

**PROCEEDINGS OF NEW JERSEY TURNPIKE AUTHORITY  
TUESDAY, APRIL 27, 2010**

Chairman Simpson called the Authority into session in the Executive Boardroom of the Authority's Administration Offices, Woodbridge, New Jersey, at 9:34 A.M.

**PRESENT**

Chairman James Simpson; Commissioner/Treasurer Michael DuPont; Commissioner Harold Hodes; Commissioner Troy Singleton; Commissioner Ulises Diaz; (and via teleconference) 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; NJ State Police Commander Major Kevin Burke, Troop E; Chief of Staff Joe Orlando; and Secretary Rose Stanko.

Also present were: General Counsel Judy Verrone; General Consultant James Beattie; Governors' Authorities Unit Representative Maura Tully; Local 194 IFPTE Consultant, Frank Forst; additional individuals consisting of other NJTA employees; interested organizations; the general public; and from the media: the Asbury Park Press; and The Bergen Record.

**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 March 30, 2010; he did not exercise his power to veto any items in those minutes.

Upon motion made by Commissioner DuPont, seconded by Commissioner Singleton, the minutes of the March 30, 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: 95-10 for Commissioner Hodes; 96-10, 98-10, 99-10, 101A-10, 101B-10 and 102-10 for Commissioner Pocino; 96-10, 98-10 and 101A-10 for Commissioner Singleton; and 95-10 for Commissioner Diaz.

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At this juncture, the Chairman announced that a separate Executive Session was not required and opened the floor for 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:

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## **PERSONNEL**

### **91-10**

Human Resources Director Garrity submitted the **Personnel Agenda**, dated April 15, 2010, and requested confirmation of the personnel matters contained therein.

The Executive Director certified the recommendations for consideration.

On motion by Commissioner Singleton, seconded by Commissioner DuPont, 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.

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## **LAW**

Law Director Caceres outlined the recommendations and requested approval of items 92-10 and 93-10; moved together, those items are as follows:

### **92-10**

In a memorandum dated April 19, 2010, concerning a recommendation to **Approve Settlement with Colonial Pipeline Company**, Notice of Claim Dated March 16, 2010, Inservco Claim No. 2420002156/CLG, Project No. 04008022

On December 17, 2009, Puleio's Service Center ("Puleio's"), an authorized tower for the New Jersey Turnpike Authority, was dispatched by Authority personnel to assist in the removal of a tractor/trailer which had run off the roadway near Exit 8 of the New Jersey Turnpike Authority, rolled over and lost its contents (the "Incident"). During the course of their service, Puleio's equipment was driven onto, and became lodged upon, a section of Colonial Pipeline Company's ("Colonial") pipeline. In an attempt to minimize any additional damage to the Colonial pipeline, Colonial was contacted and made arrangements for the safe removal of the over-turned tractor/trailer and any equipment remaining at the site of the Incident. Additionally, Colonial's pipeline was damaged by the Incident and was rendered unsafe to continue to operate until repairs could be performed. As a result, Colonial incurred damages in the amount of One Hundred Twenty Eight Thousand Dollars (\$128,000.00) for the removal of the Puleio's vehicle and repair of its pipeline.

Colonial has taken the position that these damages are the responsibility of both Puleio's, because of its direct actions, and the Authority, because of its actions as its agent and has filed a claim against the Authority for the above referenced amount. The agreement between Puleio's and the Authority for the provision of towing services provides that the tower will indemnify the Authority in situations such as this. The Authority is confident that this matter will ultimately be resolved in the Authority's favor. However at the present time, attempts to resolve this matter with Puleio's have been unsuccessful. The Authority is prepared to litigate as necessary.

In light of the substantial negotiations that have been undertaken with Colonial as part of the Authority's 6-9 Widening Program, the Law Department and the Engineering Department in consultation with the Authority's General Counsel recommend that the New Jersey Turnpike Authority's Commissioners authorize the settlement of all claims with Colonial arising out of the Incident in an amount not to exceed One Hundred Twenty Eight Thousand Dollars (\$128,000.00) with the understanding that the Authority will vigorously pursue reimbursement of these costs from Puleio's.

Commissioner Singleton said he wanted to be clear on how responsibility in this matter was being determined. Law Director Caceres explained that it was determined that in order to proceed with the Widening Project, it would be best to cure the claim situation with Colonial now because the dispute as to the percentage of fault between the Authority and Puleio's is currently undecided. At this time negotiations are underway, he said, but a claim will be asserted against Puleio's.

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**93-10**

In a memorandum dated April 13, 2010, concerning **Ratification of Action Taken for Acquisition of Property Interests Required for the New Jersey Turnpike Authority Interchange 6-9 Widening Program**, Acquisition of Eighteen (18) 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 final action with respect to the following properties.

**I. New Acquisitions:** The Authority has determined that the five (5) 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 5, Right-of Way (ROW) Section 4H  
Parcel Series 1038, Block 29, Lots 17 & 16.01 (Partial Taking)  
873 and 885 Old York Road, Township of East Windsor, County of Mercer  
Owner: Leroy Bruce Jones  
Amount: \$ 81,800.00 for purchase of property  
The property currently consists of two separate tax lots with Lot 16.01 being approximately 1,098 acres in size which is improved with a 2-story single family residence and several sheds, and Lot 17 consisting of 0.0920 acres of vacant land (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 0.285 acres of the Property to be designated as Parcel 1038A; (2) a fee simple interest in 0.036 acres of the Property to be designated as Parcel 1038B; (3) a slope easement consisting of the right to form and maintain slopes for grading and draining Windsor Road, impacting 0.034 acres of the Property to be designated as Parcel E1038A; (4) a drainage easement consisting of the right to construct and maintain a drainage ditch, drainage pipe, headwall, and appurtenances, impacting 0.068 acres of the Property to be designated as Parcel D1038A; and (5) a temporary construction easement consisting of the right to access land and area for construction of a driveway, impacting 0.063 acres of the Property to be designated as Parcel C1038B.
- 2) Turnpike Design Section 6, ROW Section 4J  
Parcel 1079, Block 30, Lot 12 (Partial Taking)  
290 Etra Road, Township of East Windsor, County of Mercer  
Owners: Stanley Skeba and Joseph Skeba  
Amount: \$235,000.00  
The property currently consists of 43.564 acres of vacant land (the "Property") that is currently being farmed. 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 2.888 acres of the Property to be designated as Parcel 1079; (2) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 1.312 acres of the Property to be designated as Parcel UE1079; and (3) a temporary construction easement consisting of the right to store construction equipment, materials, and to stockpile excavated material for use during the construction of Colonial Pipeline, impacting 1.300 acres of the Property to be designated as Parcel C1079.
- 3) Turnpike Design Section 5, ROW Section 4H  
Parcel C1045, Block 23, Lot 6 (Partial Taking)  
403 Gordon Road, Township of Robbinsville, County of Mercer  
Owner: Princeton Memorial Park  
Amount: \$ 1,000.00  
The property currently consists of 16.010 acres of land on Lot 1 used as a cemetery and 15.633 acres of land on Lot 6 used to support the Princeton Memorial Park cemetery operations. The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to enter upon the remaining lands of the owner with personnel, materials and equipment for use during construction of drainage inlets, pipes and appurtenances, impacting 0.026 acres of the Property to be designated as Parcel C1045. An initial offer was made to acquire Fee Parcel 1044 on Block 23, Lot 1 and Parcel C1045 on Block 23, Lot 6. The property owner raised concerns regarding the loss of burial space on the fee parcel and addressing the concerns, the design engineers determined that the Fee Parcel 1044, Block 23, Lot 1, could be eliminated. The offer was amended to eliminate Parcel 1044 as well as any impacts to Block 23, Lot 1 and only address Parcel C1045 on Block 23, Lot 6, a temporary construction easement on the adjoining lot which will be needed in order to relocate the drainage grate in the driveway area.

