

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY
WEDNESDAY, MAY 26, 2010**

Commissioner DuPont called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:30 A.M.

PRESENT

Commissioner/Treasurer Michael DuPont; Commissioner Harold Hodes; Commissioner Raymond Pocino; Commissioner Troy Singleton; Commissioner Ulises Diaz; NJDOT Commissioner Designee Walter Perkins; (and via telephone conferencing) Commissioner David Evans.

ALSO PRESENT

Executive Director Diane Gutierrez-Scaccetti; Deputy Executive Director John O'Hern; Chief Engineer Richard Raczynski; Electronic Toll Collection Director Dennis Switaj; Finance Comptrollers Donna Manuelli, Pamela Varga and Tracey Walters; Human Resources Director Mary-Elizabeth Garrity; Internal Audit Director James Carone; Law Director George Caceres; Deputy Law Director Linda Cavanaugh; Maintenance Director John Cifelli; Operations Director Sean Hill; Purchasing Director Andrea Ward; Technology and Administrative Services Director Brian Gorman; Tolls Director Robert Quirk; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone and ; General Consultant James Beattie; Governors' Authorities Unit Representative Maura Tully; additional individuals consisting of other NJTA employees; interested organizations; and the general public.

NOTICE OF MEETING

This is a regular meeting of the New Jersey Turnpike Authority. Adequate notice of this meeting has been provided in accordance with Chapter 231, P.L. 1975 in that notice has been given to two newspapers and notice has been forwarded to the Secretary of State, Trenton, New Jersey. In addition, notice of said meeting has been and is being displayed in the main lobby of the Authority's Administration Headquarters in Woodbridge.

ACTION ON MINUTES

The Secretary reported that ten days, excluding Saturdays, Sundays and holidays, have elapsed since Governor Chris Christie received the proceedings of the regular meeting of April 27, 2010; he did not exercise his power to veto any items in those minutes.

Upon motion made by Commissioner Diaz, seconded by Commissioner Pocino, the minutes of the April 27, 2010 meeting were approved.

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RECUSALS

The Secretary reported that advisements of recusal had been submitted and asked for any further recusals or abstentions to be placed on record for this meeting. Those results are regarding items: 134A-10 for Commissioner DuPont; 125-10 for Commissioner Hodes; 128-10 through 130-10 and 134A-10 and 134B-10 for Commissioner Pocino; and 128-10 for Commissioner Singleton.

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At this juncture, Commissioner DuPont opened the floor to comment pertaining to the public items being presented for Board approval. There was no response.

The Members of the Authority then moved on the following agenda matters:

PERSONNEL

119-10

Human Resources Director Garrity submitted the **Personnel Agenda**, dated May 26, 2010, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendations for consideration.

The Human Resources Director emphasized that the bulk of the agenda pertains to seasonal hiring. Commissioner DuPont asked if summer help was still being sought-after. Director Garrity answered with a yes and added that such help was needed mostly in the maintenance department.

On motion by Commissioner Pocino, seconded by Commissioner Singleton, employment of those named to serve at the pleasure of the Authority and other recommended personnel actions, were approved, ratified and confirmed, to become effective as of the dates specified and at the salaries listed.

LAW

Law Director Caceres requested approval of legal items 120-10 through 125-10; moved together, those items are as follows:

120-10

In a memorandum dated April 28, 2010, concerning a recommendation to **Settle Formal Workers' Compensation Matter – Irene Crawford v. New Jersey Turnpike Authority**, Account No. 10-870-405070.

Irene Crawford is a Parkway Toll Collector hired February 20, 1991. This settlement request is the result of a job related injury which occurred on February 13, 2007. The Petitioner was initially evaluated in the Authority's Medical Section and subsequently referred to a specialist, treated and returned to full duty in September 2008.

The petitioner is represented by Thomas Murphy, Esq. of Belleville, NJ. The Authority is defended by Special Counsel Robert Ghelli of McElroy, Deutsch, Mulvaney & Carpenter located in Newark, NJ. The matter is venued in the district office of Newark before Judge Sue Pai Yang.

Permanency evaluations by medical experts were performed on behalf of both the respondent and petitioner. After lengthy discussions, petitioner's attorney accepted a settlement of 27.5%. Given the circumstances, Special Counsel believes that if the case were to go to trial the Judge could easily call the case at 30% or even 33 1/3%.

The Law Department has reviewed this matter and agrees with the recommendation of

the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$36,921.00.

121-10

In a memorandum dated April 28, 2010, concerning a recommendation to **Settle Formal Workers' Compensation Matter – William Nathanson v. New Jersey Turnpike Authority**, Account No. 10-870-405070.

William Nathanson was hired as Toll Collector for the Parkway in June 1986 and retired, effective November 1, 2002. This recommended settlement settles three open claim petitions for job related injuries. Two were filed in 2001 and the third was filed in 2003.

The petitioner is represented by Robert Olkowitz, Esq. of Northfield, NJ. The Authority is defended by Special Counsel Frank Dupignac of Hering, Dupignac, Stanzione & Dunn located in Toms River, NJ. The matter is venued in the district office of Freehold before Judge Roche.

Permanency findings on behalf of the respondent were performed by Dr.'s Bachman and Segal. Permanency evaluations on behalf of the petitioner were performed by Dr.'s Holl, Wong and Kregel. Judge Roche recommended \$67,500.00 via Section 20 to resolve all three claims.

Special Counsel's settlement request of \$67,500.00, which reflects the Judge's recommendation, settles all three claims under a Section 20 resolution.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$67,500.00.

122-10

In a memorandum dated April 15, 2010, concerning a recommendation to **Settle Formal Workers' Compensation Matter – Louis Tuminaro v. New Jersey Turnpike Authority**, Account No. 10-870-405070.

Louis Tuminaro, a Parkway Division Maintenance Person hired in February 1999, suffered injury when his Authority vehicle was rear-ended by a drunk driver on June 12, 2008. Mr. Tuminaro was taken to the Emergency Room at Ocean Medical Center and subsequently seen by Dr. Renato Blanco in the Authority's Medical Section and referred to an orthopedic specialist. The petitioner was treated and returned to work on January 9, 2009.

The petitioner is represented by Petro, Cohen and Matarazzo from Northfield, NJ. The Authority is defended by Special Counsel Michael Greenwood of McElroy, Deutsch, Mulvaney & Carpenter, LLP, located in Newark. The matter is venued in the district office of Toms River before Judge Bradley Henson.

Permanency evaluation on behalf of the respondent was performed by Dr. Malcolm Coblenz. Permanency evaluation on behalf of the petitioner was performed by Dr. John Gaffney. All findings were reviewed and Judge Henson concurred with defense counsel's proposed settlement of 33 1/3% (\$69,200.00). In addition, there was a third party claim filed by the petitioner from which the Authority is entitled to two-thirds pursuant to Section 40 lien rights. The Authority has already received \$61,744.33 and there remains a credit due the Authority from the third party award of \$4,172.34. Therefore, the total payout to the petitioner would be the settlement of 33 1/3% (\$69,200.00), less the outstanding credit of \$4,172.34 equaling \$65,027.66.

