

# MINUTES OF THE 475th MEETING OF THE OHIO TURNPIKE COMMISSION

March 18, 2002

Pursuant to the bylaws, the Ohio Turnpike Commission met for a meeting at the Commission's Administration Building at 10:02 a.m. on March 18, 2002, with members of the staff: Gino Zomparelli, Executive Director and Assistant-Secretary Treasurer, Daniel Castrigano, Deputy Executive Director-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, Rob Fleischman, Asst. Chief Engineer, William Keaton, Telecommunications Manager, Tim Escola, Assistant Director of Safety Services; Reggie Williams, Community Liaison; Dave Miller, Chief Auditor; Dick Morgan, Manager, Information Systems; Kerry Ferrier, Safety Engineer; Crickett Jones, Deputy Executive Director's 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, Mr. Wilkins, Rep. Buehrer and Mr. Greenwood

Absent: Senator Armbruster, Mr. Dixon (*arrived at 10:30 a.m.*)

We have a number of guests today, would you please introduce yourselves.

John Peca, Rachel Russo, Climaco, Lefkowitz; Capt. Bob Ferguson, Lt. Cliff Spinner (Columbus), OSHP, Eric Erickson, Fifth Third Securities; Bobby Everhart, Mike Burgess, URS; Frank Lamb, Huntington Bank; Richard Exner, (The) Plain Dealer; Matt Stuczynski, Nat City Investments; Tony Yacobucci, HNTB; Howard O'Malley, B & T Express, Inc.; Alan

Plain, consultant; Tim DelVecchio, OSHP (retired); Roger Riachi, RFC Contracting; Bob Martell, Hardee's Food Systems.

I'd like to point out that Mr. Darwish is here with us today representing the Ohio Department of Transportation Director, Gordon Proctor and is authorized to vote for him.

This is the 475<sup>th</sup> 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 March 8, 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. Strnisha and seconded by Mr. Darwish. A vote of ayes and nays was taken and all Members present responded to roll call. The vote was as follows:

Ayes: Mr. Strnisha, Mr. Darwish, Mr. Wilkins, Rep. Buehrer, Mr. Greenwood.

Nays : None.

The minutes of the March 8, 2002 meeting are adopted.

The Chairman advised that various reports will be received and 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.

Before we proceed with the report of the Secretary-Treasurer, I'd like to take a moment to, as Chairman of the Commission, to recognize the loss of one of our good friends and former employees and leader of the Ohio Turnpike – Bob Arlow. I'm sure all of you in this room know we lost Bob last week. On behalf of the Turnpike Commission, I'd ask all of you to take a moment in your own appropriate way, as I will, to think about Bob and remember him in our thoughts. Thank you.

I was privileged to know Bob for only a short time in my life. My own comments are that even though it was a short time, it made an indelible impression upon me. As I was driving here this morning, I was reminded of my encounter with my first sergeant in the Army. He was tough and demanding but after a year or so we became very close friends. That was the same experience I had with Bob Arlow. I will always remember him and hopefully we will wind up in the same place in the afterlife and I can win back some of the money I lost to him playing golf --that money which he took from me and he didn't give me the opportunity in this life to win back from him.

Thank you very much for your attention and our condolences go out to his family. Thanks to those of you – I unfortunately was not able to make Bob's funeral last week, but I know that a number of folks here at the Turnpike did. He will always be in our thoughts.

Greenwood: I'd like to proceed to the report of the Secretary-Treasurer, Mr. Strnisha?

Strnisha: Thank you, Mr. Chairman

The following items have been sent to the members since the last regularly scheduled meeting of the Commission on January 28, 2002:

1. Draft of Commission Meeting Minutes of January 28, 2002
2. Draft of "*Special*" Commission Meeting Minutes of March 8, 2002
3. Traffic Accident Summary Report, January and February, 2002
4. Traffic and Revenue Report, January, 2002
5. Traffic and Revenue Report, February, 2002 \*
6. Revenue By Month & Year, February, 2002 \*
7. Investment Report, March, 2002 \*
8. Financial Statements, January 31, 2002
9. Financial Statements, February 28, 2002 \*
10. Revenue by Month and Year, January and February, 2002
11. Various News Releases

- copy in Members' folders

Greenwood: Thank you, Mr. Strnisha. Mr. Steiner – report on financial and budgetary matters? Do we have any money left in the checkbook?

Steiner: Yes we do, Mr. Chairman. Passenger car traffic during the month of February totaled 2,403,000 cars exceeding the previous record set in 2000 by 73,000 cars or 3.1% and exceeding the level reached last year by 101,000 cars or 4.4%.

Commercial traffic during February totaled 639,000 exceeding the level reached last year by 2,000 vehicles or 0.3% and total traffic during the month of February totaled 3,042,000 exceeding the level from last year by 103,000 vehicles or 3.5%.

Passenger car traffic during the first two months of the year totaled 4,945,000 vehicles surpassing the prior record established last year by 245,000 cars or 5.2%.

Commercial traffic for the first two months totaled 1,309,000 vehicles falling short of last year's volume by 21,000 vehicles or 1.6% and total traffic for the first two months of the year totaled 6,254,000 vehicles exceeding the previous record set in 2000 by 170,000 vehicles or 2.8% and exceeding the level reached last year by 224,000 vehicles or 3.7%.

Our auditors from Deloitte & Touche have issued an "unqualified" or clean audit opinion on our financial statements as of and for the year ending December 31, 2001. Our Comprehensive Annual Financial Report is currently at the printer and should be available for distribution within approximately two weeks. Mr. Chairman, that completes my report and I'll be happy to respond to any questions.

Greenwood: Thank you. Any questions from members of the Commission? Thank you, Jim. One of the things I tried to do last time and I don't want to put you on the spot, Steve. I think I mentioned it to you before and although Senator Armbruster is not here today. What I'd like to do is give the legislative members of the Commission an opportunity to relay to the Commission pieces of legislation, issues that you think might be of

significance to the Turnpike that are ongoing. Particularly, since you are in session right now. A couple of minutes – the microphone is yours if you have anything that you'd like to report on, alert us to, concerns that you might have. We'd like to hear from you.

Buehrer: Thank you very much, Mr. Chairman. I consider my warned from our previous discussion. I appreciate the opportunity to update people briefly. This is the last week of the Ohio General Assembly before we go on a 3-week Easter break. After which we will return and probably go another 3-6 weeks and wrap up in mid to late May if all the business currently pending is taken care of at that point.