4) Turnpike Design Section 5, ROW Section 4H

Parcel Series 1034, Block 45, Lot 5 (Partial Taking)  
301 Sharon Road, Township of Robbinsville, County of Mercer  
Owner: Edna W. Avery  
Amount: \$ 297,500.00

The property currently consists of 5.735 acres of land improved with a single-family residence (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 0.022 acres of the Property to be designated as Parcel 1034A; (2) a fee simple interest in 3.763 acres of the Property to be designated as Parcel 1034B; (3) a slope easement consisting of the right to form and maintain slopes for grading and draining of Sharon Road, impacting 0.068 acres of the Property to be designated as Parcel E1034A; (4) a utility easement consisting of the right to install and maintain the Colonial Pipeline, impacting 0.092 acres of the Property to be designated as Parcel UE1034A; (5) a utility easement consisting of the right to install and maintain utility guy wire and anchor, impacting 0.003 acres of the Property to be designated as Parcel 2UE1034A; and (6) an aerial easement consisting of the right to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead and ground facilities as may be deemed necessary or convenient by the Grantee or its assign, for electric, CATV and communication purposes for the use and benefit of the land and/or adjacent lands beyond the Property together with the right to trim, cut and/or remove trees, tree branches, shrubs, roots, vegetation, structures and/or other objects or obstructions which in the sole judgment of the Grantee or its assign, interfere with the installation of, or in the safe, proper or convenient use, maintenance, operation of, or access to, the facilities including, without limitation, the removal of such trees, and/or tree branches which overhang or endanger any of the facilities. Further, Grantee shall have the right to undertake such work to accomplish the above purposes hereof, impacting 0.042 acres of the Property to be designated as Parcel AE1034A.

5) Turnpike Design Section 5, ROW Section 4H

Parcel Series 1043, Block 36, Lot 19  
919 Old York Road, (County Rte. 539) Township of East Windsor, County of Mercer  
Owner: Eden Institute, Inc.  
Tenant: Ward's Nursery  
Amount: \$88,885.00 (Payment for Damage to Crops)

The property currently consists of 12.575 acres of land improved with a two story, single family dwelling, a barn and a pine tree farm (the "Property"). The Property is owned by Eden Institute, Inc. with a portion of the Property under contract to Ward's Nursery (the "Tenant Farmer") for use as a pine tree farm. The work required to be performed in both the temporary construction and the permanent easement will result in significant damage to the Tenant Farmer's crop. An extensive review has identified a total of 920 impacted by the Widening. A settlement has been reached whereby the Authority will be responsible to the Tenant Farmer for the following: (1) reimbursement of \$79,405 for the 920 impacted trees, (2) payment of \$5,250 for the excavation and balling of 350 trees that the Authority intends to plant along its Roadways and (3) payment of \$4,200 for said transportation of the trees to locations identified on the New Jersey Turnpike and Garden State Parkway.

**II. New Eminent Domain Proceedings.** The Authority has determined that the thirteen (13) 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 below parcels, the Authority had contacted the respective property owners and 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. Eminent Domain proceedings are being filed as the last resort. The following is a description of said properties:

1) Turnpike Design Section 3, ROW Section 3F

Parcel Series 339, Block 2733, Lot 4.05 (Partial Taking)  
99 Merrick Road, Township of Hamilton, County of Mercer  
Owner: Wayne Giquinto, Jr. and Karen Giquinto  
Amount: \$ 230,100.00, (\$48,437.00 previously approved)

The property currently consists of 16.565 acres of land improved with a 2,148 square foot, two-story, colonial farmhouse. Additionally, there are several outbuildings located on the Property, including a 720 square foot farm utility storage shed and a 300 square foot farm utility storage shed. 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 6.075 acres of the Property to be designated as Parcel 339; (2) a utility easement consisting of the right to

construct and maintain a subsurface utility pipeline for Colonial Gas Company, impacting 1.379 acres of the Property to be designated as Parcel UE339; 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 1.659 acres of the Property to be designated as Parcel C339.

2) Turnpike Design Section 1, ROW Section 3D

Parcel Series 177, Block 46, Lot 10 (Partial Taking)  
Columbus Road, Township of Mansfield, County of Burlington  
Owners: Wayne M. Lisehora and Kathleen Best Lisehora  
Amount: \$ 142,400.00

The property currently consists of 29.972 acres of vacant land. 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 0.369 acres of the Property to be designated as Parcel 177B; (2) a fee simple interest in 0.130 acres of the Property to be designated as Parcel 177C; (3) a fee simple interest in 4.556 acres of the Property to be designated as Parcel 177D; (4) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Columbus Road, impacting 0.383 acres of the Property to be designated as Parcel E177B; (5) an aerial easement for aerial utility lines, impacting 0.065 acres of the Property to be designated as Parcel AE177B; (6) a utility easement consisting of the right to install and maintain a pipeline for Sunoco Incorporated, impacting 0.650 acres of the Property to be designated as Parcel UE177C; (7) a utility easement consisting of the right to install and maintain a pipeline for Colonial Pipeline Company, impacting 1.042 acres of the Property to be designated as Parcel 2UE177C; (8) a temporary construction easement consisting of the right to perform construction related activity for use during the construction of proposed pipelines, impacting 1.237 acres of the Property to be designated as Parcel C177B; and (9) a temporary construction easement consisting of the right to perform construction related activities for use during the construction of a proposed drainage basin and to clear vegetation so as to provide access for owner to land north of the basin, impacting 0.220 acres of the Property to be designated as Parcel C177D.

3) Turnpike Design Section 4, ROW Section 4G

Parcel No. 979, Block 25, Lot 10.98 and Block 25.06, Lot 2.02 (Partial Taking)  
West Manor Way, Township of Robbinsville, County of Mercer  
Owner: Washington Greene Homeowners Association, Inc.  
Amount: \$ 32,000.00

The property currently consists of 97.463 acres of vacant land (Block 25, Lot 10.98 consisting of 83.499 acres and Block 25.06, Lot 2.02 consisting of 13.964 acres) (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 1.146 acres of the Property to be designated as Parcel 979; (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Patriot Drive and West Manor Way, impacting 0.099 acres of Property to be designated as Parcel E979; (3) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Patriot Drive and West Manor Way, impacting 0.053 acres of the Property to be designated as Parcel 2E979; (4) a drainage easement consisting of the right to construct and maintain drainage within the Proposed Drainage Easement Line and also the right to construct and maintain subsurface drains to maintain the flow of surface drainage from subsurface drains across West Manor Way, impacting 0.012 acres of the Property to be designated as Parcel D979; (5) a utility easement consisting of the right to install and maintain a utility pole guy wire and anchor, impacting 0.002 acres of the Property to be designated as Parcel UE979; and (6) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a noise wall and appurtenances, impacting 0.746 acres of the Property to be designated as Parcel C979.