The Law Department has reviewed this matter and agrees with the recommendation of the Special Counsel, the Authority's third party workers' compensation administrator and the Assistant Director, HR, Safety & Benefits. Authorization is, therefore, requested to allow Special Counsel to settle this matter for the sum of \$65,027.66.

123-10

In a memorandum dated May 11, 2010, concerning **Ratification of Action Taken for the Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6-9 Widening Program**, Acquisition of (Ten) 10 Properties, 2009 Capital Construction Program.

The New Jersey Turnpike Authority (the "Authority") is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway and construction is proceeding.

The acquisition of the necessary property interests is critical to the success of the Widening Program. In light of same, the Commissioners of the New Jersey Turnpike Authority authorized the Executive Director to take all steps necessary to prepare for the acquisition of easements or other property rights needed to begin Phase 1 construction of the Widening Program with final action being brought to the Commissioners for ratification.

Since that time, the Authority has taken action with respect to the following properties:

I. New Acquisitions: The Authority has determined that the seven (7) properties listed below are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. The Authority then entered into good faith negotiations with the owners and their respective counsel as appropriate for the purchase of same based on this appraised value and in compliance with the laws governing its powers of eminent domain. Negotiations continued and a settlement of all terms was agreed upon. The following is a description of each property for which the parties have finalized negotiated terms of sale:

- 1) Turnpike Design Section 7, Turnpike Right-of-Way (ROW) Section 4K
Parcel Series 1152, Block 15, Lot 1 (Partial Taking)
330 Wyckoffs Mills Road, Township of East Windsor, Mercer County
Owners: Windsor Mills, LLC
Amount: \$ 31,340.00

The property currently consists of 25.71 acres of vacant land (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.057 acres of the Property to be designated as Parcel 1152; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Brick Yard Road, impacting 0.133 acres of the Property to be designated as Parcel E1152; (3) a utility easement consisting of the right to install and maintain a pipeline for Colonial Pipeline, impacting 0.200 acres of the Property to be designated as Parcel UE1152; and (4) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of grading, paving and relocation of the existing Colonial pipeline, impacting 0.427 acres of the Property to be designated as Parcel C1152.

- 2) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 194, Block 47.01, Lot 10.01 (Partial Taking)
1195 Florence Road, Mansfield Township, Burlington County
Owners: Liberty Lakes Land, LLC
Amount: \$ 171,162.74 (\$147,000 for property acquisition; \$21,166.74 for restoration of landscaping; and \$2,996.00 for sign relocation)

The property currently consists of 59.43 acres of land improved with several campground buildings, including a meeting/dining hall, storage buildings, sheds, offices, etc., known as Liberty Lakes Day Camp (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.204 acres of the Property to be designated as Parcel 194A; (2) a fee simple interest in 0.439 acres of the Property to be designated as Parcel 194B; (3) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Florence Road, impacting 0.274 acres of the Property to be designated as Parcel E194A; (4) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a driveway and associated drainage culvert, impacting 0.595 acres of the Property to be designated as Parcel C194A; and (5) an aerial easement impacting 0.05 acres of the Property to be designated as Parcel AE194A.

- 3) Turnpike Design Section 4, Turnpike ROW Section 4G
Parcel Series 977, Block 37, Lots 1, 3, 8 & 9 (Partial Taking)
Potts Road, Robbinsville Township, Mercer County
Owner: John Gervasoni
Amount: \$672,750.00 (additional \$87,750 only; \$585,000.00 was previously approved for condemnation action)

The property currently consists of a total of 74.532 acres of vacant farmland (Lot 1 consists of 11.076 acres; Lot 3 consists of 46.408 acres; Lot 8 consists of 8.00 acres; and Lot 9 consists of 9.048 acres) (in its entirety the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.875 acres of the Property to be designated as Parcel 977A; (2) a fee simple interest in 0.875 to be designated as Parcel 977B; (3) a fee simple interest in 1.003 acres of the Property to be designated as Parcel 977C; (4) a fee simple interest in 2.970 acres of the Property to be designated as Parcel 977D; (5) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.475 acres of the Property to be designated as Parcel UE977A; (6) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.475 acres of the Property to be designated as Parcel UE977B; (7) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.541 acres of the Property to be designated as Parcel UE977C; (8) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 2.013 acres of the Property to be designated as Parcel UE977D; (9) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface Colonial Pipeline and appurtenances, impacting 0.475 acres of the Property to be designated as Parcel C977A; (10) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface Colonial Pipeline and appurtenances, impacting 0.475 acres of the Property to be designated as Parcel C977B; (11) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface Colonial Pipeline and appurtenances, impacting 0.541 acres of the Property to be designated as Parcel C977C; (12) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface Colonial Pipeline and appurtenances, impacting 1.927 acres of the Property to be designated as Parcel C977D; and (13) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface Colonial Pipeline and appurtenances, impacting 0.172 acres of the Property to be designated as Parcel 2C977D.

- 4) Turnpike Design Section 5, Turnpike ROW Section 4H
Parcel Series 1043, Block 36, Lot 19 (Partial Taking)
919 Old York Road (County Rte. 539), Township of East Windsor, County of Mercer
Owner: Eden Institute, Inc.
Amount: \$47,598.00 (\$18,000.00 for purchase of the property interest plus additional damages in the amount of \$29,598 for increased security and staffing costs)

The property currently consists of 12.575 acres of land improved with a two story, single family dwelling that is utilized as a group home for adults with autism, a barn, a pine tree farm, a parking area and an in ground pool (in its entirety the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.232 acres of the Property to be designated as Parcel 1043; (2) a slope easement consisting of the right to form and maintain slopes for grading and draining Old York Road, impacting 0.292 acres of the Property to be designated as Parcel E1043; (3) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 1.162 acres of the Property to be designated as Parcel RUE1043; (4) a protective easement consisting of the permanent right to enter upon the remaining lands of the owner or its assigns with personnel, equipment, and materials for the purpose of constructing or reconstructing a retaining wall and appurtenances within the right of way from the proposed easement area along with the permanent right to access and perform maintenance and repairs upon the retaining wall and appurtenances from the easement area. Now or in the future, where physically accessible, the Grantor shall permit the Authority or its assigns and their designees the right of ingress and egress across the easement for the purpose of access to the adjacent structure and appurtenances thereto after proper notification, impacting 0.033 acres of the Property to be designated as Parcel PE1043; (5) a temporary construction easement consisting of the right to enter upon remaining lands of the owner with personnel, materials and equipment in order to construct a petroleum pipeline and appurtenances along with the construction of a driveway, impacting 0.287 acres of the Property to be designated as Parcel RC1043; (6) a temporary construction easement consisting of the right to enter upon remaining lands of the owner with personnel, materials and equipment in order to construct a petroleum pipeline and appurtenances, impacting 0.587 acres of the Property to be designated as Parcel R2C1043; (7) a temporary construction easement consisting of the right to enter upon remaining lands of the owner with personnel, materials and equipment in order to construct a petroleum pipeline and appurtenances, impacting 0.192 acres of the Property to be designated as Parcel R3C1043; and (8) a temporary construction easement consisting of the right to enter upon remaining lands of the owner with personnel, materials and equipment in order to construct retaining wall and appurtenances, impacting 0.108 acres of the Property to be designated as Parcel 4C1043.

