

**MINUTES OF THE 474th “SPECIAL” MEETING OF
THE OHIO TURNPIKE COMMISSION**

March 8, 2002

Pursuant to the bylaws, the Ohio Turnpike Commission met for a “Special” meeting at the Commission’s Administration Building at 9:05 a.m. on March 8, 2002, with members of the staff: Gino Zomparelli, Executive Director and Assistant-Secretary Treasurer, Daniel Castrigano, Deputy Executive Director-Chief Engineer, Rob Fleischman, Asst. Chief Engineer, Pat Patton, Government Liaison Officer, Thomas Amato, General Counsel; James Steiner, CFO/Comptroller; David Miller, Chief Auditor; Tim Ujvari, Maintenance Engineer; Kathy Dolbin, Manager, Human Relations; Sharon Isaac, Director of Toll Operations, Lisa Reid, Associate Counsel, John Peca and Alan Hirth (Climaco, Lefkowitz firm); Heidi Jedel, Public Affairs secretary and Diane Pring, Executive Director’s secretary.

The Chairman then called the meeting to order and requested the Asst. Secretary-Treasurer to call the roll.

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

Ayes: Mo Darwish (for Gordon Proctor); Mr. Strnisha and Mr. Greenwood
Absent: Mr. Dixon, Mr. Wilkins, Senator Armbruster, Rep. Buehrer.

The Chairman advised that the script stated we have a number of guests but I think looking out there in the audience, pretty much everybody knows who everybody is so why don’t we go onto the next step. This is the Commission’s 474th meeting of the Ohio Turnpike Commission. 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 January 28, 2002 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 Mr. Darwish 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. Darwish, Mr. Strnisha, Mr. Greenwood.

Nays : None.

The minutes of the January 28, 2002 meeting are adopted.

The Chairman advised that the Commission will act on several resolutions, draft copies of which have previously been set to the Members and updated copies have been placed in the Members' folders. The resolutions will be explained during the appropriate reports. The usual reports will not be received today because this is a "Special" Meeting. We will go back to our usual format at the next regularly scheduled meeting on March 18th. If we have no questions, we'll proceed with the report of the Executive Director.

Zomparelli: Thank you, Mr. Chairman. The first resolution drafted in the Commission's members' packets is Resolution Awarding Contract No. 58-02-01. This is a contract for the demolition and reconstruction of the toll plaza utility building, toll booths and canopy at the Commission's Interchange 187 ("Streetsboro") located at Milepost 187.2 in Portage County herein designated as Contract No. 58-02-01.

The Commission received bids from three bidders. They have been reviewed the Deputy Executive Director-Chief Engineer and he has submitted his report. The contracts were reviewed and the bid tab is attached. The bid amount is below our estimate. The lowest responsive bid was submitted by A. P. O'Horo Company. The O'Horo Company has done business with the Turnpike in the past. The Resolved is the resolution reads:

"RESOLVED that the bid of the **A. P. O'Horo Company** of Youngstown, Ohio, in the amount of **\$4,963,000.00** for the performance of **Contract No. 58-02-01** is, and is by the Commission, determined to be the lowest responsive and responsible bid received for the performance of said contract, and is accepted, and that the 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 bids; (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 bids and of said contracts; and

FURTHER RESOLVED that Project No. 58-02-01 is designated a System Project under the Commission's 1994 Master Trust Agreement.

I recommend that the Commission move to adopt this resolution.

Greenwood: Any questions on this contract, Mr. Darwish?

Darwish: I'm just pleased to see the bids are coming in below the estimate. That's good?

Greenwood: Mr. Strnisha? Do you need to take a minute to review?

Strnisha: No, I'm fine.

Greenwood: Sure, we don't want to rush you. Looks OK to me, I'll entertain a motion to adopt the resolution, Mr. Darwish moves, Mr. Strnisha seconds. Call the roll? (I learned that when I was a legislator.)

Darwish: OK, I make a motion to move.

Greenwood: I remember the first time that happened to me was probably with Representative Sweeney. I was sitting there, I was a Junior legislator in awe. I'm gazing out and all of a sudden I heard my name called as making a motion and seconded. (You probably had to buy a round of drinks, too.) Knowing Sweeney, I probably did.

Roll: Mr. Strnisha-yes; Mr. Darwish-yes; Mr. Greenwood: yes.
The resolution passes.

Zomparelli: The second draft resolution is captioned, "Resolution Awarding Contract No. 59-02-02 (Part A and B). This is for a contract for repairs and resurfacing of the Commission's westbound roadway referred to Part A and the eastbound roadway referred

to Part B from Milepost 92.41 to Milepost 101.47 in Sandusky County, Ohio. It is designated Contract No. 59-02-02.

The Commission received bids from three bidders for the performance of said contract. They were given the option to submit a single bid for Part A or Part B or a combination bid for both the westbound and eastbound roadways. The bids have been reviewed and analyzed by the Commission's Deputy Executive Director-Chief Engineer. He submitted his report and analysis which is attached. The lowest responsive bid received was from the S. E. Johnson Companies. S. E. Johnson Companies has done work for the Commission in the past. Resolved of the resolution reads as follows:

“RESOLVED that the combination base bid of **The S. E. Johnson Companies, Inc.** of Maumee Ohio, in the amount of **\$3,644,631.08** (using crushed slag in the surface course), for the performance of Contract No. 59-02-02 (*Part A and B*) 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. 59-02-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.”