There are a lot of issues going on right now – none that I can think of that specifically impacts on the Turnpike. We have dealt with the re-appropriations of capital dollars. We have talked about the tobacco settlement funds and re-appropriating those. The real state capital budget which probably incidentally could impact the Turnpike will be delayed until later in the year – probably post election in November. That is something to keep in mind for all state government entities. Although again not directly in the face of the Turnpike. Probably one thing this Commission may want to keep an eye on and the Executive Director has already mentioned it to me is the Motor Vehicle Fuel Task Force. (We are looking for a new name that's easier to say.) Basically, what we are undertaking. I'm co-chairing the effort with Senator Oelslager from northeast Ohio, and what that effort is: is to study the motor vehicle fuel tax and see if it's adequate and see if we are distributing it in the most proper way. There has been a lot of pressure on the General Assembly over the last couple transportation budget bills to address that issue. Local governments feel they need more funds, ODOT, I know, feels some pressure coming on from both the state level as well as some of the federal changes that are coming down the pike in terms of how much they are going to be able to have and of course, the Division of Public Safety that supports the OSHP has ongoing concerns about the adequacy of the dollars. Very often in a compacted budget process within the General Assembly we don't have time to think about all the issues and

bring all the interest groups together. What this effort is is to take a year-long look at it. We started our work in February. We must issue a report to the General Assembly by mid-December and the idea is to look at those two key issues: adequacy and distribution and see if we have it right and see if there is anything we can be doing to allow all these entities that rely on that fuel tax to continue to function in the best way possible.

Gino has been gracious enough to offer us his hospitality if we choose to come up and have a regional meeting. What we have said is we're spending some time in Columbus right now getting the background, but in either June or July and maybe in August or beyond, if we get good reception, we'll be out traveling the state to make sure we're hearing stakeholders who are traditionally not in Columbus. That would be the report I'll give today. I'll keep you, Mr. Chairman and the Executive Director up to date if there is any impact as it would affect the Commission.

Greenwood: Do you think we should participate in that in one of your meetings as the Turnpike – our prospective? Do you think it would be a good idea?

Buehrer: The issue of the fuel tax or the small portion of the fuel tax that comes back to the Commission has already come up as part of other people's transportation. I certainly would welcome it. It might not be a bad thing to say how that 5 cents came to be and why it came to be and what it's important to what gets done up here. The various stakeholder meetings will probably start on April 25<sup>th</sup> – that's the first one where the door will be open for anyone to come. I'm sure we'll have one or two of those in May. I'll work with the Director and Mr. Patton to see who would like to come and when if so desired.

Greenwood: Does anyone on the Commission have any questions while we have Rep. Buehrer on the hot seat? Steve, thanks very much, we appreciate it.

Staff Reports – Mr. Zomparelli?

Zomparelli: Thank you, Mr. Chairman. The first draft resolution the Commission Members will find in their packet is captioned, "Resolution Awarding Contract No. 56-01-04." The Commission has advertised for renovations and additions for three of its maintenance buildings known as Kunkle, Swanton and Canfield. The Kunkle Building is located at Milepost 16 in Williams County on our western end; the Swanton Building is located at Milepost 48.3 in Fulton County, also on our western end; and on our eastern end is the Canfield Maintenance Building at MP 228.1 in Mahoning County.

Contracts were broken up into three parts for each individual maintenance building, but the bidders were not precluded from bidding on one or more or even all or submitting combination bids. The way it has worked out and the staff is recommending three awards. The first one will be Contract No. 56-01-04. In all, the Commission received bids from eight companies for the performance of the contracts with the option for a single bid like I stated earlier, or a combination bid for any or all the facilities.

For the Kunkle Maintenance Building, the staff is recommending to the Commission a contract to Rudolph/Libbe Inc of Walbridge, OH. All the bids were solicited on the basis of the same terms and conditions and specifications as set forth in the bidding documents. (I'm taking my time so the Commission Members have a chance to go through the entire packet.)

You actually have to split up your packet. All three resolutions are attached to the same back-up information. You have Legal Counsel's recommendation memorandum to the Commission Members as well as letters that were received for clarification and at the very end is the bid tabulation. The bid tabulation for Contract No. 56-01-04, we received three bids, Mosser, Lathrop Company and Rudolph-Libbe Co.

The \$1,275,652.00 is lower than the engineer's estimate. I'll read the Resolved of this resolution:

“RESOLVED that the single bid for **Contract No. 56-01-04 (Kunkle Maintenance Building)** submitted by **Rudolph/Libbe, Inc.** of Walbridge, Ohio for a total bid amount, including alternates, of **\$1,275,652.00**, 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. 56-01-04 is designated a System Project under the Commission’s 1994 Master Trust Agreement.”

The bids have been reviewed by the Commission’s Deputy Executive Director-Chief Engineer who is here to answer any questions you might have. I recommend that the Commission move to adopt this resolution.

Greenwood: A motion on the resolution, Mr. Strnisha? Mr. Darwish seconds. Any discussion on the resolution – this is to award Contract No. 56-01-04?

Darwish: On Contract No. 56-01-04 even going to the third bidder, we are still under the engineer’s estimate. Reading the memo very quickly, you had problems with the first bidder and the second one had bond problems.

Zomparelli: Mr. Chairman, Commission Member Darwish. That’s good to point out. We did receive three bids. This is the third highest of the bids but it is the lowest responsive, responsible bid. Mosser had made a mistake. That issue has been reviewed by General Counsel and Lathrop had insufficient bid guaranty. But it is still below the engineer’s estimate.

Greenwood: Any more questions on Contract 56-01-04? If not, will the Assistant Secretary-Treasurer please call the roll?

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



The resolution is adopted awarding Contract No. 56-01-04.

Zomparelli: Again, referring to the same memo and bid methodology, the second contract before the Commission is drafted as “Resolution Awarding Contract No. 56-01-05”. This is for the Swanton Building. We received four bids on this contract. Bids were submitted by Mosser, Lathrop Company, Stanford Thal and Rudolph-Libbe.

The staff is recommending award to Stanford E. Thal, Inc. of Toledo, Ohio. Again, this is below the engineer’s estimate. The bid proposals have been reviewed by the Deputy Executive Director-Chief Engineer and his staff. I’ll read the Resolved of the resolution:

“RESOLVED that the single bid for **Contract No. 56-01-05 (Swanton Maintenance Building)** submitted by **Stanford E. Thal, Inc.** of Toledo, Ohio for a total bid amount, including alternates, of **\$1,128,900.00**, 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. 56-01-05 is designated a System Project under the Commission’s 1994 Master Trust Agreement

Again, this is a situation where the apparent low bid is not being considered for award for the same reasons as Contract No. 56-01-04. The legal opinion has been rendered that Stanford E. Thal is the lowest responsive bid. I don’t believe Stanford E. Thal has ever done work as a primary contractor for the Commission before. Is that correct, Mr. Castrigano?

Castrigano: That’s correct.

Zomparelli: I would recommend that the Commission move to adopt this resolution.

Greenwood: Motion to adopt and then discussion? Mr. Darwish moves, Mr. Strnisha seconds.

Any discussion on the resolution? This is Contract No. 56-01-05?

Darwish: One question, Mr. Chairman, there's a letter from the consultant making sure this contractor can do the job. Is that from Karl Rohrer Associates? Is that correct?

Zomparelli: It's also for the one before.