4) Turnpike Design Section 1, ROW Section 3D

Parcel Series 195, Block 47.01, Lot 4 (Partial Taking)  
1289 Jacksonville Road, Township of Mansfield, County of Burlington  
Owners: John F. Hoefling and Eileen Marie Hoefling  
Amount: \$ 5,000.00

The property currently consists of 111.501 acres of preserved farmland improved with a two-story residence with a garage, shed and barn. The Property's development rights were sold to the County of Burlington on July 15, 2000 for \$565,017.00 in a deed of easement recorded at Deed Book 5981, Page Number 15. 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 0.018 acres of the Property (all of which is located outside of the farmland preservation easement) to be designated as Parcel 195; and (2) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Jacksonville-Hedding Road, impacting 0.234 acres of the Property (including 0.088 acres in the farmland preservation easement) to be designated as Parcel E195.

5) Turnpike Design Section 7, ROW Section 4K

Parcel Series 1159, Block 9, Lot 1.01 (Partial Taking)  
2-4 Hightstown – Cranbury Road, Township of Cranbury, County of Middlesex  
Owner: Chamberlain and Barclay, Inc.  
Amount: \$ 56,300.00

The property currently consists of 16.320 acres of land improved with several older industrial buildings, an office building, a small retail building, two silos, a cellular phone transmission tower and a single sided billboard. 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 0.049 acres of the Property to be designated as Parcel 1159A; (2) a fee simple interest in 0.112 acres of the Property to be designated as Parcel 1159B; (3) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of C.R. 615 (Station Road), impacting 0.186 acres of the Property to be designated as Parcel E1159; (4) a utility easement consisting of the right to install and maintain a pipeline for Colonial Pipeline, impacting 0.198 acres of the Property to be designated as Parcel UE1159; (5) a drainage easement consisting of the right to construct and maintain a drainage ditch, impacting 0.101 acres of the Property to be designated as Parcel D1159; and (6) 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 0.458 acres of the Property to be designated as Parcel C1159.

6) Turnpike Design Section 6, ROW Section 4J

Parcel Series 1106, Block 20.01, Lot 7 and Lot 10 (Partial Taking)  
19 Milford Road & 550 Route 33 East, Township of East Windsor, County of Burlington  
Owner: Milford Lakeview Realty, LLC  
Amount: \$ 185,000.00

The property currently consists of 9.262 acres of vacant land, (Lot 7 containing 6.229 acres of land and Lot 10 containing 3.033 acres of land). 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 0.391 acres of the Property to be designated as Parcel 1106A; (2) a fee simple interest in 0.257 acres of the Property to be designated as Parcel 1106B; and (3) a fee simple interest in 0.298 acres of the Property to be designated as Parcel 1106C.

7) Turnpike Design Section 8, ROW Section 4L

Parcel Series 1224, Block 2.01, Lot 2.01(Partial Taking)  
7 Corporate Drive, Township of Cranbury, County of Middlesex  
Owner: Kerzner Associates No. 7, LLC  
Amount: \$ 9,300.00

The property currently consists of 7.951 acres of land improved with a 100,550 square foot multi-tenanted industrial flex building. 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 0.021 acres of the Property to be designated as Parcel 1224; (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 0.022 acres of the Property to be designated as Parcel C1224.

8) Turnpike Design Section 8, ROW Section 4L

Parcel Series 1218, Block 2, Lot 3.031(Partial Taking)  
8 Corporate Drive, Township of Cranbury, County of Middlesex  
Owner: Kerzner Associates No. 8, LLC  
Amount: \$ 1,035,000.00

The property currently consists of 6.305 acres of land improved with a 53,790 square foot multi-tenanted industrial flex building and billboard. 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 1.747 acres of the Property to be designated as Parcel 1218; (2) a utility easement consisting of the right to install and maintain a water main, impacting 0.250 acres of the Property to be designated as Parcel UE1218.

9) Turnpike Design Section 8, ROW Section 4L

Parcel Series 1220, Block 3, Lot 1.01(Partial Taking)  
257 Prospect Plains Road, Township of Cranbury, County of Middlesex  
Owner: Keystone Cranbury East, LLC  
Amount: \$ 56,000.00

The property currently consists of 74.369 acres of land improved with a 1,000,000 square foot multi-tenanted warehouse distribution building. 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 0.156 acres of the Property to be designated as Parcel 1220; (2) a utility easement consisting of the right to install and maintain Colonial Pipeline, impacting 0.078 acres of the Property to be designated as Parcel UE1220; (3) a utility easement consisting of the right to install and maintain a gas main, impacting 0.159 acres of the Property to be designated as Parcel 2UE1220; (4) a drainage easement consisting of the right to construct and maintain surface drains and subsurface drains, impacting 0.036 acres of the Property to be designated as Parcel D1220; (5) temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a retaining wall and appurtenances, impacting 0.259 acres of the Property to be designated as

Parcel C1220; (6) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of a retaining wall and appurtenances, impacting 0.282 acres of the Property to be designated as Parcel 2C1220; (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 Colonial Pipeline and appurtenances, impacting 0.493 acres of the Property to be designated as Parcel 3C1220; and (8) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the construction of subsurface drains and the re-grading of driveway to meet new roadway grades, impacting 0.309 acres of the Property to be designated as Parcel 4C1220.

10) Turnpike Design Section 8, ROW Section 4L

Parcel C1216, Block 2, Lot 4.02 (Partial Taking)  
257 Prospect Plains Road, Township of Cranbury, County of Middlesex  
Owner: Keystone Cranbury West, LLC  
Amount: \$ 1,425.00

The property currently consists of 29.924 acres of land improved with a 473,148 square foot warehouse distribution facility. The NJTA must acquire the following interest in the Property which will hereafter be referred to as the "Property Interest": (1) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the re-grading of the driveway to meet new roadway grades, impacting 0.162 acres of the Property to be designated as Parcel C1216.

11) Turnpike Design Section 8, ROW Section 4L

Parcel Series 1212, Block 4, Lot 1.02 (Partial Taking)  
258 Prospect Plains Road, Township of Cranbury, County of Middlesex  
Owner: FR Net Lease Co-Investment Program 7, LLC  
Amount: \$ 238,300.00

The property currently consists of 58.975 acres of land improved with a single story 886,478 square foot warehouse. Cedar Brook runs in a westerly direction along the northern portion of the site. 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 0.770 acres of the Property to be designated as Parcel 1212; (2) a utility easement consisting of the right to install and maintain the Colonial Pipeline, impacting 0.590 acres of the Property to be designated as Parcel UE1212; (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 Colonial Pipeline and appurtenances, impacting 0.228 acres of the Property to be designated as Parcel C1212; (4) 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 0.235 acres of the Property to be designated as Parcel 2C1212; 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 subsurface Colonial Pipeline and appurtenances, impacting 0.349 acres of the Property to be designated as Parcel 3C1212.