- 5) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 186D, Block 30, Lot 6.01 (Partial Taking)
Hedding Road, Mansfield Township, County of Burlington
Owner: Lawrence Durr and Carol Durr
Amount: \$99,900.00 (additional \$47,300.00 only; \$52,600.00 was previously approved for condemnation)

The property currently consists of 28.72 acres of vacant preserved farmland (the "Property"). The Property's development rights were sold to the County of Burlington on October 29, 2003 for \$116,680.50 in a deed of easement recorded in Deed Book 6112, Page Number 784. Subsequently, a Cost Sharing Grant Agreement was executed between the State Agricultural Development Committee ("SADC") and the County of Burlington, recorded in Deed Book 6287, Page Number 926 which allocates a percentage of the county share of the proceeds to the SADC in the event of a condemnation of the farmland preservation easement. The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 1.288 acres of the Property (all of which is located outside of the farmland preservation easement) to be designated as Parcel 186D; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Hedding Road, impacting 0.134 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel E186D; (3) a drainage easement consisting of the right to construct and maintain a drainage pipe and appurtenances, impacting 0.019 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel D186D; (4) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 0.757 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel UE186D; (5) a utility easement consisting of the right to install and maintain a pipeline for Colonial Gas Company, impacting 0.770 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel 2UE186D; (6) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of proposed pipeline, impacting 0.736 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel C186D; and (7) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of proposed pipeline, impacting 1.128 acres of the Property (all of which is located within the farmland preservation easement) to be designated as Parcel 2C186D. (Note: the additional amount listed above reflects a revised appraisal amount of

\$53,900, which includes an additional \$1,300, a portion of which will go to the Burlington County Agricultural Development Board and the SADC, as well as additional compensation of \$46,000 for a 1.03 acre parcel of land that was not included in the original farmland preservation at the insistence of the Authority. At the time, the Authority told the Property Owner that this parcel would be needed for the expansion of the Roadway and that same could not be part of the farmland preservation easement. Ultimately the parcel was not needed by the Authority, however, this determination resulted in a significant loss of revenue for the Property Owner).

- 6) Turnpike Design Section 2, Turnpike ROW Section 3E
Parcel Series 262, Block 204, Lot 1 (Partial Taking)
14 Bordentown-Chesterfield Road, Chesterfield Township, Burlington County
Owner: Suzette Lucas and Matthew Lucas
Amount: \$350,600 (additional \$54,000 only; \$296,600 was previously approved for condemnation)

The property currently consists of 16.168 acres of land improved with a two-story single-family residence with a detached garage and shed (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interests": (1) a fee simple interest in 0.780 acres of the Property to be designated as Parcel 2R262A; (2) a fee simple interest in 0.242 acres of the Property to be designated as Parcel 262B; (3) a drainage easement, impacting 0.038 acres of the Property to be designated as Parcel RD262; (4) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of the proposed utilities, impacting 0.291 acres of the Property to be designated as Parcel RC262A; and (5) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of the proposed facilities, impacting 0.103 acres of the Property to be designated as Parcel C262B.

- 7) Turnpike Design Section 1, Turnpike ROW Section 3D
Parcel Series 196, Block 43, Lot 1 (Partial Taking)
22750 Columbus Road, Mansfield Township, Burlington County
Owner: Russell Miller and Mildred Miller
Amount: \$40,000.00 (\$26,000 for purchase of property interest and \$14,000 for replacement cost for damaged horse fencing)

The property currently consists of 33.222 acres of land improved with a horse boarding farm which includes a main house, barns, fencing and a large rear pond (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.072 acre of the Property to be designated as Parcel E196; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.005 acres of the Property to be designated as Parcel 2E196; and (3) a utility easement consisting of the right to install and maintain a gas pipeline for Sunoco Incorporated, impacting 0.370 acres of the Property to be designated as Parcel UE196; (4) a utility easement consisting of the right to install and maintain a gas pipeline for Colonial Gas Company, impacting 0.426 acres of the Property to be designated as Parcel 2UE196; (5) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of the proposed pipelines and construction of driveway entrance, impacting 0.932 acres of the property to be designated as Parcel C196; and (6) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of a driveway, impacting 0.045 acres of the Property to be designated as Parcel 2C196.

II. New Eminent Domain Proceedings: The Authority has determined that the three (3) properties listed herein are necessary for the Widening Program. To that end, the Authority had appraisals prepared by independent Appraisers and reviewed by Value Research Group, LLC, the Authority's Real Estate Manager/Consultant, which set a value for each. With respect to the parcels listed below, the Authority has attempted to contact the respective property owners or has entered into good faith negotiations with said owners and their respective counsel for the purchase of same based on the appraised value and in compliance with the laws governing its powers of eminent domain. In each instance, attempts at communication or negotiation have reached an impasse. Eminent Domain proceedings are being filed as a last resort. The following is a description of each property:

- 1) Turnpike Design Section 7, Turnpike ROW Section 4K
Parcel Series 1160, Block 8, Lot 5.01 (Partial Taking)
73 Station Road, Cranbury Township, County of Middlesex
Owner: Glenway Holdings, Inc.
Amount: \$ 18,100.00

The property currently consists of 35.371 acres of land improved with a 427,000 square foot warehouse and distribution facility (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.046 acres of the Property to be designated as Parcel 1160; (2) a utility easement consisting of the right to install and maintain a pipeline for Colonial Pipeline, impacting 0.162 acres of the Property to be designated as Parcel UE1160; and (3) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface pipelines and appurtenances, impacting 0.487 acres of the Property to be designated as Parcel C1160.

- 2) Turnpike Design Section 7, Turnpike ROW Section 4K
Parcel Series 1153, Block 13, Lot 1.02 (Partial Taking)
329 Wyckoffs Mills Road, East Windsor Township, County of Mercer
Owner: Wyckoff Mills, LLC
Amount: \$ 205,000.00

The property currently consists of 23.12 acres of land improved with a vacant office/laboratory building (the "Property"). The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.105 acres of the Property to be designated as Parcel 1153A; (2) a fee simple interest in 0.344 acres of the Property to be designated as Parcel 1153B; (3) a fee simple interest in 2.463 acres of the Property to be designated as Parcel 1153C; (4) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Wyckoffs Mills Road, impacting 0.137 acres of the Property to be designated as Parcel E1153; (5) a utility easement consisting of the right to install and maintain a pipeline for Colonial Pipeline, impacting 2.005 acres of the Property to be designated as Parcel UE1153; (6) a drainage easement consisting of the right to construct and maintain a drainage ditch, discharging water into the NJTA ROW, impacting 0.118 acres of the Property to be designated as Parcel D1153; and (7) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface pipelines and appurtenances and the construction of grading, paving and reconstruction of the existing access, impacting 1.707 acres of the Property to be designated as Parcel C1153.

