in Unit #3 they propose a McDonalds at the Portage location. Their second choice would be to have McDonalds at Unit #2. Additionally, they submitted two alternates – Espresso Time Café (Unit #1) along with McDonalds in Unit #3 or alternatively the Espresso Time Café (Unit 1) with the McDonalds (Unit #2). Same concepts by the Brady's Leap location.

I'd like to have more time to review it with the staff. At the same time, I'd like to ask the Chairman to ask if one or two Commission Members could join us in our review of the plazas and participate

along with us as we try to negotiate a contract or contracts which we think would be best served for the Portage and Brady's Leap service areas.

Also, as a reminder, none of the bidders submitted a percentage bid. This is only a concept bid and we will try to identify concepts and approach the three different bidders on the compensation package.

Williams: Is this the second time we have gone out for bids for these service plazas?

Zomparelli: Madame Chairman, Commission Member Williams, yes this is the second time.

Williams: Do we have additional bidders this time that we did before?

Zomparelli: Yes, I don't think McDonalds bid the first time if I recall correctly.

Castrigano: McDonalds did bid last time, too but they bid additional concepts this time.

Zomparelli: It's a little bit different set-up and so did ARCI. ARCI submitted a Wendy's and Denny's last time, but they qualified Denny's bid so it was really a no-bid. We haven't seen as we would have liked additional bidders bidding. We made it as easy as possible. All you really had to do was submit a bid saying you were interested in proposing a food concept. We didn't ask for a bond nor did we ask for a gross sales bid percentage. We figure we would award based on food concepts first and if we were able to negotiate the proper percentages where they could make a profit and at the same time the Commission would derive revenue and pay for reconstruction of the plazas. We'd come back at the December meeting and make our recommendations at that time. I certainly would invite our Commission Members' input.

Leever: Mr. Williams, would you have time to sit down and help with this?

Williams: Yes, I would be pleased to help.

Leever; Mr. Strnisha – would you also have time?

Strnisha: Yes, I'd be happy to.

Williams: Do you have any date?

Zomparelli: As we go along at some point, I'd be setting up dates and times, but we could spend a little time after this meeting.

And in continuation of the service plazas, we are nearing closing the plazas located in Lorain County (Vermilion Valley and Middle Ridge.) The clock is ticking. We anticipate closing them toward the end of the first quarter of 2001. We are finalizing plans right now for design of Vermilion Valley and Middle Ridge and hopefully we will be in a position to go for bids for construction bids. I'll report more on that at the December meeting.

That's my report, Madame Chairman.

Leever: Thank you, Mr. Zomparelli.

Strnisha: Madame Chairman, I can't recall – if we award in December, what was the anticipation in terms of when whatever we awarded would open?

Zomparelli: Well, we would anticipate demolition if we could award in late February or early March.

Strnisha; I'm talking about Portage and Brady's Leap.

Zomparelli: Oh, I'm sorry. Well, it depends on when we enter into a contract and we receive the bonding. Hopefully sometime in January we will have a contractual agreement with the Operator and they will be in a position to start their build-out. What we have found in the past, we are at the whim of the State Building Departments and when they receive their permits. I don't think we would be functional when the plazas are open. We won't delay the opening of the plazas because we will have the parking areas, the restroom areas, vending machines and if possible, temporary food if we need it. At that time, we are not in our peak travel season also.



Strnisha; So it should be open by Memorial Day?

Zomparelli: That's our plan or have at least one concept open. Again, that's predicated on the permit dates, but we are looking at sometime in the summer and by the latest, it would be open for Labor Day weekend.

Blair: Gino, when you do demolition and construction at the service plazas, will you put up some advance signing, etc. so people will know they should stop earlier or later.

Zomparelli: Yes, we will try to do the proper signage and it seems that especially in the two lanes areas, if you are next to a truck it's easy to miss a sign. We will try to have as much advance notice. We'll have Lauren our new Manager of Public Affairs get notice out right away to newspapers, issue a press release. We'll contact all the auto, travel organizations – Buckeye Pass, AAA, etc. You're right; you can't give enough advance notice and even if they had it before sometimes they still miss it. Thank you Madame Chairman.

Leever: Mr. Arlow is not here, will we have an update from Mr. Castrigano?