12) Turnpike Design Section 8, ROW Section 4L

Parcel Series 1213, Block 4, Lot 1.01 (Partial Taking)  
260 Prospect Plains Road, Township of Cranbury, County of Middlesex  
Owner: Teachers Insurance and Annuity Association of America  
Amount: \$ 145,900.00

The property currently consists of 25.313 acres of land improved with a single story 232,886 square foot warehouse. Cedar Brook runs in a westerly direction along the southern portion of the site. 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 0.676 acres of the Property to be designated as Parcel 1213; (2) a utility easement consisting of the right to install and maintain the Colonial Pipeline, impacting 0.905 acres of the Property to be designated as Parcel UE1213; (3) a slope easement consisting of the right to form and maintain slopes for grading, drainage and support of Prospect Plains Road, impacting 0.193 acres of the Property to be designated as Parcel E1213; (4) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the re-grading of driveway to meet new roadway grades, impacting 0.484 acres of the Property to be designated as Parcel C1213; (5) 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 0.074 acres of the Property to be designated as Parcel 2C1213; (6) 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 0.115 acres of the Property to be designated as Parcel 3C1213; (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 Colonial Pipeline and appurtenances, impacting 0.020 acres of the Property to be designated as Parcel 4C1213; and (8) 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 0.430 acres of the Property to be designated as Parcel 5C1213.

13) Turnpike Design Section 8, ROW Section 4L

Parcel Series 1217, Block 2, Lot 4.01 (Partial Taking)

1244 South River Road, Township of Cranbury, County of Middlesex

Owner: Morris Cranbury Associates, LLC

Amount: \$ 840,000.00

The property currently consists of 54.969 acres of land improved with a 845,607 square foot, multi-tenanted warehouse distribution facility. The NJTA originally made an offer to purchase a smaller portion of the Property for \$820,000.00 by letter dated October 27, 2009. Since that time, the NJTA has undertaken a redesign at the location of the Property such that the NJTA requires more property for construction of the Program in this location. As a result of the redesign, the original offer was withdrawn and the process was begun anew. 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 3.613 acres of the Property to be designated as Parcel 1217A; (2) a fee simple interest in 0.066 acres of the Property to be designated as Parcel 1217B; (3) a utility easement consisting of the right to install and maintain a water main, impacting 0.612 acres of the Property to be designated as Parcel UE1217A; (4) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the realignment and re-grading of driveway and appurtenances, as well as re-grading for a detention basin, impacting 2.232 acres of the Property to be designated as Parcel C1217A; and (5) a temporary construction easement consisting of the right to access land and area with vehicles and equipment for use during the re-grading of driveway to meet new roadway grades, impacting 0.143 acres of the Property to be designated as Parcel C1217B.

With the exception of the Hoefling 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 Hoefling 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.

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved the two (2) 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 outlined the recommendations and requested approval of Items 94-10 and 96-10 through Maintenance item 102-10, deferring item 95-10. Regarding Item 96-10, Commissioner Diaz noted the substantial difference between the estimate and the low bid

received and asked the Chief Engineer if he was satisfied that the contractor could do the work for the bid. The Chief Engineer advised him that the contractor was questioned and that apparently Tutor-Perini has done similar jobs in New York State, have several precast companies they are working with and believe they have installation “down to a science” now and are satisfied with their bid to perform the work.

Chairman Simpson asked for more explanation regarding the anti-icing system and its benefits, for those who may not be familiar with it. The Chief Engineer described the system as a weather system with devices installed in the bridge deck roadway. The weather system detects ice and the devices automatically spray an anti-icing fluid on the roadway to help reduce the occurrence of black ice. He informed that ice forms easily on elevated bridge structures and this system will save maintenance personnel from having to always be “running out” to identify an ice event and treat the area. It will not eliminate the snow but it will assist in treating black ice which is a huge safety issue improvement for those traveling over this bridge.

Moved as a group, the Engineering and Maintenance items are as follows:

**94-10**

In a memorandum dated April 19, 2010, concerning the recommendation to **Enter into Sole Source Agreement – Centurion Systems N.A., LLC** – New Jersey Turnpike, FAST Anti-Icing System for Newark Bay-Hudson County Extension, Milepost N0.2 to Milepost N3.0, 2009 Capital Construction Program No. 31005013 and Future Bond Issue.

Centurion Systems, N.A., LLC (Centurion) and the New Jersey Turnpike Authority have developed plans for a state-of-the-art, turnkey installation, anti-icing system for the Newark Bay-Hudson County Extension (NBHCE) between Milepost N0.2 and N3.0. The Authority has determined that the Boschung FAST Anti-Icing System is the only system capable of meeting the project size and complexity requirements based on proven track records on other similar projects. Centurion is the exclusive provider and systems integrator for the Boschung FAST Anti-Icing System, including service, maintenance and support in the State of New Jersey.

The system will improve the safety of this section of the NBHCE by reducing the possibility of icing on the elevated bridge deck. Centurion and Boschung America, LLC will procure, deliver, install and maintain, for a period not to exceed ten-years, the FAST anti-icing system from milepost N0.2 to N3.00 on the Newark Bay - Hudson County Extension. Procurement and installation of Phase I, Milepost N1.5 to N3.0, will be performed by Centurion with coordination required under Contract No. T100.034 (Bridge Deck Reconstruction, Newark Bay–Hudson County Extension, Milepost N0.00 to N6.00). Authorization is sought to enter into an agreement with Centurion to furnish and install the anti-icing system from Milepost N1.5 to N3.0 (Phase I) and system maintenance for Phase I and Phase II installations for a ten-year period. A second agreement will be presented for Phase II furnishing and installation from Milepost N0.2 to N1.5, upon completion of final design and development of material and installation costs. The negotiated cost for Phase I supply and installation is \$13,585,000.00. The total not to exceed cost for maintenance for the ten-

year period is \$3,615,300, which includes \$2,615,300 for routine maintenance and a set-aside amount of \$1,000,000 for necessary on-call response and parts to be paid on a force-account basis.

Accordingly, authorization is requested to enter into an Agreement with Centurion Systems, N.A., LLC in an amount not to exceed \$17,200,300. The award will be made under the sole source procurement authorization of N.J.A.C. 19:9-2.2(d)1 as promulgated under N.J.S.A. 27:23-6.1. The written recommendation of the Chief Engineer was submitted, with the concurrence of the Executive Director as required by N.J.A.C. 19:9-2.2(d)1. The Office of the State Comptroller has reviewed and approved this procurement as a sole source and has determined that the process concerning this procurement complies with applicable public contracting laws, rules and regulations as required by N.J.S.A. 52:15C-10b(4). The award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the vendor pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to same.

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**95-10**

ITEM DEFERRED

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**96-10**

In a memorandum dated April 19, 2010, concerning the recommendation to **Award Contract No. T100.034 – Ferreira Construction Co. Inc. and Tutor Perini Corporation, A Joint Venture** – New Jersey Turnpike, Newark Bay Bridge Structure No. N2.01, Bridge Deck Reconstruction and Miscellaneous Structural, Roadway and Lighting Improvements, Milepost N0.00 to Milepost N6.00, 2009 Capital Construction Program No. 31011025 and Future Bond Issue.