Greenwood: I will go ahead and call for the roll, but I apologize that when we received these, I should have looked at it more carefully. I don't know whether my law firm still does any work for Stanford E. Thal. I know we used to a long time ago, Dave Katz – now Judge Katz. Personally, I never worked on anything, but I didn't check out our conflicts. Our firm may still do some work for Stanford E. Thal, so I think it will be better for me to abstain. We do have a quorum without me – Mr. Strnisha, Mr. Darwish and Mr. Wilkins. To be on the safe side, I'll just abstain on this. Call the roll, please.

Roll: Mr. Darwish-yes; Mr. Strnisha-yes; Mr. Wilkins-yes. (Mr. Greenwood abstains).

Zomparelli: Moving along, the third maintenance building in connection with the bids that were solicited is for the Canfield Building. The resolution is titled, "Resolution Awarding Contract No. 56-01-06". As you can see the staff has had a lot of time invested in reviewing these bids and making recommendations. We received four bids for the construction, renovation and additions to the Canfield Building from DeSalvo Construction Co., RFC Contracting; Tinker Construction and Hiveley Construction Co., Inc.

The staff is recommending award to DeSalvo Construction Co. of Hubbard, Ohio. The Resolved reads:

*(tape difficulty)* George Dixon arrived (10:30 a.m.)

Zomparelli; While we are correcting the technical difficulties, DeSalvo Construction Company did submit the apparent lowest bid. There was a clerical mistake and the bid documents have been reviewed by General Counsel. DeSalvo has sent two letters to Tim Ujvari, the Maintenance Engineer clarifying the clerical error. What we found was controlling on the amount that was submitted is the actual bid guaranty was in writing. Usually, contractors usually just say “for the full amount of the bid” but they wrote in the actual dollar amount. The dollar amount coincided with the total sum submitted. I don’t know if General Counsel has the bid document with him.

Amato: I don’t have the document with me, but the bottom line total sum is consistent in each place that it appears on the bidding document. Also I may note for the Commission Members if they look at the bid tab and they’ll see number \$959,045 under that column for their bid, that was actually the Commission’s staffs adding up of the numbers. They had made a mistake. That 959 appears no where on the actual bid from DeSalvo. The 978,399 appears where it suppose to.

Strnisha; They submitted \$978,399 that was my question.

Amato: Right. There is no doubt about that.

Zomparelli: It’s written in two other locations. Our technical difficulty is corrected? (Diane –yes, I think so.) I’ll continue reading the Resolved paragraph.

“RESOLVED that the single bid for **Contract No. 56-01-06 (Canfield Maintenance Building)** submitted by **DeSalvo Construction Company** of Hubbard, Ohio for a total bid amount, including alternates, of **\$978,399.00**, 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. 56-01 -06 is designated a System Project under the Commission’s 1994 Master Trust Agreement.

Zomparelli: Although DeSalvo Construction Company hasn't done business with the Commission as a primary contractor for the Commission in the past, as we recall, the bid proposals have been reviewed by Rohrer & Associates and are recommending award. They also have been reviewed by the Deputy Executive Director-Chief Engineer and legal counsel, and I would recommend that the Commission move to adopt this resolution.

Greenwood: Motion to adopt this resolution, Mr. Strnisha moves and Mr. Darwish seconds. Any discussion?

One question, just to understand the parties – Karl Rohrer & Associates, what do they do for the Turnpike?

Castrigano: On this project, Karl Rohrer was our design consultant. They prepared the plans for this project.

Greenwood: So when the bids came in, you asked them to investigate some of the bidders which had not had previously had contracts with the Commission.

Castrigano: That's right. They looked at all three of the low bids whether they had worked with us in the past or not.

Zomparelli: In this case, Rohrer Associates checked with Youngstown State University and other references.

Greenwood: I read the report – that's fine. I just didn't know exactly what their role was. OK. Any other discussion on the motion?

Strnisha: Just as a follow-up, have we used Rohrer & Associates before – have they done other stuff for us?

Castrigano: Yes, Mr. Chairman and Commission Member Strnisha, among other projects, they did the Communications Building right across the parking lot here. They did the five previous maintenance buildings also.

Strnisha: OK, thank you.

Greenwood: Any other discussion on the motion to approve Contract No. 56-01-06. If not, please call the roll.

Roll: Mr. Strnisha-yes, Mr. Darwish-yes; Mr. Wilkins-yes; Mr. Dixon-yes; Mr. Greenwood-yes.

The resolution awarding Contract No. 56-01-06 passes and is adopted.

Zomparelli: The next draft resolution is captioned “Resolution Awarding Contract No. 58-02-02.” This is a contract for the demolition and reconstruction of a toll plaza utility building, toll booths and canopy at the Commission’s Interchange No. 152 (“North Olmsted/Cleveland”) located at Milepost 152.2 in Lorain County herein designated Contract No. 58-02-02 and to the Commission’s Interchange No. 118 (“Sandusky/Norwalk”) located at Milepost 118.5 in Erie County, herein designated Contract No. 58-02-03.

The Commission received bids from three bidders for the performance of these contracts. The bidders were given the option to submit a single bid or a combination in response to both contracts. The bids have been reviewed and analyzed by the Deputy Executive Director-Chief Engineer as included in his report.

In connection with Contract No. 58-02-02, the staff is recommending award to Blaze Construction of Berea, Ohio. We’ll note that Blaze has done work for the Commission in the past. They have completed or are working on three interchanges for the Commission. They are also working on the service plazas in Lorain County. Their bid is above the engineer’s estimate, but within 10% of the engineer’s estimate.

The Resolved paragraph reads:

“RESOLVED that the bid of **Blaze Construction** of Berea, Ohio, in the amount of **\$4,559,805.40** for the performance of **Contract No. 58-02-02** 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 bids; (2) to direct the return to the other bidder of its 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. 58-02-02 is designated a System Project under the Commission's 1994 Master Trust Agreement.

Again, this is a situation which required review by the Commission's General Counsel since the apparent low bid had been received by Northern Valley. General Counsel submitted his memorandum to the Commission Members regarding this Contract No. 58-02-02. I recommend that the Commission move to adopt this resolution awarding Contract No. 58-02-02 to Blaze Construction.

Greenwood: I'll accept a motion to move passage of the resolution. Any discussion? Mr. Strnisha moves and Mr. Darwish seconds. Any discussion?

Strnisha: Mr. Chairman, It's the obvious question because we are over the estimate. With the disqualification of the other bidder, we're down to one bidder. I know sometimes you come back and sometimes there's time to re-bid. You are not recommending that, you want to go forward even though it's above. Can you talk about that?

Zomparelli: Mr. Chairman and Commission Member Strnisha, one thing that myself and staff have looked at is the level playing field and the bidding process and encouraging competition between bidders. We always start with the premise of being in a position to award a contract if we have taken the time and the decision to bid or request invitations for bidders to bid on contracts and proposals. It takes a lot of time to put bids together and there is a lot of competition and we should not award contracts with the idea of trying to get a better price. I understand that doesn't sound like something we should be doing. The reason why I say that is once a number has been put on the table, and you go out and re-bid, everyone else has seen what other people have bid and if the bid is fair and it's within

our estimate, I think we are obligated to award the contract unless we think we can save money. The reason why we could save money would be a change in our bid documents. If we decided to do something differently. Like concrete instead of steel on a bridge. That's a change that would probably merit rejection of bids and re-bidding. But when a bid has been submitted and bidders have met our requirements, have bid in good faith, I think it would be inappropriate to private businesses for a public entity, such as the Commission, or any other public entity, to re-bid without justification. There is no guaranty that you'll get a better price or lower price if we were to re-bid for no reason. If we lacked funding, that would be another reason why we'd reject bids maybe bid out at a later time.