Castrigano: Thank you, Madame Chair, Commission Members, we have quite a few construction projects wrapping up this month. Of our third lane projects going on this year, two of them are complete totaling 8-1/2 miles. The remaining two will be open by November 17<sup>th</sup> which will bring our total of third lane construction completed to approximately 108 miles. We have two more projects that will continue through next year which is an additional 16 miles.

The Sandusky River Bridges and the Maumee River Bridges are both essentially complete except for some minor punch list items and work continues on the Cuyahoga River Bridge. I don't know if anyone has been past the bridge lately, but approximately three weeks ago, they start setting some of the concrete girders on the structure.

Our toll plaza and interchange program. The relocated Eastgate plaza at Milepost 239 is in use and the old facility has been demolished. All work will be completed at that facility by Thanksgiving. Work continues and is on schedule at Exit 10 at MP 161 and Exit 11 at Milepost 173.

As we mentioned a little earlier, Portage and Brady's Leap are under roof. They are heated now and the majority of the work is moving inside. They are on schedule for a spring completion.

The final two projects that we have completed this quarter were the renovation of the Elmore and Hiram Maintenance facilities. That completes my report.

Leever: Thank you. I just wanted to say that I did test out that third-lane. Especially on a Sunday afternoon at about 4:00 or 5:00 p.m. when traffic is quite heavy. That third lane certainly comes in handy.

Castrigano; You really don't appreciate it until you drive back on the two lane section.

Leever: I will ask for a report from our financial advisor, Mr. Erickson?

Erickson: Madame Chairman, members of the Commission – the only thing I have to report is that as you are aware in September we made a visit to New York to meet with Moody's Investors Service and at the time they indicated that they would have an answer for us as to a new rating and potential upgrade sometime in November. Obviously, it's early November and we haven't yet called. Hopefully, we will hear from them before we make the call. We expect something by the next meeting. And hopefully good news. That's the only report I have.

Leever: Thank you. And our trustee from Huntington, Frank Lamb?

Lamb: No report Madame Chair.

Leever: Captain Farris?

Farris: Good Morning Madame Chair and Commission Members. If you recall at the last Commission Meeting, I expressed a desire that we would not have any more fatalities on the Turnpike for the remainder of the year. However, that did not happen. The travelers have not cooperated very well. We have experienced two fatalities since the last meeting.

The first one occurred on September 29 at the Milepost 168 (eastbound). I'll give you a few details concerning both of the incidences because there is a common factor in both of them. The driver traveling eastbound fell asleep and drifted to the left, struck the retaining wall. The force of the collision startled the driver, awakened the driver and he over-steered back to the right, crossed all three lanes of travel, struck the ditch and overturned the vehicle several times ejecting two passengers – one of whom was killed.

The second crash occurred on October 29 at MP 133 (eastbound) in a construction zone. However, the construction zone itself had very little if anything to do with the crash. The driver was driving down the roadway looking at a map, drifted off the right edge of the roadway, struck a guardrail, bounced back onto the roadway, spun around and was struck by a semi proceeding in the same direction. The right front seat passenger in that vehicle was killed as a result of injuries from being bounced around in the inside of the vehicle.

The common factor is in both crashes no one in either vehicle was wearing seatbelts and that is particularly frustrating to me because in this particular case, had they been wearing a seatbelt, there is a very high probability that those people would have survived.

So we start again. Our attempt is now for the remainder of the year 2000 to do our part not to experience any more fatalities on the Ohio Turnpike. We will do our best.

We did also experience two incidences since the last meeting involving construction workers. We had two construction workers injured in an incident on the Cuyahoga River Bridge approximately one month ago. They were pouring concrete and the way it was explained to me and I'm not sure exactly what these pieces of equipment are called, but one of the pieces of equipment broke loose causing two of the workers to fall several stories. Fortunately, no one was fatally injured in that particular case. One of the workers was life-flighted but they will both recover.

The second incident occurred and I'm sad to say one week ago today (October 30<sup>th</sup>), we had a construction worker killed in the zone at 168 milepost. The bizarre and I guess ironic twist to this particular

incident was that the person who was killed was having a conversation with another construction worker. The construction worker who was fatally injured was parked about 100 feet behind the driver that he was speaking to. Once the conversation ended, the construction worker who was killed then attempted to walk back to his vehicle. The other worker was driving a very large pick-up truck, entered his vehicle, put it in reverse and began to back-up to exit the work zone. That's where the details are not clear because there were no witnesses. The driver of the pick-up truck which was backing ran over and crushed to death the person he had just had conversation with. We don't know if the person who was walking back to his vehicle walked out into traffic or into the path of the other pick-up truck. We don't know if he had made it back to his pick-up truck and then walked out from beside his pick-up truck or if he had attempted to hitch a ride on the pick-up truck which was backing. Again, we had no witnesses. The driver of the pick-up truck has no idea where the other person was when the incident occurred. We are waiting on the toxicology report from the Cuyahoga County Coroner and hopefully that will shed some light as far as what actually led to the death of the worker. Both of the individuals were employed by S. E. Johnson Cos.