This contract will provide for bridge deck reconstruction and miscellaneous structural, roadway and lighting improvements on the Newark Bay Bridge and approach spans.

Nine bid proposals were received on April 19, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$93,419,000.00, may be compared to the second low bid proposal in the amount of \$104,397,899.25. A post-bid meeting was conducted with the apparent low bidder, Ferreira Construction Co., Inc. and Tutor Perini Corporation, A Joint Venture, based on the difference in total price and select unit prices between the first and the second low bid to ensure that they understood the scope of the contract and were comfortable with their total price bid. Ferreira/Perini confirmed their understanding of the scope and schedule, and adequacy of their total price bid. The low bidder, Ferreira Construction Co., Inc. and Tutor Perini Corporation, A Joint Venture, have separately performed work for the Authority and the Joint Venture is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T100.034 be awarded to the low bidder, Ferreira Construction Co., Inc. and Tutor Perini Corporation, A Joint Venture of Branchburg, New Jersey, in the amount of \$93,419,000.00. 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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**97-10**

In a memorandum dated April 9, 2010, concerning the recommendation to **Issue Order for Professional Services No. T3331 – Ammann & Whitney Consulting Engineers P.C.** – New Jersey Turnpike, Supervision of Construction Services for Contract No. T100.034, Newark Bay Bridge Structure No. N2.01, Bridge Deck Reconstruction, Miscellaneous Structural, Roadway and Lighting Improvements, Newark Bay-Hudson County Extension, Mileposts N0.00 to N6.00, 2009 Capital Construction Program No. 31011025 and Future Bond Issue.

This Order for Professional Services (OPS) will provide supervision of construction services for the referenced contract, which will provide for bridge deck reconstruction and miscellaneous structural, roadway and lighting improvements on the Newark Bay Bridge and approach spans.

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 58 engineering firms were prequalified and eligible under Profile Code B155 – Bridges: Construction Inspection. Five firms submitted EOIs by the closing date of January 20, 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 are: 1) Ammann & Whitney Consulting Engineers, P.C.; 2) Stone & Webster, Inc.; and 3) Dewberry-Goodkind, Inc. The Review Committee reviewed and evaluated each firm's Technical Proposal and final scoring resulted in Ammann & Whitney Consulting Engineers, P.C being the highest technically ranked firm. The fee submitted by Ammann & Whitney Consulting Engineers, P.C 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. T3331 be issued to the firm of Ammann & Whitney Consulting Engineers P.C. of Jersey City, New Jersey, in the not to exceed amount of \$9,895,000. This amount includes reimbursement of direct salaries times a maximum multiplier of 2.20 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 awardees, 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 firms were 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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**98-10**

In a memorandum dated April 8, 2010, concerning the recommendation to **Award Contract T200.150 – Mount Construction Co. Inc.** – New Jersey Turnpike, Resurfacing , MP 0 to MP 74, Salem, Gloucester, Camden, Burlington, Mercer and Middlesex Counties, Maintenance Reserve Fund No. 03010002.

This contract will provide for the resurfacing of asphalt concrete surface course pavement along Mainline Turnpike roadways, ramps, shoulders, toll plazas and other incidental work. All work is expected to be completed in 2010.

Eight bid proposals were received on April 8, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$4,994,280, may be compared to the second low bid proposal in the amount of \$5,757,777. The low bidder, Mount Construction Co., Inc., has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T200.150 be awarded to the low bidder, Mount Construction Co., Inc. of Berlin, New Jersey, in the amount of \$4,994,280. 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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**99-10**

In a memorandum dated April 12, 2010, concerning the recommendation to **Award Contract No. T869.120.001 – A. Servidone, Inc./B. Anthony Construction Corp., a Joint Venture Company** – New Jersey Turnpike, Interchange 6 - 9 Widening Program, Freshwater Wetland Mitigation, MP 50.7 to MP 74.1, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

As required and coordinated with the New Jersey Department of Environmental Protection, the Authority will need to provide mitigation for the approximately 120 acres of wetlands impacted by the Widening Program. This contract addresses a portion of the overall mitigation by constructing four wetland mitigation sites, which includes the excavation, grading, seeding and

planting of approximately 93 acres. The plantings will include approximately 168,000 trees and shrubs and 2,500 herbaceous plugs. This contract is anticipated to be completed by the end of 2011.

Ten bid proposals were received on April 8, 2010 for the above publicly advertised contract. The low bid proposal, in the amount of \$4,757,151.30, may be compared to the second low bid proposal in the amount of \$5,279,273.65. The low bidder, A. Servidone, Inc./B. Anthony Construction Corp., a Joint Venture Company, has previously performed work for the Authority and is considered competent to complete this contract.

It is, therefore, recommended that Contract No. T869.120.001 be awarded to the low bidder, A. Servidone Inc./B. Anthony Construction Corp., a Joint Venture Company, of Old Bridge, New Jersey, in the amount of \$4,757,151.30. 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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**100-10**

In a memorandum dated April 9, 2010, concerning the recommendation to **Issue Supplement A to Order for Professional Services No. T3117 – Arora and Associates P.C. –** New Jersey Turnpike, Interchange 6 – 9 Widening Program, Final Design Services, Design Section 7, 2009 Capital Construction Program No. 31018001 and Future Bond Issue.

This Order for Professional Services (OPS) was issued at the March 2007 Commission Meeting, in the amount of \$10,950,000 and provides for engineering services associated with final design and preparation of contract documents and other ancillary activities and services required for the final design of Section No. 7 of the Interchange 6-9 Widening Program.

This Supplement will compensate for additional design services to revise the preliminary design based on a reduced minimum vertical clearance from an existing railroad to the proposed Turnpike mainline structures, which the Authority negotiated during final design and was recently agreed to by Conrail. This revision will provide a more desirable geometric design, as well as a reduction to the contract construction cost by approximately \$18,000,000, resulting in a net savings to the Authority in the amount of \$14,750,000. Also included for compensation in this Supplement is additional coordination with Colonial Pipeline Company, associated Right-of-Way and slope revisions, and additional environmental efforts to resolve NJDEP and Soil Conservation District permit concerns.

Arora and Associates, P.C. has submitted a proposal in the amount of \$3,250,000 to provide the required services, which has been reviewed, negotiated and considered reasonable.

It is, therefore, recommended that Supplemental OPS No. T3117A be issued to Arora and Associates, P.C. in the amount of \$3,250,000, with compensation on the same basis as the original OPS. The addition of this amount increases the total authorized fee from \$10,950,000 to \$14,200,000. 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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**101A-10 and 101B-10**

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

**Payment:**

<u>CONTRACT NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
<b><u>Contract P100.062</u></b>	Joseph M. Sanzari, Inc. Garden State Parkway Miscellaneous Structural Repairs Milepost 00.0 to Milepost 172.0 Cape May, Atlantic, Burlington, Ocean, Monmouth, Middlesex, Union, Essex, Passaic and Bergen Counties Maintenance Reserve Fund No. 03020008	\$ 43,858.81
<b><u>Contract P300.041</u></b>	Kevco Electric Inc. Garden State Parkway and New Jersey Turnpike Traffic Detection Stations Parkway Mainline Toll Plazas, Milepost 19.25 to 160.6 and Turnpike Interchange 17 Cape May, Atlantic, Burlington, Ocean, Monmouth, Middlesex, Union, Essex, Bergen and Hudson Counties Supplemental Capital Fund No. 08017004	\$106,405.81

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 Certificate, in the amounts shown, due to the contractors for completion of the above contracts.