I'm very concerned about re-bidding a project when there is bid proposals on the table and someone else bid who didn't bid and may become the lower bidder and didn't take the time to bid and this company or another company that did take the time out, it wouldn't be fair to them if they weren't given the opportunity to fulfill the contract. I also don't want the Commission to have a reputation that we bid the first time around just to see what the prices are the bid the second time around as the real bidding time. We do that very rarely and I think that's why we have such a high standard.

Strnisha: Why do you think we only got two bidders? Maybe Dan has a prospective on that.

Zomparelli: Well we received three bids. I have no problem if the Commission would want to re-bid this. Dan, why do you think?

Castrigano: Mr. Chairman, Commission Member Strnisha, it seems that our building contractors tend to stay closer to home as opposed to our roadway contractors. We typically get two, three or four bids for a toll plaza renovation. If the Commission were to re-bid this project, we'd have to look at the specifications. I see no major changes in the specifications that could possibly reduce this number, however, we would have to take a look at

our timeline for the project to see what we would have to do if that would have to be compressed to get the projects done before winter. But we could take a look at it.

Strnisha: One more follow-up, and I'm not recommending anything yet. I know we have talked about size and this would be classified as a larger project. Was there a way to break this out into smaller pieces logically from a work standpoint. Or does the scope of this project really have to be maintained by one contractor?

Castrigano: Well as far as the scope of the project or the size of the project, it's really not that large of a project. It's really just construction of the building and the toll plazas which is basically the same type of contractor.

Greenwood: Mr. Dixon?

Dixon: Thank you. This is interesting \$4.5 million and you don't consider it large. Next time I need a loan I know where to go. I understand about a company putting their numbers out there. Help me out. I'm looking for minority or DBE participation, goals, etc. Are there any on this contract? Are they using any minority subcontractors? Are they getting any part of this \$4.5-M that we are spending here?

Zomparelli: Mr. Chairman, Mr. Dixon, we have a voluntary MBE Program.

Amato: We can recommend it, but it is voluntarily, we cannot legally at this point and time -- with the current state of the law cannot impose that on contractors in the State of Ohio.

Zomparelli: There was a ruling, and found it unconstitutional to make it a requirement for construction contracts. From what we understand the courts -- I don't know if they have the issue before them, have it before them, but they haven't ruled on the procurement of supplies, materials or equipment. For construction contracts, there was a case involving Cuyahoga Community College and they found it unconstitutional. That was an issue that came up with us -- probably two years ago.



Amato: There was a finding of liability directly on the members of the Board down at the College for imposing and supporting that doctrine. So we have taken the stance that it is voluntary. We encourage it, but right now it's voluntary. We do monitor the participation.

Dixon: So you're telling me that we don't have any as an organization we don't have any minority DBE goals or construction contracts?

Zomparelli: We can't make them mandatory. We have a goal, but our position has been – our goal is not 10%. We want 100%. We want minority firms and small businesses to bid on the entire project and not just be a participant.

One of the things I have asked the legislature to do is to increase our bidding threshold from \$10,000 to \$50,000 and that's one reason is to encourage small, economically disadvantaged businesses and minority firms to have more opportunities at the Turnpike. Right now the Turnpike is required to bid anything above \$10,000. When you have some of these smaller contracts – let's say \$30,000 and we had one that was \$30,000 a lot of contractors are not going to take the time to go out and get a bid bond or pursue our contract because they are not large enough.

Dixon: That's one of the problems. I'm not interested in those \$30,000 contracts. I'm interested in these \$4.5-M contracts and again, let me back up and I don't want to cause anyone extra work but we need to sit down and make me understand - that's a different perspective from where I'm coming from. When I look at the toll booths and see the riders – they're all colors they are all from different economic situations and they come from all parts of the state. We are spending those patrons' monies and I think we have a responsibility to those people and the taxpayers who have to subsidize to make sure our monies are spent in a like manner. I just want to make sure that by law there are certain things we can't do but I haven't been a long time but you guys are smart and you can figure out a way to

make contractors and bidders understand and know that this organization feels it has a responsibility to employ and use minority and disadvantaged organizations in their contracts. OK? That's not out of the realm, is it?

Dixon: Thank you, Mr. Director.

Zomparelli: No, and I think we do this. I just don't have the perception. Absolutely. One the contracts we'll award later on is a substantial contract and is going to a minority firm. I just want to leave it that we have created an environment to encourage that and not preclude it and we will continue to do that.

Greenwood: Any more discussion on the resolution? If not, we will accept the bid on Contract 58-02-02. Call the roll please.

Roll: Mr. Strnisha-yes; Mr. Dixon-yes; Mr. Darwish-yes; Mr. Wilkins-yes and Mr. Greenwood-yes.

The resolution is adopted awarding Contract No. 58-02-02.

Zomparelli: The next resolution in the packet is entitled "Resolution Awarding Contract No. 58-02-03." This is the second contract for demolition, reconstruction of toll plaza utility building, toll booths and canopy to the Commission's Interchange No. 118, "Sandusky/Norwalk" located at Milepost 118.5 in Erie County.

The Resolved reads:

"RESOLVED that the bid of **Mosser Construction, Inc.** of Fremont, Ohio, in the amount of **\$4,858,437.30** for the performance of **Contract No. 58-02-03** 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 bidder of its 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. 58-02-03 is designated a System Project under the Commission's 1994 Master Trust Agreement.

I'd recommend that the Commission move to adopt this resolution. This was the apparent low bid and was determined to be the lowest responsive bid.

Greenwood: I'll entertain a motion to adopt this resolution and we'll have discussion? Mr. Darwish moves and Mr. Strnisha seconds. The resolution to award Contract No. 58-02-03 – discussion? For our information again, Mr. Castrigano, any thoughts? I know we tried to get it designed so we could encourage bids from contractors to do both interchanges in an attempt to economize the costs. Blaze did that, but came in way above on the second one. Any thoughts why we didn't get any more bidders on the combination? Other than they may not have wanted to put that much time and effort in two Turnpike jobs.

Castrigano: That's correct, Mr. Chairman. Again, Mosser Construction – they typically don't bid this far east. Exit 9, MP 152 is 7 miles down the road to our west. Northern Valley – they are a smaller company and have done some subcontract work for us. They again did not bid the combination. Our combinations work out well on the resurfacing projects. If you recall, last week we awarded a combination bid. It just didn't give us the economies of scale here that we would expect on this type of project.