On a lighter note, we have selected our awards recipients for the Highway Patrol. As you are aware, that is a very big part of the Highway Patrol awarding our people for good service. The Trooper of the Year at the Swanton Post is Trooper Terrell Campbell. The Trooper of the Year at the Milan Post is Trooper Shane Zehnder, and the Trooper of the Year at the Hiram Post is Trooper Michael Harmon.

Beginning today, myself, Staff Lt. Derr and Tornabene will begin the process of selecting our district-wide trooper of the year. Our district-wide Dispatcher of the Year is Dispatcher Tracy Cooper who has been with the OSHP for approximately two years. That's all I have today, unless there are any questions.

Leever: Are there any questions? Thank you very much. We all know not to drink and drive, I guess we should add to that: do not sleep and drive and do not read a map and drive.

Report from our general consultant, Mike Schipper?

Schipper: No report, Madame Chair.

Leever: Last but not least, our General Counsel, Mr. Amato.

Amato: Thank you Madame Chairman. The Litigation Report was distributed to all Commission Members and after you have had a chance to review the documents, if you have any questions feel free to call me at any time and I will discuss each case with you.

I have one resolution for consideration today. That is a resolution declaring the necessity of appropriating property and directing that proceeds to affect such appropriation be begun and prosecuted. This involved a very narrow strip of property at the I-77/S.R. 21 interchange along one of our ramps. It's a parcel that became necessary as the project progressed. I will read the Resolution:

“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 I-77 and the Ohio Turnpike in the vicinity of Milepost 172.5 in Summit 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:

Owners

Place of Residence

Michael C. Liptak, Jr.

16891 Brookpark Rd.  
Cleveland, OH 44142

Marvine Liptak

16891 Brookpark Rd.  
Cleveland, OH 44142

James McCarthy  
Auditor, Summit County

175 South Main Street  
Akron, OH 44308

John A. Donofrio  
Treasurer, Summit County

175 South Main Street  
Akron, OH 44308

The aforementioned property to be appropriated is described as follows:

**Parcel 11-20 WL - Fee Simple**

A legal description is attached as Exhibit "A";

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

I would recommend adoption of this resolution.

Leever: May we have a motion.

Strnisha: I move.

Williams: Second.

Leever: Any questions? Call the roll, please.

Roll: Mr. Blair-yes, Mr. Greenwood-yes; Mr. Strnisha-yes; Mr. Williams-yes and Mrs. Leever-yes.

The resolution regarding the appropriation of the I-77 parcel, Summit County, Liptak property owner is adopted.

Amato: At this time, I'd request a motion to adjourn to executive session.

Leever: Before we do that, may I just remind everyone that our Oversight Committee Meeting will be on Friday, November 17<sup>th</sup> here at the Commission offices.

Greenwood: Madame Chairman, I move that the Commission adjourn this meeting to hold an executive session in order that General Counsel can confer with Commission Members on pending or anticipated legal action and at the end of the session, the Commission will reconvene.

Leever: We need a first and second.

Greenwood: First

Strnisha: Second.

Roll: Mr. Greenwood-yes, Mr. Strnisha-yes, Mr. Blair-yes, Mr. Williams-yes and Mrs. Leever-yes.

Leever: As always, anyone is welcome to stick around. As soon as we are finished with our executive session, we will adjourn. You are most welcome to stay, otherwise we'll see you on December 18<sup>th</sup>.

(Time of adjournment to go into executive session: 10:55 a.m.)

Leever: (11:35 a.m.) If there is no other business, I'd like a motion to adjourn until December 18<sup>th</sup>.

Strnisha: I move.

Williams: Second.

Roll: Mr. Strnisha-yes; Mr. Williams-yes; Mr. Blair-yes; Mr. Greenwood-yes and Mrs. Leever-yes.

Meeting adjourned at 11:37 a.m.

/dsp