- 3) Turnpike Design Section 8, Turnpike ROW Section 4L
Parcel Series 1223, Block 2.01, Lot 3.02 (Partial Taking)
5 Corporate Drive, Cranbury Township, Middlesex County
Owner: Kerzner Associates No. 5, LLC
Amount: \$26,500.00

The property currently consists of 8.258 acres of land improved with a 72,415 square foot multi-tenanted flex building (the "Property"). The NJTA must acquire the following interests in the Property which will hereafter be referred to as the "Property Interest": (1) a fee simple interest in 0.118 acres of the Property to be designated as Parcel 1223; and (2) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a driveway and appurtenances, impacting 0.049 acres of the Property to be designated as Parcel C1223.

With the exception of the Durr Property, Block 47.01, Lot 1.01, the acquisitions as proposed above do not involve properties designated as "Preserved Farmland" pursuant to and as regulated by the Agriculture Development and Retention Act, N.J.S.A. 4:1C-11 et seq., and State Agricultural Development Committee Rules N.J.A.C. 2:76-1.1, the Act's implementing regulations. Nor have the above referenced properties been designated or encumbered as Green Acres properties pursuant to N.J.S.A. 13:1D-52 et seq. and N.J.A.C. 7:35-26.1 et seq. With respect to the acquisition of the Durr Property, the proper procedures and necessary requirements as set forth in Agenda Item 70-10, approved at the March meeting, were followed.

All actions taken by the Executive Director have been necessary for the purchase of the properties listed above including the satisfaction of certain other costs required by law to be paid at closing. All actions taken by the Executive Director have been reviewed and approved by the Law Department and General Counsel.

Based on the foregoing, it is requested that the Authority Commissioners ratify any and all actions taken by the Executive Director as outlined herein for the acquisition of the properties set forth above.

124-10

In a memorandum dated May 13, 2010, concerning the recommendation to **Approve**
Agreement between the Township of East Windsor and the New Jersey Turnpike Authority
Resolving Certain Outstanding Issues Related to Turnpike Right-of-Way Property

Turnpike ROW Section 4J, Property Designation: Block 24.01, Lot 1, East Windsor, Mercer County Interchange 6-9 Widening Program, 2009 Construction Program.

As a result of the New Jersey Turnpike Authority's Interchange 6-9 Widening Program (the "Widening Program") a number of issues have arisen with respect to the Township of East Windsor (the "Township"). The Authority recognizes the significant impact, both temporary and permanent, that the Widening Program will have on the Township, including but not limited to the necessary construction activities. The Authority further acknowledges the issues surrounding certain Authority property, more specifically Block 24.01, Lot 1, on the tax map of the Township and the improvements on same (the "Subject Property"). The Subject Property consists of a cellular telephone tower which serves patrons of the Authority's roadways. The Tax Assessor for the Township of East Windsor imposed an assessment against the subject property for the 2009 tax year in the amount of Seventy Five Thousand Dollars (\$75,000) for the improvements to the property, i.e. the placement of the cell tower. The Authority filed a property tax appeal for the 2009 tax year to the Mercer County Board of Taxation seeking tax exemption of the subject property, and the County Board of Taxation affirmed the assessment without prejudice at the Authority's request. The Authority then filed an appeal of the County Board of Taxation's Judgment. Both the Township of East Windsor and the Authority recognized that significant issues exist as to whether the cell tower and the portion of the land devoted to the support of same is exempt from taxation. Specifically the issue concerns whether the cell tower qualified as a transportation project within the meaning of N.J.S.A. 27:23-4 and is thereby exempt from property taxation pursuant to N.J.S.A. 27:23-12.

Subsequently, the Parties reached an amicable resolution of these matters. The Authority agreed to pay the 2009 taxes due on the Subject Property in exchange for the municipality and Tax Assessor's agreement to place the same on the 2010 assessment roll as tax exempt as a transportation project as per the statutory authority set forth above. The Parties further agreed that the Authority would make a one-time payment of \$41,403.90 to the Township of East Windsor to help defray the Township's costs in providing certain municipal services as additional consideration within the settlement. The Authority also agreed to pay reasonable Township legal costs associated with the handling and resolution of this tax appeal, said costs totaling \$529.50. If the Tax Assessor does not exempt the Subject Property from the tax rolls in future years, the Parties

further agree to reinstate the tax exemption for 2010 or to execute a Consent Order to vacate the judgment for the 2009 tax year, to reinstate the 2009 complaint and to litigate the tax exempt status and/or valuation of the Subject Property for the 2009 tax year.

Based on the foregoing, it is requested that the Authority's Commissioners authorize and direct the Executive Director and the Director of Law, along with the advice and consent of General Counsel and the Chief Engineer, to take all actions and to execute any and all documents necessary to effectuate the settlement agreement in this matter as set forth above in the amount of Forty One Thousand Nine Hundred Thirty Three Dollars and Forty Cents (\$41,933.40).

125-10

In a memorandum dated May 13, 2010, concerning the recommendation to **Enter into Grant of Easement and Consent Agreements with PSE&G for the Conveyance of Certain Easements; Consents to Easement; and Temporary Construction Easements to the New Jersey Turnpike Authority for Relocation of Utility Pipelines**; and authorization to **Enter into Agreements for the Assignment of Said Easements to Colonial Pipeline Company and Sunoco Pipeline L.P.**, New Jersey Turnpike Interchange 6 to 9 Widening Program.

The New Jersey Turnpike Authority (the "Authority") is proceeding with its plans to widen the Turnpike between Interchange 6 in Mansfield Township, Burlington County and Interchange 9 in East Brunswick Township, Middlesex County (the "Widening Program"). The roadway will be widened to 12 lanes with major modifications constructed at four interchanges. Final design is currently underway and construction has commenced.

As previously submitted to the Commissioners, the Widening Program necessitates the relocation of three pipelines that run parallel to the New Jersey Turnpike (also referred to as "Longitudinal Utilities"), some of which are being relocated outside the Turnpike right-of-way but within Public Service Electric & Gas' ("PSE&G") Property (both fee and easement). The Longitudinal Utilities required to be relocated over PSE&G Property include Sunoco Pipeline, L.P. ("Sunoco") and Colonial Pipeline Company ("Colonial"). In order to facilitate this portion of the relocation, the Authority seeks to enter into Agreements with PSE&G setting forth the acquisition of the following: (1) required easements on property held in fee by PSE&G; (2) consent from PSE&G for pipeline occupancy within exclusive easements held by PSE&G on property owned by a third party; and (3) the right to use certain property owned by PSE&G for construction purposes, i.e. temporary construction easements (together the "Easements"). Because the pipeline companies will be responsible for the relocation work, the Authority and PSE&G, with the consent of Colonial and Sunoco, have further agreed to transfer the Easements to the respective pipeline companies through separate assignment documents. Authorization to enter into the Grant of Easement and Consent Agreements and subsequent assignments, will enable the Authority to acquire the right-of-way for the pipeline relocations in a timely manner necessary for the construction of the Widening Program. Authority to purchase several of the easements and temporary construction easements

from PSE&G was previously obtained under Agenda Items 4-10 and 39-10 and the remainder will be submitted for Commission approval at a later date. The Authority has and will continue to request Commissioner approval for purchase of the necessary easement rights from the underlying property owners as identified above.