Zomparelli: Mr. Chairman, I guess the answer is we don't know. We were trying to give the Commission an answer. When I look at what the Commission has done we bid this project out early in the year. You'd think when people wouldn't be working in the wintertime we'd have more bids on a project that opened in March than when you opened in June or July. Again, we are trying to create the atmosphere. I think this one is on estimate or slightly above our estimate.

Castrigano: This one was slightly above 5% above the estimate.

Zomparelli: Our estimates seem to be on target. Maybe we have tight schedules on the Turnpike. We ask the contractors to meet them and we have a reputation of requiring excellent and top grade work and maybe contractors are looking for other

projects. There are a lot of school projects coming up. Maybe they decided to put their resources in bidding on those projects. I really don't have an answer.

Strnisha: I have a question and a comment. You have done very well over the life of the third lane project almost always coming under these estimates and also having good judgment when it is appropriate to reject and when it is OK to go ahead. It has been rare times when we give your authority to award. We have more of these coming down the road, don't we in terms of toll plaza renovation. Where are we?

Castrigano: Yes, Mr. Chairman and Commission Member Strnisha. We have Exit 8 in Lorain County scheduled to be put out for bid in mid-year and also we have two more projects the beginning next year scheduled on the budget. With those three that will complete the reconstruction of the older interchanges.

Strnisha: I think the only thing I recommend, as we did with the last before moving forward with this. I think you guys should go over and above and see what we can do both in terms of the bidders and project to generate interest. I think this is fine particularly if we can brainstorm.

Zomparelli: We do advertise in the construction trade journals. There are opportunities for contractors if they take a look as to how many people bid. Maybe something that is prohibitive is bonding. All these companies are required to have significant bonds. These are larger projects in spite of what Mr. Castrigano thinks. \$5-M is a lot. The contractor will have to get bonded for that amount. Insurance costs have gone up. That might be a reason why we see less contractors. It's tougher to get bonds written these days. I think it's something we should take a look at and we will try report at the April meeting if we found out anything regarding that. Retainage is also another issue that contractors complain about. I'm sure Commission Member Darwish probably hears about contractors not liking having any of their money held. They want to be paid as they go.

Darwish: I think Dan and his staff should also join ODOT in the winter season when we attend the Ohio Contractors Association for Forecast Night. We invite contractors and we travel around the state. I think Dan and Rob should join us so we can advise the contractors of upcoming projects. This is additional advertisement for the Turnpike and ODOT to make them aware of these projects. It is a busy schedule.

Castrigano: That's a good point Commission Member Darwish. We did. My staff and I attended all four of the Construction Forecasts – OCA evenings across the Turnpike. (Toledo, Cleveland, Akron and Youngstown.)

Dixon: Mr. Chairman, I promise I won't get on a soapbox here but I have to ask - this has to be clear in my mind. Is there any way we can - do we monitor at all our contractors to see the make-up of their work force? Those sort of things? Is there any way I can get information on – we have spent \$10-M of the taxpayers money on a project. Is there any way I can get information on the make-up of the work force of these two companies or are using at the time they start?

Zomparelli: Chairman Greenwood, Commission Member Dixon, we do keep track of that information and I'll have Mr. Amato get that to you right away.

Dixon: Again, you tell me some things we can't do, but if we let it be known we are monitoring these things and that you have a Commission Member that has a particular interest in this, then hopefully that would spur some type of responsibility from the contractors to make sure that they give us a very diversified workforce. OK? Thank you.

Greenwood: We have a motion on the table. Any more discussion on the motion which is to adopt the resolution awarding Contract No. 58-02-03 Any further discussion on that resolution? If not, will the assistant secretary-treasurer please call roll?

Roll: Mr. Wilkins-yes; Mr. Strnisha-yes; Mr. Dixon-yes; Mr. Darwish-yes and Mr. Greenwood-yes.

The resolution is adopted awarding Contract No. 58-02-03.

Zomparelli: The next draft resolution is captioned, “Resolution Awarding Contract No. 46-02-01” This is a contract for furnishing and applying RPMs (Retro-reflective pavement markings) on the Ohio Turnpike’s mainline roadway designated Contract No. 46-02-01 which has been divided into Group 1 which consists of all markings placed between Milepost 5.7 to 126.0 in Williams, Fulton, Lucas, Wood, Ottawa, Sandusky and Erie Counties and Group II which consists of all markings placed between Milepost 126.0 to 241.3 in Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull and Mahoning Counties.

The Commission received bids from two bidders for the performance of said contract and bidders were given the option to submit a single bid in response to Group I or Group II or any combination. The bids have been reviewed and analyzed by the deputy executive director-chief engineer. We are recommending a combination bid submitted by Oglesby Construction of Norwalk, Ohio. The resolved reads: Oglesby has done work for the Commission in the past.

“RESOLVED that the combination bid of **Oglesby Construction, Inc.** of Norwalk, Ohio, in the amount of **\$654,330.78** for the performance of **Contract No. 46-02-01** 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 bidder of its 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. 46-02-01 is designated a System Project under the Commission’s 1994 Master Trust Agreement.

I recommend that the Commission move to adopt this resolution.

Greenwood: I’ll entertain a motion to adopt this resolution approving award of Contract No. 46-02-01. Mr. Darwish moves, Mr. Strnisha seconds. Discussion on the motion to adopt the resolution to award Contract No. 46-02-01? Would you clarify your zeal to have this thing moved.

Darwish: I was just reading through it.

Greenwood: I thought maybe there was something going on with ODOT.

Darwish: I just wanted to make sure you got the lowest bid.

Zomparelli: Mr. Chairman for the Commission Members reference on the bid tab, I want to point to them that the estimate to way-off and I was waiting for Mr. Castrigano to say something, but I guess he won't. But in comparison to the second low bidder, they are very close together. I just wanted to point that out for the record.

Greenwood: Any further discussion? Please call the roll.

Roll: Mr. Dixon-yes; Mr. Wilkins-yes; Mr. Strnisha-yes; Mr. Darwish-yes and Mr. Greenwood-yes.

The resolution passes awarding Contract No. 46-02-01.

Zomparelli: I want to report to the Commission on several other matters that are current since our regularly scheduled Commission Meeting on January 28<sup>th</sup> that wasn't reported at our Special Meeting on March 8<sup>th</sup>.

I met with Representative Damschroder who is the Chairman of the Oversight Committee on February 7<sup>th</sup>. We also held the first Oversight Meeting in Columbus on February 13<sup>th</sup>. Commission Members Greenwood and Wilkins attended along with various staff. We reported on various construction projects on the Turnpike as well as budgetary and accounting issues. We are finalizing the arrangements for our next Oversight Meeting which should be held during the latter part of May here at the Commission's offices.

Collective bargaining – unofficially the Teamsters were voted the new union representative for our both our part-time toll collectors bargaining unit as well as our full-time bargaining unit which includes the full-time toll collectors and full-time

roadway maintenance personnel. I'll recommend later on that the General Counsel move to go into executive session to discuss strategy and negotiations for collective bargaining.