I'd recommend that the Commission move to adopt this resolution.

Darwish: I have a question, you're going from the same milepost of both Part A and Part B. Correct? Is the reason you may not perform that's why you separated them?

Castrigano: This contract is being performed in our third-lane area. In our third-lane area we are able to maintain two lanes of traffic in each direction and actually the work can be done as independent operations on both sides of the road simultaneously. This work since we are working in the third lane area we are requiring work basically around the clock. We felt that a lot of contractors wouldn't be equipped to tackle the

whole job as both. That's why we gave them the option to either go eastbound, westbound or both.

Greenwood: That was my question, is that stretch already six lanes?

Castrigano: Yes, it's already third lane area and we are resurfacing the two original lanes not the new third lane.

Zomparelli: That's also a nine-mile stretch in both directions so it's 18 miles of work.

Greenwood: Does that answer you questions, Mr. Darwish? Steve you OK?

Strnisha: Yes.

Zomparelli: Did we have a second?

Roll: Mr. Strnisha-yes; Mr. Darwish-yes; Mr. Greenwood-yes. The resolution passes.

Zomparelli: I have no further report at this time. There is a draft resolution regarding the part-time toll collector negotiations, but I think that might be appropriately addressed by the Commission after executive session.

Greenwood: OK, you have nothing more for your report, then?

Zomparelli: No, I don't Mr. Chairman.

Greenwood: Mr. Strnisha, do you have a motion to go into executive session?

Strnisha: Yes, Mr. Chairman, I move that we adjourn this meeting to hold an executive session in order to review collective bargaining results, discuss pending legal actions and to further discuss the inspector general investigation. At the end of such executive session, the committee shall re-convene.

Darwish: Second.

Greenwood: I think you better call the roll.

Roll: Mr. Darwish-yes; Mr. Strnisha-yes; Mr. Greenwood-yes.

Greenwood: We'll adjourn to the side room. I think initially we will just want the Commission Members and Mr. Amato and Mr. Zomparelli. Then someone will step outside and holler for John and/or Alan or both.

Do you think, you want the Collective Bargaining Team to come in? OK.

We'll do that first – fine. I didn't want people to waste time sitting around. (Time: 9:16 a.m.)

Greenwood: Note that's it is 11:19 a.m. on March 8, 2002. We are re-convening the Board following our executive session. I don't know whether I should turn to Mr. Amato or Mr. Zomparelli for the agenda from here on out.

Amato: Mr. Zomparelli has a copy of the resolution in front of him concerning the Part-time Fact-Finding results and our recommendations.

Greenwood: OK.

Zomparelli: Mr. Chairman, Commission Members, negotiations took place between the UE and the bargaining team from the Ohio Turnpike. Mr. Van Pelt was the fact-finder assigned from SERB (State Employee Relations Board). He issued his report on March 1, 2002, a copy of which is attached as Attachment A to the resolution. His report contained his recommendations. I would recommend that the Commission move to reject his recommendations and conclusions. The Resolved of the resolution reads:

“NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby rejects the recommendations, conclusions and findings of the fact-finder as set forth in his report and recommendations dated March 1, 2002 which is attached hereto as “Attachment A.”

Greenwood: Do I hear a motion?

Strnisha: Mr. Chairman, I move approval of the resolution.

Greenwood: Do you need a discussion? I have had a chance to take a look at the fact-finder's report. Have you Mr. Darwish?

Darwish: Not, the part-time Fact Finder. I did review the Full-time Fact-Finder's report.

Zomparelli: Essentially, Mr. Chairman, Commission Member Darwish, the summary of the recommendations are on the last page, No change to any of the contract language which expired on March 1st and the fact-finder recommended no health insurance coverage or vacation benefits for the part-time toll collectors. Maintain current language for promotions means that the part-timers have no right to full-time employment, maintain current contract language for pay progressions – the part-timers are paid by the number of hours worked; time frame – there is no longevity pay increase and the term was three years.

The only change he does recommend is a 6% increase in the first year of the contract term of three years, a 6% for the second year and 6% for a third year. Again, for the what was discussed in executive session, I recommend that the Commission reject the fact-finders report for the part-time negotiations.

Greenwood: Any questions, Mr. Strnisha?

Strnisha: No.

Greenwood: Call the roll.

Roll: Mr. Strnisha-yes; Mr. Darwish-yes; Mr. Greenwood-yes.
The resolution rejecting the Fact Finder's recommendation passes.

Greenwood: Is there anything else either of the committee members want to bring to the attention of the Board now? If not, we will adjourn.

Mr. Strnisha moves to adjourn, Mr. Darwish seconds. All in favor? Fine. Thank you for your patience both of you guys.
Time of adjournment: 11:22 a.m.

Zomparelli: All the visitors, see you, have a good day.

/dsp