Based on the foregoing, it is requested that the Authority's Commissioners authorize and direct the Executive Director and the Director of Law, along with the advice and consent of General Counsel and the Chief Engineer, to execute any and all documents necessary to effectuate the acquisition and assignment of the necessary property interests from PSE&G for the pipeline relocation necessitated by the Widening Program, including to execute the Grant of Easement and Consent Agreement and assignment of same.

Reviewed by the Law Director; available funds certified by the Comptroller as appropriate; the Executive Director certified the recommendations for consideration.

On motion by Commissioner Singleton, seconded by Commissioner Pocino, the Authority approved the six (6) Law items; and authorized and/or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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The following matters constitute the Public Session agenda:

ENGINEERING

Chief Engineer Raczynski requested approval of Items 126-10 through 134B-10. Moved as a group, the Engineering items are as follows:

126-10

In a memorandum dated May 6, 2010, concerning the recommendation to **Purchase Wetland Mitigation Credits – Earthmark NJ-Kane Mitigation LLC** – New Jersey Turnpike, Interchange 16W and Route 3 Ramp Improvements and Ramp NWC Improvements at Interchange 18W, 2008A Note Construction Fund No. 30000029.

In December 2007 and June 2008 the United States Army Corps of Engineers (USACE) issued permits for the Authority's construction of the Interchange 16W/Route 3 Ramp Improvements and Ramp NWC Improvements at Interchange 18W respectively. One of the conditions of the USACE permits required mitigation for 2.44 acres of permanent wetlands impacts and that the mitigation be accomplished before the completion of construction.

The mitigation was intended to be satisfied via the Authority's construction of a wetland mitigation site in the vicinity of Interchange 18W. The intended mitigation site was ultimately found to be unacceptable because of the impending failure of tide gates located in proximity to the parcel which will subject the parcel to tidal influence upon their failure. As a result, the USACE requested that the Authority consider alternative mitigation measures including the purchase of credits from a wetland mitigation bank. Because the construction of the projects for which the mitigation is required is nearing completion, and the fact that the process of finding an alternate mitigation site

would require time consuming environmental investigations and property acquisition efforts, it has been determined that a mitigation bank is the most appropriate solution.

Research has resulted in the determination that there is only one mitigation bank with credits available to satisfy the Authority's mitigation obligation. Negotiations were conducted with the owner of that bank, Earthmark NJ-Kane Mitigation, LLC. The negotiation resulted in a proposal wherein the Authority would purchase 2.44 acre-credits at a price of \$650,000 per acre-credit, for a total purchase price of \$1,586,000. This price is considered reasonable based on other sales of mitigation credits in the project area.

It is, therefore, recommended that approval be provided to satisfy the mitigation requirement for the referenced projects by purchasing 2.44 acre-credits from the Earthmark NJ-Kane Mitigation bank. Further, it is recommended that the Executive Director be authorized to execute this Agreement as described above in the amount of \$1,586,000.

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127-10

In a memorandum dated May 7, 2010, concerning the recommendation to **Execute Utility Order No. 1281-P – Atlantic City Electric, a PHI Company** – Garden State Parkway, Contract No. P100.130, Widening and Rehabilitation of the Bass River Bridge, Milepost 51.9, Bass River Township, Burlington County, 2009 Capital Construction Program No. 31021004.

A Utility Order is required for the relocation of existing Atlantic City Electric facilities directly impacted by the proposed new structure and bridge rehabilitation work at the Bass River Bridge. The utility relocation work involves the removal and relocation of approximately 2,000 feet of aerial 69 kV transmission cable, 1,200 feet of aerial 12 kV distribution cable, 540 feet of primary and secondary cable, 350 feet of underground distribution cable, and associated support poles in direct conflict with the widening and rehabilitation of the Bass River Bridge at Milepost 51.9.

The cost of this Utility Order was provided by Atlantic City Electric, a PHI Company and is based on the final improvements and known conditions at this time. The cost proposal was reviewed by the Engineering Department and is considered reasonable and approval is recommended.

It is, therefore, recommended that the Executive Director be authorized to execute Utility Order No. 1281-P, in an amount not to exceed \$1,300,000.

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128-10

In a memorandum dated April 28, 2010, concerning the recommendation to **Award Contract P200.193 – J. Fletcher Creamer & Son Inc.** – Garden State Parkway, Guide Rail Improvements, Milepost 100 to 126, 2009 Capital Construction Program Fund 31002016 and Future Bond Issue.

The work to be performed under this contract involves the various guide rail improvements from Milepost 100 to 126 in Monmouth and Middlesex Counties. All work under this contract shall be performed within 11 months from July 1, 2010 through May 25, 2011.

Two bid proposals were received on April 21, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$5,287,474, may be compared to the Engineer's Estimate in the amount of \$5,579,675. The low bidder, J. Fletcher Creamer & Son, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P200.193 be awarded to the low bidder, J. Fletcher Creamer & Son, Inc. of Hackensack, New Jersey, in the amount of \$5,287,474. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006). The General Consultant, HNTB Corporation, concurs with this recommendation.

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129-10

In a memorandum dated May 12, 2010, concerning the recommendation to **Award Contract No. T869.120.802 – D'Annunzio & Sons Inc.** – New Jersey Turnpike, Interchange 6 to 9 Widening Program, Grading, Drainage, Paving & Structures, Interchange 8A Ramp TSI and Local Roadways, Milepost 70.9 to 74.4, Townships of Cranbury, Monroe and South Brunswick, Middlesex County, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This contract includes the construction of four structures over the mainline; namely Cranbury Half Acre Road, State Police U-Turn, Prospect Plains Road, and Ramp TSI. Additionally, the relocation of utilities, modification of five existing detention basins, and construction of three retaining walls, one changeable message sign, and one ground mounted Highway Advisory Radio sign are included in this contract. Construction is anticipated to begin in the summer of 2010, with a duration of approximately 20 months.

Nine bid proposals were received on May 11, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$33,487,000.00, may be compared to the second low bid proposal in the amount of \$35,257,997.40. The low bidder, D'Annunzio & Sons, Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.802 be awarded to the low bidder, D'Annunzio & Sons, Inc. of Clark, New Jersey, in the amount of \$33,487,000.00. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same.

Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006). The General Consultant, HNTB Corporation, concurs with this recommendation.

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130-10

In a memorandum dated May 6, 2010, concerning the recommendation to **Award Contract No. T869.120.903 – Lehigh Fabrication, LLC** – New Jersey Turnpike, Interchange 6-9 Widening Program, Advanced Fabrication of Overhead Span HCMS Support Structures, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This contract will provide for advanced fabrication of 17 overhead span hybrid changeable message sign support structures for use throughout the Widening Program.