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**MAINTENANCE**

**102-10**

In a memorandum dated March 31, 2010, concerning the recommendation to Award Contract No. P500.191 – J.D.S. General Contracting Inc. – Garden State Parkway, Roof Replacement at Smith Street Warehouse, 262 Smith Street, Woodbridge, Middlesex County, Supplemental Capital Fund No. 08007019.

This contract consists of the removal and replacement of the roof system at the Smith Street Warehouse located at 262 Smith Street, Woodbridge, Middlesex County.

Eleven (11) proposals were received on February 25, 2010 for the above publicly advertised contract. The low bid, in the amount of \$78,500.00 is approximately 58% less than the Engineer's Estimate but may be compared to the second low bid proposal in the amount of \$80,395.00. The low bidder, J.D.S. General Contracting, Inc. has not previously performed similar work for the Authority but is considered competent to complete this contract.

It is, therefore, recommended that Contract No. P500.191 be awarded to the low bidder, J.D.S. General Contracting, Inc. of Millstone, New Jersey, in the amount of \$78,500.00. 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.

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

On motion by Commissioner DuPont, seconded by Commissioner Diaz, the Authority approved items 94-10 and 96-10 through 102-10; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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### **PURCHASING**

Purchasing Director Ward deferred General Business item 104-10, identified the Purchasing agenda as routine goods and services and requested approval. Moved as a group, items 103A-10 through 103D-10 are as follows:

#### **103A-10**

In a memorandum dated April 19, 2010, concerning the recommendation **to Award a Professional Services Contract – Pinnacle Wireless** – for WiMAX Wireless Communications System, RM-820, Budget Code 08007029.

The Technology and Administrative Services Department (“TAS”) issued a Request for Proposal (“RFP”) requisitioning the services of a communications firm to design, construct, and implement a fully functional WiMAX Radio System for geographic coverage on both roadways. The WiMAX Radio System will provide high speed, high bandwidth communications to the Authority’s intelligent transportation systems, including, but not limited to its: (1) Closed Circuit Television; (2) Variable and Changeable Message Signs; (3) Highway Advisory Radio; and (4) Roadway Weather Information Systems. The intended benefits of the procurement include: improved efficiencies for monitoring, analyzing and improving traffic safety. The contract will also enhance the security of the roadways and mobility of Authority and State Police personnel through faster and more efficient communications. The term of the contract will be for two (2) years, with the Authority having the discretion of extending the contract for two additional one-year terms.

On December 21, 2009, the RFP was advertised in the Star Ledger and the Times and posted on the websites of the Authority and the State of New Jersey. In addition, a pre-proposal meeting was held on January 12, 2010 to provide uniform information to all prospective proposers. Thirty seven firms attended the pre-proposal meeting. On February 22, 2010, the Authority received proposals from the following five firms: 1) Alcatel-Lucent, Wall, NJ ; 2) BCI

Communications, Inc., Fair Lawn, NJ; 3) Harris Corporation, Rochester, NY; 4) Pinnacle Wireless, Hackensack, NJ; and 5) SmartWAVE Technologies, Suwanee, GA.

The process for this professional services contract was conducted in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.1(b) and Executive Order No. 37 (Corzine 2006). An evaluation committee (“Committee”), which had been recommended by the Director of Technology and Administrative Services Department (“TAS”) and approved by the Executive Director consisted of personnel from the Authority’s TAS, Engineering and Electronic Toll Collection Departments (the “Committee”). The Committee also received technical assistance from HNTB, the Authority’s General Engineering Consultant. The Committee reviewed the proposals based on the criteria set forth in the RFP. The Committee Report detailing the evaluation process was submitted. Given the varied technologies proposed and the complexity of the procurement, all five firms were invited to make oral presentations. Following the presentations, the Committee ranked the firms as follows:

<u>Rank</u>	<u>Cost</u>
1. Pinnacle Wireless	\$6,120,168.25
2. BCI Communications	\$6,271,137.00
3. Alcatel-Lucent	\$7,453,758.00
4. Harris Corporation	\$9,060,915.00
5. SmartWAVE Technologies	\$3,495,600.00*

The Committee graded Pinnacle Wireless (“Pinnacle”) with the highest score of 79/100 because this firm’s proposal was the most complete as it addressed each requirement in the RFP. Specifically, Pinnacle Wireless demonstrated the best understanding of the technical design process and was the only firm to include a preliminary “Concept of Operations” document as required in the RFP. In addition, this firm gave a clear and thorough oral presentation, complete with samples of all proposed equipment and detailed explanation of how the firm would meet all the technical requirements. Pinnacle Wireless, a relatively large New Jersey supplier and/or installer of wireless communications systems, has installed similar systems in the State for the Meadowlands Sports Complex, Hudson County and the City of Harrison. Also, Pinnacle’s references gave it strong recommendations. Furthermore, Pinnacle’s proposed cost is the lowest of the four qualified firms and is 16% below the Engineer’s Estimate (of \$7,250,000).

\* SmartWAVE Technologies proposed the lowest cost for the Services. This firm however, received the lowest score of 62/100 because the Committee concluded that it is not qualified to perform the Services. SmartWAVE Technologies’ proposal demonstrated the least understanding of the technical design process and its installation support subcontractor showed no radio system and testing requirements experience. In addition, the firm does not have a northeast area presence. The key members of the design team are located in Alaska and California. Moreover, SmartWAVE Technologies’ proposal is incomplete. For example, the proposal does not include the prices for essential mounting structures and backhaul connectivity equipment as required by the RFP.

Accordingly, it is recommended that the professional services contract for the WiMAX Wireless Communications System be awarded to Pinnacle Wireless. The cost of the contract will be in an amount not to exceed \$6,120,168.25 (\$2,700,000 for 2010, and \$3,420,168.25 for 2011), subject to availability of funding at the time of services. (The total price includes maintenance and support during the two years.) This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee(s) pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 and having no objection to same.

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**103B-10**

In a memorandum dated April 16, 2010, concerning the recommendation to **Award a Professional Services Contract – Allvision LLC** – Billboard Management Services, RM 855.

In 1996, the Authority enacted a Billboard Policy in an effort to explore and implement non-toll revenue generating programs. The Authority's intent was to generate revenue by promoting, in its right-of-way, outdoor advertising that would neither impede the safe flow of traffic nor negatively impact the environment. Subsequently, in 2000, the Authority entered into contracts with two billboard advertising firms, Clear Channel Outdoor, Inc. and CBS Outdoor, to construct and maintain billboards on the New Jersey Turnpike for a term of ten (10) years. The Authority currently receives an annual total of \$575,000 from the two contracts. These contracts are scheduled to expire on May 25, 2010.

In order to continue maximum revenue generation from outdoor advertisement, the Authority solicited the services of a billboard management firm (the "Firm"). The Firm will manage the existing eight (8) billboards and explore potential revenue from 52 additional permits issued to the Authority by the New Jersey Department of Transportation. The Firm will also be required to solicit construction contracts for new billboards and to maintain the existing and new billboards ("Services"). The term of the contract will be for five (5) years with the Authority having the sole discretion of extending the contract for five additional years.