On February 14th Mr. Castrigano and I accepted an award in Columbus from ACEC Ohio for engineering excellence. This was the award we were nominated by Mannik & Smith Group, Inc. for the design of the Ohio Turnpike's Maumee River Bridge. We received an honor award for excellence on an engineering project.

We also received an award from Flexible Pavements of Ohio I'll pass this award down so the Commission Members can look at it. We received this in Columbus on March 13<sup>th</sup>. This is the "William B. Baker" award. This is the most prestigious award given by Flexible Pavements of Ohio. They selected the James W. Shocknessy Ohio Turnpike to receive this award this year because they acknowledged that the Turnpike has been at the forefront in the pursuit of excellence and innovation relative to Hot Mix Asphalt. They claim this is the highest honor that the Association can bestow and as a recipient we had a significant and positive impact on the asphalt paving industry. They recognized the Commission for its innovations. It's a direct result of the third-lane widening which has occurred on the Turnpike where we have used full-depth asphalt. I accepted that award last week on behalf of Robert Arlow.

To continue, the openness of the Commission, I along with Sen. Armbruster met with John Miller, who is Co-Chairman of the Committee, known as "Bellevue Matters." They were also present at the Oversight Meeting in Columbus last month and we also met with them on February 25 in our offices in Berea. There is a letter from Mr. Miller and Bellevue Matters Group thanking the Commission for meeting with them and also an article from the Bellevue Gazette. I think the article and also the meeting with the group is another example of the Commission's outreach to the community. We listened to their concerns. We asked OSHP to attend. Lt. Derr attended and we listened to the concerns of the residents concerning truck traffic driving through their community. Their problem is they see



overweight trucks driving through their community and trucks who are not obeying their speed limits. We are working with the Bellevue Matters group to help them alleviate their problems. We are also making recommendations and we see this as an excellent opportunity for the Commission to develop relations among communities along our corridor.

We also received a complimentary E-mail from Mr. John Frick of Cincinnati about our website. We have included a copy of his E-mail in your packet. “Your website is one of the best websites I have ever visited. It was easy to navigate and gave me all of the information that I was looking for – mainly service plaza locations and services and tolls. It is a well laid out site and easy to understand.” I want to thank Dick Morgan, our MIS Director and Lauren Dehrmann, Manager of Public Affairs Dept. for putting this website together. Dave Miller, our Chief Auditor, is also checking to make sure that we have good accurate information on our website. Again, this makes the Commission accessible and open.

Greenwood: It certainly has nothing to do with all those great portrait pictures of the Commission Members.

Zomparelli: I personally think that has a lot to do with it, but that’s my opinion.

Also, in your packet you’ll find pictures from our participation in the Holiday Wish Campaign. There are pictures of the staff who worked together to deliver our employees’ contributions. These pictures are from the Domestic Violence Center in Cleveland. We also assisted the Berea Children’s Home. We reported this event at our December Commission meeting.

I wanted to acknowledge our employees who are currently working on the annual “Feed the Hungry” campaign. Reggie Williams is coordinating those efforts with our staff and our employees.

Greenwood: Were these gifts brought in by our employees?

Zomparelli: Yes. We tried to bring in what they could use – toys, toiletries, household items, everyday items. I think that's been a tremendous effort on the part of our employees to take the time to be involved in such an endeavor.

With all the awards I reported on, we do have one piece of news that is not positive. We were a finalist but we didn't receive the grant from the Bicentennial Commission. The Commission was one of the finalists but we were not selected for use of our service plazas as advertising Ohio and transportation. It doesn't mean we can't do something in the future.

I also want to report that in the district that Commission Member Darwish works and manages very well there was an Open House held on February 27<sup>th</sup> which was attended by members of the Commission regarding S. R. 8 upgrade. This is a project running north south between S. R. 303 and Interstate 271 that has significant traffic congestion and traffic problems. We are trying to work with ODOT and Mr. Darwish on how the Commission can help participate in alleviating some construction problems on that corridor at the same time meeting our legal obligations and guarding our own patron traffic while complying with the Ohio Turnpike Act and Ohio Revised Code. We will keep the Commission apprised of that and Mr. Darwish and myself will continue to meet on this issue as the year continues. You should have moved – too late.

Dixon: I had the opportunity to travel to a conference in Washington, D.C. this past week. I had a conversation with some of my colleagues to let them know I was appointed to this Commission and I just have to say that the overwhelming view of this Commission and the job that you are doing was rated very highly. They all told me that I was a member of a class organization and very effective and this organization is really looked at very highly. Gino, you and your staff should feel really good about that.

Zomparelli: Lastly, I want to report that URS has reviewed our traffic forecast for 2001 and made their adjustments. I believe a packet is included in your folders. Can I ask you, Mr. Everhart

to make a couple comments about what you do for us as our traffic consultant and how you update the traffic forecasts and revenue forecasts.

Everhart: Thank you Mr. Director, Mr. Chairman and Commission Members, each year we take a look at the forecasts which is the total revenue – the major portion of the Turnpike’s income. And of course, the capital improvement projects are looked at very carefully over the life of the program to make we don’t over-commit funds that are available from the bond proceeds and the funds that are coming from the revenue forecasts.

Each year at this time we take a look at the previous year and we start over. We use the previous year as a base and forecast that into the future. We are always pretty accurate. Over the years that we have been doing this since 1995, the farthest we have been off is 1.5%. And most of the times we have been 99% accurate by using this method. Unfortunately, in 2001 because of the economy we did not meet the forecast that we made at this time last year. In fact, we were about \$5-M below our forecast. That means, now we are starting off “new” about \$5-M less than we thought we thought we would have at this point in time. As you’ll see in the forecast, I have it laid out all the way until 2010, and we are expecting that in 2002 we will have less revenue than we had in 2001. This is an indication that the economy is still affecting the truck traffic on the Turnpike as you would expect.

Over the years we found that the growth in truck traffic on the Turnpike is directly proportionate with the employment in the regions furnishing traffic to the Turnpike. This is based on experience that was garnered in 1984 –1994 when there were no toll rate increases on the Turnpike. We looked at what the Turnpike truck traffic and other traffic did as opposed to what employment did over that period of time. Since 1995 we found that the employment forecasts were very close to what happened to traffic on the Turnpike with trucks. That’s the reason we have been 98.5-99.5% accurate.

I wanted to make you aware that we are looking at the program based on what the income is. Every month we take a look at what is spent as opposed to what we have programmed. Every time a contract is awarded, we make an adjustment from the estimate to the actual cost and each project is spread out all the way through the forecast period. What was going to be expended each month and each month we make an adjustment of what is actually spent and what is left to complete the project.

This monitoring of our expenditures so we don't over-commit funds maintain the positive cash balance and maintain the desired coverage of the bonds. It gives the bond rating agencies a high degree of comfort. That's a big element in the high rating the Turnpike has. The funds and the improvement program is managed and we keep the forecast up to date. We'll do this again next year. If we do better than we thought in 2002 that's great. If we do worse, we'll make the adjustment and do what we have to account for it.