Five bid proposals were received on May 5, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$1,719,949, may be compared to the second low bid proposal in the amount of \$2,217,000. The low bidder, Lehigh Fabrication, LLC, is currently fabricating the VM sign support structures for Contract No. A600.143, which are very similar to the HCMS support structures, and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.903 be awarded to the low bidder, Lehigh Fabrication, LLC of South Plainfield, New Jersey, in the amount of \$1,719,949. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. Bids for this work were procured, and the authorization being sought is to award this contract to the lowest responsible bidder, in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2, and Executive Order No. 37 (Corzine 2006). The General Consultant, HNTB Corporation, concurs with this recommendation.

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131-10

In a memorandum dated May 17, 2010, concerning the recommendation to **Issue Order for Professional Services No. T3282 – The Louis Berger Group Inc.** – New Jersey Turnpike, Design and Environmental Permitting, Improvements at Interchange 8A, 2009 Capital Construction Program No. 31013005 and Future Bond Issue.

This Order for Professional Services (OPS) will provide final design services for improvements at Turnpike Interchange 8A, including the preparation of construction contract documents, environmental investigations; preparation of an Environmental Impact Statement, assisting the Authority in the implementation of the public involvement process; and other related work.

This assignment is classified as a “Complex Project” since the scope of work is not clearly defined and likely to change during the course of the project, and the cost exceeds \$1,000,000. The Solicitation for Expressions of Interest (EOIs) was posted on the Authority’s website and 31 engineering firms were prequalified and eligible under Profile codes: A250-Fully Controlled Access Highways; A252 – Complex Interchanges; and C190 – Preparation of EIS and EA’s. Nine firms submitted EOIs by the closing date of February 16, 2010.

Subsequent to the scoring of EOIs by the Review Committee, the top three firms were requested to submit Technical and sealed Fee Proposals. The firms in order of ranking are: 1) The Louis Berger Group Inc.; 2) Urban Engineers; and 3) URS Corp. The Review Committee reviewed and evaluated each firm’s Technical Proposal and final scoring resulted in the Louis Berger Group Inc. being the highest technically ranked firm. The fee submitted by the Louis Berger Group Inc. has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3282 be issued to the firm of The Louis Berger Group, Inc. of Morristown, New Jersey, in the not to exceed amount of \$6,180,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.60, based on a 10% allowance for profit and an overhead rate of 136.3% or, the firm’s overhead rate as determined by Federal Audit Regulation procedure, whichever is less, plus authorized, direct non-salary expenses. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8, and Executive Order No. 37 (Corzine 2006).

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132-10

In a memorandum dated April 30, 2010, concerning the recommendation to **Issue Order for Professional Services No. T3338 – Dresdner Robin Environmental Management Inc.** – New Jersey Turnpike, Environmental Engineering Consultant, Operation, Maintenance and Compliance Monitoring of Remediation Systems at Thomas Edison Service Area 10S; and Compliance Monitoring, Remedial Action and Remedial Design at Grover Cleveland Service Area 10N, Special Project Reserve Fund No. 04010019.

This Order for Professional Services (OPS) will provide for the services of an environmental engineering Consultant to operate, maintain and perform compliance monitoring of the remediation systems located at Thomas Edison Service Area 10S, and perform compliance monitoring, remedial action and remedial design services at Grover Cleveland Service Area 10N, in accordance with current New Jersey Department of Environmental Protection regulations. The scope also

includes remedial actions and design as may be needed to further enhance and ensure the most effective remediation of the sites. The assignment is for a three year term commencing on or about August 1, 2010.

This assignment is classified as a "Simple Project" based on the scope of work being clearly defined and not likely to change during the term of the services, and the cost not exceeding \$1,000,000. Solicitations for Expressions of Interest (EOIs) were sent to 29 environmental engineering firms prequalified and eligible under Profile Codes: C195 - Soil and Groundwater Remedial Investigation; C196 - Soil and Groundwater Remediation Design; and C197 - Remediation Systems: Operation and Maintenance and Compliance Monitoring. Eleven firms submitted EOIs by the closing date of March 31, 2010.

Subsequent to the scoring of the EOIs, Fee Proposals were requested from the top three firms. The firms in order of ranking are: 1) Dresdner Robin Environmental Management, Inc.; 2) H2M Associates, Inc.; and 3) Hatch Mott MacDonald. The fee submitted by Dresdner Robin Environmental Management, Inc. has been reviewed, negotiated, and is considered to be fair and reasonable for the services to be provided.

It is, therefore, recommended that OPS No. T3338 be issued to the firm of Dresdner Robin Environmental Management, Inc. of Asbury Park, New Jersey, in the not to exceed amount of \$635,000, allocated as follows: \$88,000 in 2010 and \$547,000 from 2011 to 2013. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.7 to cover the cost of fringe benefits, overhead and profit, plus authorized direct non-salary expenses. This award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee, pursuant to Public Law 2005, Chapter 51 (formerly Executive Order 134) and Executive Order 117 (Corzine 2008), and having no objection to same. These professional services were procured, and the recommended firm was selected, in accordance with N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8 and Executive Order No. 37 (Corzine 2006).

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133-10

In a memorandum dated May 13, 2010, concerning the recommendation to **Issue Supplement B to Order for Professional Services No. A3215 – Gannett Fleming, Inc.** – Garden State Parkway and New Jersey Turnpike, Design Services, Condition Assessment and Prioritization of Repair for Authority Maintenance Facilities, 2009 Capital Construction Fund No. 31005013.

This Order for Professional Services (OPS) was issued at the April 2009 Commission Meeting, in the amount of \$975,000 and provides for building inspections and condition assessments to prioritize repairs for Authority maintenance facilities. The consultant is to prepare a report of their findings and make recommendations for planned implementation, which will include design documents for a prototype garage/administration facility and other related work.

Supplement A was authorized at the September 2009 Commission Meeting, in the amount of \$350,000 to provide for an additional condition assessment at the Oceanview Service Area on the

Parkway, and to prepare final design documents for the construction of a Vehicle Maintenance Facility at the Holmdel State Police Facility. The Oceanview Service Area was added to the assessment list due to the operational changes of the operating vendor to convert the facility from a full food service to a vending operation. This assessment will establish the baseline condition of the facility. The Vehicle Maintenance Facility was added to the OPS in order to utilize the information gathered under the initial OPS to facilitate design of the new facility. The consultant prepared design documents, and acquired Department of Community Affairs plan approval for a contract to construct the facility.

Supplement B will compensate Gannett Fleming for additional out of scope work to prepare design documents in conformance with Leadership in Energy and Environmental Design (LEED) standards. The Authority requested an analysis of the prototype maintenance garage and administrative facility to determine which level of LEED certification would be best. Based on the analysis, the building is being designed to achieve LEED Silver certification, which requires additional effort that was not included in the original scope of work. The LEED initiative has been added to the OPS in order to be compliant with the overall “green” initiative for new state facilities and should result in reduction of operational costs over the life of the facility.

Gannett Fleming, Inc. has submitted a proposal in the amount of \$70,000 to provide the required services, which has been reviewed, negotiated and considered reasonable.