In March 2010, the Authority advertised the request for proposal ("RFP") and distributed it to five firms. The Authority received proposals from two firms, Allvision, LLC, New York, NY ("Allvision") and Right Angle Media, Churchville, PA.

The process for 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). An evaluation committee (the "Committee"), consisting of personnel from Patron Services Division, Internal Audit and Finance Departments was established. The Committee reviewed and ranked the proposals based on the criteria set forth in the RFP. Allvision's proposal was ranked first and received a score of 92/100. The Committee members unanimously recommend that the contract be awarded to Allvision.

Allvision submitted a comprehensive proposal responsive to the RFP's evaluation criteria. Allvision's project team demonstrated extensive current experience, especially in the New York/New Jersey/Pennsylvania billboard market. The firm showed a working relationship with all of the major billboard companies in North America. In addition, Allvision could meet all the requested services (including maintenance services). Allvision received excellent references, including one from New Jersey Transit Corporation, which claimed significant increases in billboard revenue (above 300%) since Allvision began managing its billboards in 2004. Although the proposal from the second ranked firm, Right Angle Media, was responsive, the Committee found this firm to be less qualified with respect to providing essential services, and thus gave the firm a score of 77.33/100. For example, Right Angle Media is not as experienced in billboard management and it proposed a relatively small project team to meet the RFP requirements. In addition, this firm's significant current experience is primarily in the western Pennsylvania billboard market, and the firm has not conducted business in New Jersey in almost 20 years. Furthermore, Right Angle Media did not address essential maintenance services stated in the RFP.

Allvision proposed the following remittances to the Authority, based on the annual revenue generated: a) 100% of the first \$575,000 (current contract revenue); b) plus 82.5% of the revenue between \$575,001 and \$1 million; and c) plus 75% of the revenue over \$1 million. In addition, for any new billboard contracts generated that would result in up-front payments, along with the current baseline amount Allvision would remit to the Authority 65% of the up-front payments. Both firms proposed annual fee projections consistent with each other. Using conservative estimates, Right Angle Media proposed a fee structure that, over a 10-year period, would generate approximately \$150,000 more in total revenue than the structure proposed by Allvision. Given the above-mentioned weaknesses in Right Angle Media's overall proposal, however, the Committee concluded that Allvision is more likely to realize its projected revenue numbers.

Accordingly, it is recommended that the professional services contract for billboard management services be awarded to Allvision, LLC as outlined herein. This award is also contingent upon the Treasurer of the State of New Jersey completing the review of all documents submitted by the selected awardee(s) pursuant to Public Law 2005, Chapter 51 and Executive Order No. 117 (Corzine 2008) and having no objection to same.

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**103C-10**

In a memorandum dated April 15, 2010, concerning **Ratification of Award of Emergency Procurement Contract PR 70976 – Sulzer Pumps (US) Inc.** – New Jersey Turnpike, Pump Repairs, Woodbridge Storm Water Pump Station, MP 92, Budget Code: 01-040-580-653010.

The Authority operates and maintains a storm water pump station (“Station”) located at Milepost 92 on the New Jersey Turnpike, Woodbridge, New Jersey. The Station utilizes three (3) Johnson/Sulzer Vertical Storm Drain Pumps (“Pumps”) each capable of removing 40,000 gallons of water per minute from the adjacent culvert. One of the Pumps became inoperable in 2009. In March of this year, a second one malfunctioned, leaving the Station with only one operable pump. The State has experienced record rainfall in 2010. Given the possibility of additional rainfall, the Maintenance Department promptly secured two (2) temporary pumps to prevent roadway flooding, property damage and traffic disruption. The temporary pumps were rented and installed at the Station. These temporary pumps remove only 7,000 gallons per minute, significantly less than the permanent Pumps. In addition, retaining the two (2) temporary pumps for an extended period would be cost prohibitive in light of the \$33,000 per month rental costs. Maintenance staff determined that it would take more than one year to design, procure and install new customized pumps for the Station. In the event of stormy conditions (which are not unusual in the upcoming spring and summer seasons), the threat of flooding on the Turnpike still exists, even with the temporary pumps. Thus, the Maintenance Department requisitioned the immediate rebuilding of the two (2) disabled Pumps.

Maintenance staff found only one vendor, Sulzer Pump (US) Inc. capable of supplying parts and reassembling the Pumps. The Pumps were originally custom-designed for the Station by the Johnson firm which was later acquired by Sulzer Pump (US) Inc. The Authority received a price quotation from Sulzer Pump (US) Inc. in the amount of approximately \$200,000. This price includes removal, crane rental, transportation, evaluation, and rehabilitation of the Pumps. Fixed line item prices for some of the services will be determined after inspection. It will take approximately six weeks to rebuild the Pumps. The Maintenance Department found the price to be reasonable given the nature of the repairs.

Accordingly, in light of the emergent nature of the procurement, and in order to protect the health and safety of the motoring public-at-large, which necessitated the rebuilding of the Station Pumps, the Maintenance Department requests authorization, without advertisement, to ratify the contract with Sulzer Pumps (US) Inc., Bridgeport, New Jersey, in an amount not to exceed \$200,000, as permitted under the exigency exception to the Authority’s public bid mandate of N.J.S.A. 27:23-6.1 and Executive Order No. 37 (Corzine). Resolution 103C-10 follows:

REBUILDING OF STORM WATER PUMPS  
AT MP 92 NORTHBOUND TURNPIKE, WOODBRIDGE

WHEREAS; the Authority operates and maintains the Storm Water Pump Station located at Milepost 92 on the New Jersey Turnpike (“Station”); and

WHEREAS, the Station houses three (3) Johnson/Sulzer Vertical Storm Drain Pumps (“Pumps”) each of which is capable of removing 40,000 gallons of water per minute from the adjacent culvert; and

WHEREAS, by March 2010, two of the three Pumps malfunctioned threatening roadway flooding, property damage and traffic disruption; and

WHEREAS, the Maintenance Department determined that the threats to public safety needed to be addressed promptly and rented two temporary pumps, at the combined price of \$33,000 per month; and

WHEREAS, the Maintenance Department concluded that the temporary pumps were insufficient given that they each only pump 7,000 gallons per minute and are expensive to rent for an extended period of time; and

WHEREAS, the Maintenance Department determined that it would take more than one year to design, procure, build and install new customized pumps at the Station, making that option impracticable; and

WHEREAS, Sulzer Pumps (US) Inc. is the only vendor in the eastern United States with available parts and ability to repair and rebuild the existing Pumps in a timely fashion; and

WHEREAS, Sulzer Pumps (US) Inc. submitted a quotation in the approximate amount of \$200,000 to rebuild the two Pumps;

WHEREAS, the Maintenance Department staff believed that the quotation was reasonable and asked Sulzer Pumps (US) Inc. to commence the repair services as quoted;

NOW THEREFORE, BE IT RESOLVED, that in the best interests to ensure the safety of the motoring public, that the contract to Sulzer Pumps (US) Inc. for rebuilding two Johnson/Sulzer Pumps in an amount not to exceed \$200,000 be ratified and that this action be taken under the exigency exception to the public bid mandate of N.J.S.A. 27:23-6.1.