If you have any comments, please speak. I have included some charts relating to truck growth and passenger car growth all through the forecast period. I expect that in 2003 the truck traffic is going to pick up. We are already seeing some increases in employment. The first two months in 2002, it's about 3% below. When I talk about traffic, I talk about the vehicles miles of traffic and I am mostly concerned with classes 4-8 which represent 97% of the five-axle vehicles and 85% of the traffic in Classes 2-11. Normally, we say Classes 2-11 is commercial traffic, but that's really not true. In classes 2 and 3 you have a lot of recreational vehicles. What we are more concerned about are the 5-axles—the semi trailer-tractors and what they are going to do.

You'll notice on the first chart, Classes 4-8 from 1995-1998 the toll rate increases had a tremendous affect on the vehicle miles. Revenue went up because the toll rates were increased, but the vehicles miles which translates into these were considerably down. Fortunately, we had forecast this. We were within 1% of accuracy on what the affect the toll rates might be.

The recovery from the toll rates after 1998 was very quick. On the next chart you'll see starting in 1998 and we have a big surge in 1999 – economy was good. We were rebounding from the toll rate increases. You'll see the downturn again in 2001, another downturn continuing in 2002. I expect in 2003 we might see another rebound and truck traffic will grow.

In the early 90's we had a recession. In the two years following that truck traffic increased 20%. That's a significant increase. I think we'll have a similar rebound but it will be much less this time. All the economists are saying that the rebound will be much less than it was in the early 90's. I'm saying the first two years after this recession is over, we should increase by about 8% on truck traffic. By 2005 we should catch up to our normal growth curve.

I think the farther we get away from those toll rate increases, the more traffic we are going to have to generate onto the Turnpike beyond normal growth. So you'll see the curve out beyond 2005, you'll see an above the normal curve. I also think the third lane I going to have an affect – traffic that is diverted from the toll-free facilities to the Turnpike. As they become more congested then the Turnpike especially with the level of service caused by the third lane, going to be attractive you're going to have substantial growth. I think the future is bright. I just wanted to point out that in the short-term because of the recession, we have to be careful not to over-commit our funds and to maintain our positive cash balance.

If there are any questions, I'd be glad to respond.

Greenwood: Any questions for Mr. Everhart? Thanks, Bobby, good job.

Zomparelli: Mr. Chairman, Commission Members, The Turnpike staff – when you look at these vehicle miles traveled, obviously things we look at are toll rates, but there are other factors that have to be considered and gasoline prices is one of them and fuel tax. We received a letter from Director Proctor, Director of ODOT inviting us to join Governor Taft on March 20th at 1:30 p.m. as

the Director outlines his agenda regarding the proposed 2003 federal transportation budget reduction and the upcoming federal transportation funding reauthorization. Ohio like other states who are donor states or contributing states, are seeing their funding being cut and because of the location of Ohio – in the middle of the country, in the heart of the county - between California and New York – between Chicago and New York – between Boston – Philadelphia, Chicago - California -- Ohio has a lot of traffic on its roads that does not have an origin or destination – just Ohio. I just want to advise the Director of Transportation know that any way the Commission can be of assistance and help with the impact of the reauthorization of the new transportation act and get Ohio more funding, we should take an active role as well as be available to Senator Armbruster and Representative Buehrer with any questions they might have relating to transportation – hence the Motor Vehicle Tax Task Force. We will participate. I am planning, unless my schedule does not permit my attendance, to listen to Director Proctor as well as offer any advice for participation that we can in making sure that Ohio gets its fair share. As truck vehicle miles traveled are less on the Ohio Turnpike, they are also less on the other roads which means less fuel tax which means less money to maintain or build new roads. Commission Member Darwish can speak volumes on the challenges the Ohio Dept. of Transportation faces in the upcoming years regarding funding.

Darwish: We are hoping to get at least \$150-M to \$230-M from Washington. The Governor and Director Proctor met with the Ohio delegation in Washington. Senator Voinovich introduced a bill so we can get at least \$150-M back to Ohio and try to revise the formula because Ohio is a donor state. We get penalized for that and are losing about \$400-M for that. We are hoping this bill will pass and help bring that money back to Ohio.

Zomparelli: Thank you Commission Member Darwish. One thing about tolls, it is a user fee, and at least the Ohio Turnpike doesn't have to worry about getting its fair share, we have it right a way. That's the reason we do not have the same difficulties and challenges that ODOT faces. That's another reason why we

need to be of assistance to them and work together to make sure that we all live and work in this state. I have no further report, Mr. Chairman.

Greenwood: Thank you. Deputy Executive Director, Mr. Castrigano, do you have a report?

Castrigano: Thank you, Mr. Chairman. Our construction update for this month – the projects will be starting up again after the Easter holiday or the first week of April. Our two third lane projects that have been previously awarded, will shift to the traffic pattern utilizing the outside right shoulder and right lane to allow the contractor access to complete the third lane. Those two projects will be completed by the end of this year for an additional 8 miles of third lane.

The two resurfacing projects will also start up after Easter. Those represent 15 miles of resurfacing. Both of those projects will be completed prior to the heavy summer traffic volumes the first of July.

The Vermilion Valley/Middle Ridge Service Plazas continue. We are still shooting for completion the late half of May.

As a follow-up to our October 15<sup>th</sup> meeting with the Amherst residents concerning our Middle Ridge Service Plaza, unfortunately, Senator Armbruster is not here, but I'll be sure to forward this information to him, also. Our Landscape Coordinator, Danon Hopkins, along with our staff engineer from the Maintenance Department, Chris Matta, met with five residents of the Amherst/Middle Ridge area on March 5<sup>th</sup> in order to discuss the plantings, moundings, etc. around the residences in that area. The residents did give some input to that meeting as far as the planting and the spacing of the plants which we are going to incorporate into the project.

As a wrap-up as to where we stand with the third-lane project to date, 2002 marks the 7<sup>th</sup> year of the third-lane construction. We are approaching 80% completion. I was able to do a wrap of as of December 31, 2001 and it's still good news. We have

completed 37 projects/contracts thus far in the third-lane program. Those 37 projects had an award value of approximately \$425-M. The final completed costs of those 37 projects was approximately 1.5% under the contract award value. That 1.5% relates to a savings to the Commission of approximately \$6.25-M.

We also completed four other projects in 2001 which were not directly related to the third-lane construction program. Those 4 projects had an award value of \$17.25-M. They were completed at a cost of approximately 3.5% under construction award for an additional savings of approximately \$600,000. I think those savings can be directly attributed to the Commission's vigilant construction management program. That completes my report, Mr. Chairman.

Greenwood: Questions for Mr. Castrigano? Thank you, Dan. Financial Advisor, Mr. Erickson. Do you have a report, Eric?

Erickson: I don't have a specific report, Mr. Chairman. I'd just like to follow-up on Mr. Everhart's comments and indicate that throughout Ohio and I work with other clients other than the Commission, and a number of them are facing slightly lower revenues and are taking a more "wait and see" attitude on some of their projects. So to the extent that you have to move some projects out into the future, don't feel like you're alone in that regard.