It is, therefore, recommended that Supplemental OPS No. A3215B be issued to Gannett Fleming, Inc. in the amount of \$70,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$1,325,000 to \$1,395,000. The original contract was procured pursuant to N.J.S.A. 52:34-9.1 et seq. and N.J.A.C. 19:9-2.8.

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134A-10 and 134B-10

Numbered respectively, the following are **Contracts for Formal Acceptance and Final**

Payment:

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<u>Contract T200.085</u>	Stavola Contracting Co., Inc. New Jersey Turnpike Resurfacing Milepost 74 to Milepost 122 Middlesex, Union, Essex, Hudson and Bergen Counties Maintenance Reserve Fund No. 03010002	\$120,893.57
<u>Contract P700.047</u>	Spark Electric Service, Inc. Garden State Parkway UST Removal and Upgrade Milepost 41 to Milepost 165 Various Facilities Atlantic, Burlington, Middlesex, Union and Bergen Counties 2008A Note Construction Fund No. 30000011	\$145,106.25

The Authority accepted the certifications of the Engineers, General Consultant and Chief Engineer as to inspection and completion of the foregoing contracts; the certification of the

Authority's Law Department as to liens, claims, surety bonds and Final Payment Certificates, in the amounts shown, due to the contractors for completion of the above contracts.

Reviewed by the Law Director; available funds certified by the Comptroller; the Executive Director certified the recommendations for consideration.

On motion by Commissioner Diaz, seconded by Commissioner Hodes, the Authority approved the ten (10) item Engineering agenda; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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PURCHASING

Purchasing Director Ward identified the Purchasing agenda as routine goods and services and the General Business item as competitive solicitation for professional services, and requested approval. Moved as a group, items 135A-10 through 135C-10 and General Business item 136-10 are as follows:

Results of Bidding: These items are in response to public advertisement for the commodity requisitioned. The award is contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee pursuant to Public Law 2005, Chapter 51 and Executive Order 117 and having no objection to same. Bids for these items were procured and authorization is sought to award contracts to the lowest responsible bidder, pursuant to N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37 (Corzine 2006).

Bid prices are on file in the Purchasing Department. Recommendation of contract award to the low bidder meeting Authority specifications is as follows:

135A-10

<u>BIDDERS</u>	<u>BIDS</u>	<u>COMMODITY</u>	<u>VENDOR</u>	<u>AMOUNT</u>
<u>INVITED</u>	<u>REC'D</u>			
11	5	Collection, Separation, Transportation and Recycling of Roadway Sweepings	Custom Environmental Management Co. Inc. Hainesport, NJ	\$700,000

Requisition Memorandum (RM) 848; Bids Received: April 27, 2010
(This is not a set-aside contract; however, it is noted that this vendor is registered with the NJ Division of Minority and Women Business Development as a Small Business Enterprise "SBE".)

Requisitioned by the Maintenance Department, this is a two-year price agreement for the collection, separation, transportation, and recycling of approximately 6,500 tons of screened roadway sweepings on the New Jersey Turnpike and the Garden State Parkway. Bidders were required to quote a price per ton for a total of 8 Maintenance Districts along both roadways.

Recommend award be made to the lowest responsible bidder, Custom Environmental Management Co., Inc. in an amount not to exceed \$700,000 (\$350,000 annually), subject to funding availability at time of service.

The Authority has the sole discretion of extending the contract for two additional one-year terms. If the Authority exercises the first year extension, the same terms and conditions will apply. If the Authority exercises the second year extension, the prices may be subject to renegotiation but new rates will not exceed 10% of the original bid prices.

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135B-10

In a memorandum dated May 14, 2010, concerning the recommendation to **Award** **through New Jersey State Contract No. 76393 – Garden State Highway Products Inc.** – for High Performance Cold Patch Material, RM 871.

Authorization is requested to award a one-year Price Agreement to Garden State Highway Products, Inc., Vineland, NJ for the above-referenced goods. The Maintenance Department requisitioned the supply of High Performance Cold Patch for pothole repairs for the southern areas on both roadways. This State Contract is valid until April 30, 2012. The annual anticipated expenditure will be in an amount not to exceed \$75,000, subject to fund availability at the time of order.

Garden State Highway Products, Inc. has performed similar contracts for the Authority in the past in a satisfactory manner. In addition, this vendor is registered with the New Jersey Division of Minority and Women Business Development as a Small Business Enterprise. This contract will be procured in accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority to purchase goods and services directly without advertising from vendors who hold contracts with the State of New Jersey.

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135C-10

In a memorandum dated May 12, 2010, concerning **Ratification of Awards through New Jersey State Contracts (SC) – Warnock Motor Sales; Day Chevrolet Inc.; Wall Chevrolet Inc.; and Chas S. Winner** – for State Police Vehicle Fleet Replacement.

The New Jersey State Police (Troops D and E) requisitioned several vehicles to replace those removed due to high mileage. In March 2010, the Authority awarded the following contracts:

<u>Vendor</u>	<u>Description</u>	<u>Contract Amount</u>	
		<u>Unit Prices</u>	<u>Total Price</u>
PO No. 654060 Warnock Motor Sales t/a Warnock Chevrolet East Hanover, NJ (SC No. 72468, Exp. 7/10/10)	6 Dodge Chargers	\$23,245.80	\$ 139,474.80
PO No. 65403 Warnock Chevrolet (SC No. 73976 Exp. 11/09/10)	7 Dodge Caravans	\$22,710.00	\$ 158,970.00
PO No. 65404 Day Chevrolet Inc. Egg Harbor Township, NJ (SC No. 73849 Exp. 11/15/10)	8 Chevrolet Tahoes	\$28,992.00	\$ 231,936.00
PO No. 64651 Mall Chevrolet Inc. Cherry Hill, NJ (SC No. 73848 Exp. 03/13/10)	30 Chevrolet Tahoes	\$24,583.19	\$ 737,495.70
PO No. 65411 Chas S. Winner d/b/a Winner Ford Inc. Cherry Hill, NJ (SC No. 72467 Exp. 11/15/10)	26 Marked Crown Victorias 65 Unmarked Crown Victorias	\$24,101.40 \$24,096.80	\$ 626,636.40 \$1,566,292.00

These contracts were procured accordance with N.J.S.A. 27:23-6.1 and N.J.A.C. 19:9-2.5, which regulation permits the Authority to purchase equipment directly, without advertising, from vendors who hold contracts with the State of New Jersey.

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GENERAL BUSINESS

136-10

In a memorandum dated May 12, 2010, concerning the recommendation to **Extend and Increase Authorized Amount of Contract – Inservco Insurance Services Inc. – for Third Party Workers’ Compensation Claim Administration Services**, Budget No. 10-870-405070.

Authorization is requested to extend the term and increase the authorized amount of the contract awarded to Inservco Insurance, Harrisburg, PA (“Inservco”), which generally provides third party claims administration for the Authority’s self-funded workers’ compensation program.