Greenwood: OK, any questions for Mr. Erickson? Thank you, Eric. Report from our trustee, Mr. Lamb?

Lamb: No report, Mr. Chairman.

Greenwood: OSHP, Captain Ferguson?

Ferguson: Good Morning Mr. Chairman, Commission Members, I have a short update on a fatal crash that the OSHP investigated since the Commission last met. Also, I have asked Lt. Cliff Spinner to come up from our training academy in Columbus to give a



short demonstration on a new tool which the OSHP is starting to train on to use – the TASER, a less than lethal tool we can use in our use of force continual when we have an occasion to run into violent suspects. Lt. Spinner has a very interesting presentation on that.

The Hiram Post investigated a fatal crash which occurred on February 24 at 9:50 a.m. at MP 218.3 (eastbound.) The investigation of that crash revealed a car traveling eastbound passed its intended exit at the 218 interchange. Stopped and proceeded to back up in the gore area between the mainline and the exit ramp. Another eastbound car struck that first car in the rear. A 44-year old female from Chicago, Illinois was the right-front passenger in the car that had stopped and was backing up. She later died at St. Elizabeth Hospital in Youngstown from the injuries she sustained in the crash. To date, in 2002, OSHP has investigated three fatal crashes in which three persons have lost their lives. Lt. Spinner?

Spinner: I'll pass around this actual TASER to the Commission Members so you can look at this device. The batteries are in. You do not want to turn it on as I will give you a demonstration in a moment. This is not a firearm, although it does look like one. It is designed to look like a Glock – a 9 mm. It is actually a less than lethal weapon which we utilize. This would fall along the lines of our mace, chemical mace. It causes no long-term effects.

I'll start an introductory video of what this device is capable of doing. L.A. County Sheriff's Dept. is currently using this device known as the M-26. This device is accurate and powerful and costs \$400 per device. They fire two small probes from a distance of 21 feet and their effect is immediate. The suspect is immediately subdued, and within seconds recovers completely and deputies have the situation in hand.

I have been in law enforcement for 15 years and this is probably the best device I have seen in terms of use of force scenarios. Outstanding device and since the events of 09/11, Southwest Airlines was the first major airline to deploy these on their

planes. We had a situation on the Turnpike a while ago where we had to use lethal force. If this device was available at that time, that situation would have been immediately concluded without use of force.

This device will reduce officer and suspect injuries by stopping threats from a safe distance. I'll show you another video and then I'll give you a demonstration.

The advanced TASER is not substitute for lethal force, but in many situations beginning with a stand-off, they can escalate into lethal force. Use of the M-26 can prevent many situations from escalating into lethal force.

This video is an in-car camera of a situation where this device was utilized. This officer who is actually in the K-9 Unit, decided to leave his K-9 in his cruiser, made a traffic stop and he sees a weapon in the vehicle. The suspect had a gun in the car and there were two suspects. The passenger had warrants for his arrest and he decided he didn't want to do what the officer asked him to do. This is a primary example of utilizing this device instead of deadly force.

Right now he has his service weapon drawn. "Get down on your knees, place your hands around you neck. Do not move, you will recover it's just a stun gun." The suspect said he'd rather be kicked in the head than be shot with that thing.

What we later on found out during the interview of the passenger with the warrant for his arrest, he made the statement that he was going to resist arrest. Had it not been for the TASER you would have a fight situation and possibly a weapon would have been used.

This device has been thoroughly checked over and over again by numerous doctors, engineers, electricians. This device causes zero long-term effect. It works on the same electrical frequency that our bodies work on. It does not affect heart rhythms, but what it does is override by the central nervous system. What happens when this device is utilized it sends out

an electrical charge which basically jams the central nervous system. It shuts down your motor nervous system.

When you pull the trigger it works for 4-5 seconds automatically. You can definitely turn it off if you don't want to give the suspect the full 4-5 seconds. It has a sight on it and where you point that's where the darts will go. It works on the T-waves.

The TASER is now utilized by over 1,000 police departments. Any questions?

Strnisha: How much do they cost?

Spinner: \$399 each. When you take into account what it can save department in terms of liability lawsuits, etc. from lethal force being utilized. Certainly, the effectiveness of this device outweighs the cost by far. The largest deployment was the L.A. Police Department where they have over 30,000 officers on the roads, streets of the city, L. A. County.

Question: What is the capability to quickly re-load? What happens, is this device can also be used as a touch stun mode. Once the cartridge is fired and someone else decides to charge, you can touch them as well to put them down. The driver and passenger can be TASED simultaneously.

When will it be deployed on the Turnpike?

Ferguson: Training is already taking place at the Academy. Probably in the fall.

Zomparelli: Thank you. Mr. Chairman, Commission Members, we met with Capt. Ferguson on March 6th to discuss this item.

Ferguson: Major Finamore, now Lt. Colonel Finamore from our Dept. of Finance, Captain Atkenson from our Procurement Section came up to discuss this device with Director Zomparelli and Deputy Executive Director Castrigano.

Zomparelli: One of the questions posed as to the cost of these devices, the Patrol would look to the Commission for reimbursement. We think we should equip our officers who patrol the Turnpike and hopefully avoid the incident which they mentioned earlier where we had that fatality in Portage County. If we could back in time if the person could be around today, maybe could be getting helped and rehabilitated. And we wouldn't have had to close the road for I think 6 hours on December 30, 2000. There is never a right time when these incidents happen. Certainly the need for this type of equipment is important today. We have enough examples where the use would have been beneficial.

We'll need 71. The Commission will be paying for these under reimbursement in our OSHP contract. Thank you, Capt. Ferguson.

Greenwood: General Consultant – any report, Mr. Yacobucci?

Yacobucci: Mr. Chairman, Commission Members, we are getting geared up for the annual inspection of Commission facilities. We expect to start the field work in April.

Greenwood: General Counsel, Mr. Amato?

Amato: Thank you Mr. Chairman, Commission Members, I have no general report since the day of our last Commission Meeting on March 8<sup>th</sup>, we tried a lawsuit to verdict. It came in on Friday, March 15.

We now have clarification on the new Union (“Teamsters”) that will be representing our members. They are to be certified on March 28<sup>th</sup> and also there are some updates on the Inspector General's investigation. I would request an executive session so we can discuss these three items.

Strnisha: I move we adjourn this meeting to hold an executive session in order to discuss pending legal actions, collective bargaining issues and further discuss the Inspector General's investigation.

At the end of such executive session, the Commission shall reconvene.

Dixon: Second.

Greenwood: It's been moved by Mr. Strnisha, seconded by Mr. Dixon. Please call the roll.

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

Greenwood: We will reconvene after the executive session has been concluded, but we will have no further business to discuss. Thank you all for attending. (Time: 12:01 p.m.)

Strnisha: I move to re-convene to adjourn this meeting. (Time: 1:30 p.m.)

Dixon: Second.

Greenwood: It's been moved by Mr. Strnisha, seconded by Mr. Dixon to adjourn until our next meeting on April 15<sup>th</sup>? Roll please.

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

/dsp