At its November 30, 2004 meeting, the Authority’s Board of Commissioners authorized the award of a contract to Inservco to provide third party claims administration services, a preferred provider network, and medical bill re-pricing services (collectively “TPA Services”) to support the Authority’s self-funded workers’ compensation program. The contract with Inservco was for a term of three years and the Authority, at its sole discretion, was permitted to extend the contract for two additional one-year terms. The Authority exercised its options and extended the contract for two additional years through February 26, 2010. The cost of the TPA Services for the fifth year was \$162,500. This professional services contract was conducted in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2(b) and Executive Order No. 37 (Corzine 2006).

In light of the expiration of the contract with Inservco, the Authority advertised a Request for Proposals for the TPA Services in January of 2010. Proposals were received and are under review. Until a final recommendation is made and the Board of Commissioners grants authorization to enter into a new contract, the Authority has to maintain the current TPA Services contract. The Human Resources Department therefore requested that the contract with Inservco be extended through July 31, 2010 at the same terms and conditions as the original contract. The cost for TPA Services from March 1, 2010 through July 31, 2010 will be in an amount not to exceed \$67,708.35 (\$13,541.67/month).

Accordingly, authorization is requested to extend and increase the authorized amount of the Contract with Inservco Insurance Services, Inc., as outlined herein.

Reviewed by the Law Director; available funds certified by the Comptroller as appropriate; the Executive Director certified the recommendations for consideration.

On motion by Commissioner Hodes, seconded by Commissioner Singleton, the Authority unanimously approved items 135A-10 through 135C-10 and 136-10; and authorized and/or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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137-10

Finance Comptroller Manuelli presented the **Financial Summary** of the New Jersey Turnpike Authority for the four months ended April 30, 2010. She advised that the year-to-date traffic and revenue for both Turnpike and Parkway are down but highlighted that this is the second positive month with total traffic for April up 1%, and commercial traffic up 2.6%. In addition, she noted that nearly \$133 million has been spent in construction, which is approximately \$90 million more than last year, and is mostly due to the Widening Programs on both roadways plus bridge rehabilitations.

On motion by Commissioner Pocino, seconded by Commissioner Singleton, the Authority's financial report was unanimously accepted and received for file.

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138-10

Resume of All Fatal Accidents – Garden State Parkway and New Jersey Turnpike. Submitted by Operations Director Hill, they contain a descriptive summary for the Period 1/1/10 to 5/10/10, together with 2009 – 2010 Yearly Comparisons for the four months through April 2010.

On motion by Commissioner Pocino, seconded by Commissioner Diaz, the Authority unanimously accepted the reports and received for file.

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139-10

New Jersey State Police Troops D and E - Reports of Activities, submitted for the four months through April, 2010, including 2009 – 2010 Yearly Comparisons, were presented by Executive Director Gutierrez-Scaccetti.

On motion by Commissioner Hodes, seconded by Commissioner Diaz, the Authority unanimously accepted the reports and received for file.

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Upon conclusion of all agenda matters, Commissioner DuPont opened the floor to public comment on other matters. There was no response.

The Commissioner wished everyone a wonderful Memorial Day weekend and reminded all to thank a veteran.

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The motion to adjourn was made by Commissioner Hodes, seconded by Commissioner Pocino and, after the voice vote, the motion was duly adopted. The Authority adjourned at 9:39 A.M., to meet on Tuesday, June 29, 2010, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:
COMMUNICATIONS

Authorization Letter, dated May 14, 2010 – from NJ DOT Commissioner Simpson – designating Walter Perkins, of the DOT Commissioners office, to serve as his designee and lawfully vote on his behalf.

ADDITIONAL REPORTS:

REPORT OF PURCHASES – under Executive Directors Delegated Authority (EDDA) Resolution 40-95, for the one-month period: April 1 through April 30, 2010.

REPORT OF UTILITY ORDERS – under EDDA 117-05, modified by EDDA 150-09; Dated for May 26, 2010.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period April 9, 2010 through May 6, 2010; Dated for May 26, 2010.

REPORT OF CONSTRUCTION PROGRESS – Period Ending May 7, 2010; Dated for May 26, 2010.

AGREEMENTS/CONTRACTS:

Deed, dated September 13, 2009 – from June Guttell and Beverlee Bradin – for Turnpike ROW Section 3D, Design Section 3: Parcel X28AI; Block 49, Lot 2, Mansfield, Burlington County; authorized 1/26/10.

Deeds, dated December 15, 2009 – from John and Sophie Pietras – for Turnpike ROW Section 3D, Design Section 1: Parcels D202, E202 and 2E202; Block 43, Lot 2.04, Mansfield Township, Burlington County; authorized 12/16/09.

Deed, dated March 1, 2010 – from Robert Moslowski – for Turnpike ROW Section 3F, Design Section 3: Parcel UE341; Block 2733, Lot 5, Hamilton Township, Mercer County; authorized 12/16/09.

Deeds, dated March 3, 2010 and Mortgage Release, dated February 1, 2010 – from Michael and Anaida Monzon Prohammer – for Turnpike ROW Section 4G, Design Section 4: Parcels 984 and C984, Block 30, Lot 8.18, Robbinsville, Mercer County; authorized 12/16/09.

Insurance Broker Agreement, dated 4/15/10, effective 2/1/10 – Risk Strategies Company – Excess Workers Compensation and Employee Liability Insurance procurement services, Term: 2/1/10 – 1/31/13; authorized 1/26/10.

Contract No. T200.151 – Joseph M. Sanzari Inc.; authorized 3/30/10.

Contract No. T869.120.502 – Rencor Inc.; authorized 3/30/10.

ORDER FOR PROFESSIONAL SERVICES and/or PROFESSIONAL SERVICES AGREEMENTS

OPS No. P3269 – Stantec Consulting Services Inc. – Design and Environmental Permitting; authorized 3/30/10.

OPS No. P3277 – Birdsall Engineering Inc. – Remediation Systems Compliance; authorized 2/23/10.

OPS No. P3286 – Evergreen Environmental LLC – Threatened and Endangered Species Habitat Mitigation Consultant; authorized 2/23/10.

OPS No. P3289 – TranSystems Corporation – Design Services; authorized 3/30/10.

OPS No. T3314 – HAKS Engineers – Supervision of Construction; authorized 3/30/10.

OPS No. A3316 – KS Engineers PC – Supervision of Construction; authorized 3/30/10.

Supplemental OPS No. T3148A – Hatch Mott MacDonald – Remediation Systems Compliance; authorized 2/23/10.

Second Amendment for Supplement R to Professional Services Agreement – ACS State and Local Solutions Inc. (ACS) – Regional E-ZPass Electronic Toll Collection System, Management of Annual Transponder Tag Purchase from Mark IV IVHS Inc., Various Transponder Tags, dated 5/21/10; authorized 4/27/10.

Rose Stanko
Secretary

APPROVED:

James S. Simpson, Chairman and NJ Department of Transportation Commissioner (ABSENT)

Michael R. DuPont, Treasurer

Harold L. Hodes, Commissioner

David G. Evans, Commissioner

Raymond M. Pocino, Commissioner

Troy Singleton, Commissioner

Ulises E. Diaz, Commissioner

NJ Department of Transportation Commissioner Designee, ex officio