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**103D-10**

In a memorandum dated April 15, 2010, concerning the recommendation to **Rescind Award and Re-Award RM-725 – Integrated Building Controls Inc.** – Heating Ventilation and Air Conditioning Control Systems Maintenance.

Authorization is requested to rescind the award of contract to Siemens Building Technologies, Inc., Pine Brook, NJ (“Siemens”) and to award the contract to Integrated Building Controls, Inc., Dayton, NJ (“Integrated”).

At the June 30, 2009 Commission Meeting (Agenda Item 163F-09), the Board of Commissioners granted authorization to award a contract for the maintenance of the HVAC temperature control systems at all New Jersey Turnpike facilities. The contract was publicly bid in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.2 and Executive Order 37 (Corzine 2006). The contract was for an 18-month term in the amount not to exceed \$412,500. In addition, the Authority has the sole discretion of extending the contract, under the same terms and conditions, for two additional one-year terms.

Following the award of the contract, Integrated, the second low bidder, filed a notice protesting the bid award to Siemens. Pursuant to the Authority’s Regulations, the procurement process was suspended pending resolution of the protest. A hearing was subsequently held to resolve the protest. The dispute related to the discounts proposed by the bidders in their submissions. The specifications required the bidders to quote: (1) hourly rates for technicians and engineers; and (2) discounts off the Manufacturers’ List Prices (“MLP”) for \$150,000 worth of miscellaneous replacement parts. The two sets of prices were then totaled and a determination made as to the lowest complying and responsible bidder. On the bid sheet, Siemens quoted 70% discounts off the MLP. On the “exceptions” page, Siemens qualified its discounts by stating that the 70% only apply to Siemens’ manufactured parts. Siemens, however, would charge the cost

plus 10% for overhead and 10% for profit for non-Siemens' parts. Integrated proposed 50% discounts off the MLP for all parts, with no exceptions. Integrated argued that it was not possible to determine how much of the parts would be discounted at 70% and how much would be subject to Siemens' exceptions. The Hearing Officer concluded that the qualifications on the discounts as proposed by Siemens made it impossible to quantify the cost to the Authority for the parts and therefore amounted to a material deviation from the bid specifications, causing the Siemens bid to be non-responsive to the bid specifications. Thus, the Hearing Officer upheld Integrated's protest. The Hearing Officer also recommended that the Authority rescind the contract award to Siemens and either re-bid with revised specifications, taking into account the circumstances regarding the exceptions to the discounts, or award the contract to the next lowest complying and responsible low bidder.

Given the necessity of HVAC services, especially in time for the summer season, the Maintenance Department has requested that the contract be awarded to Integrated, which is the next responsible low bidder. The Law Department and General Counsel concur with this recommendation.

Accordingly authorization is requested to rescind the contract awarded to Siemens Building Technologies, Inc. and re-award the 18-month contract to Integrated Building Controls, Inc. in an amount not to exceed \$412, 500, subject to availability at the time of service.

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 DuPont, seconded by Commissioner Hodes, the Authority unanimously approved purchasing items 103A-10 through 103D-10; and authorized and/or ratified, as presented, the recommendations contained therein; and received and filed the memoranda.

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## **GENERAL BUSINESS**

### **104-10**

ITEM DEFERRED

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Deputy Law Director Cavanaugh outlined the recommendations and requested approval of Items 105-10 and 106-10. Moved together, those items are as follows:

### **105-10**

In a memorandum dated April 19, 2010, concerning the recommendation for **Placement of Professional Services Contract for Brokers; and Placement of Insurance Policies for Major Bridges and All Other Non-Bridge Property including Boiler & Machinery – for Garden State Parkway**, Operating Budget Account No. 0100089044100.

The New Jersey Turnpike Authority (the "Authority") maintains the following two lines of insurance, for the Garden State Parkway, both of which are scheduled to expire on May 1, 2010:

(1) Bridge Insurance; and (2) All other Non-Bridge Property Insurance including Boiler and Machinery Coverage. In preparation for the renewals, a Request for Proposal for Broker Services (the “RFP”) was prepared and advertised. The RFP was mailed to twenty (20) brokers and six (6) market assignments were provided to brokerage firms.

The professional services procurement process was conducted in accordance with N.J.S.A. 27:23-6.1, N.J.A.C. 19:9-2.1 (b) and Executive Order No. 37 (Corzine 2006). Proposals were due April 6, 2010. An Evaluation and Selection Committee (the “Committee”) was established which consisted of representatives of the Law and Engineering Departments. Two (2) proposers responded to the RFP for Bridge Insurance: Risk Strategies Company, New York, N.Y. and Arthur J. Gallagher & Co., White Plains, N.Y. Three (3) proposers responded to the RFP for All Other Non-Bridge Property Insurance including Boiler & Machinery Coverage: Arthur J. Gallagher & Co., White Plains, N.Y.; BGIA, Woodbridge, N.J. and Wells Fargo Insurance Services, Summit, N.J. The Committee recommended two firms whose proposals are the most competitive and best meet all the requirements of the expiring policies. The Committee unanimously recommends placement of the following policies to the brokers and insurance companies set forth below:

1) Bridge Insurance for Parkway – Broker Services awarded to: Risk Strategies Co. Inc. with the following carriers: ACE/Westchester Fire Insurance Company (first \$50,000,000 of coverage); Landmark American Insurance Company (next \$40,000,000 excess of \$50,000,000); and Ironshore Specialty Insurance Company (next \$10,000,000 excess of \$90,000,000) for a period of one (1) year. As set forth in the RFP, Risk Strategies will remain as Broker of Record for three (3) years and will be required to obtain no less than three (3) competitive quotes in each subsequent year of renewal. The premium proposed by Risk Strategies is \$879,221, for the first year, inclusive of all applicable surcharges. This compares favorably to the expiring premium of \$1,086,000, reflecting a decrease of 19%.

2) All Other Non-Bridge Property Insurance including Boiler and Machinery coverage for Parkway – Broker Services awarded to: Wells Fargo Insurance Services USA Inc. (“Wells Fargo”) as Broker of Record with Westchester Fire Insurance Company as carrier for a period of one (1) year. As set forth in the RFP, Wells Fargo will remain as Broker of Record for three (3) years and will be required to obtain no less than three (3) competitive quotes in each subsequent year of renewal. The annual premium presented by Wells Fargo is \$249,230. This compares favorably to the expiring premium of \$280,056, and reflects a decrease in rate per thousand dollars of insurable value from \$1.26 to \$1.12.

It is therefore recommended that the insurance policies above be placed with the brokers and insurance companies upon the terms and conditions as set forth above. It is further recommended that the Executive Director be authorized to execute all documents and to take all further actions to effectuate the authority set forth above.

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**106-10**

In a memorandum dated April 7, 2010, concerning the authorization to **Bind Railroad Protective Insurance Coverage for the Authority's Rolling Owner Controlled Insurance Program ("ROCIIP")** – Carrier: Arch Insurance Company; Broker: Aon Risk Services

This is to insure railroad exposures on all rolling construction projects on the Turnpike and Garden State Parkway, in total limits to conform to each railroad's requirements, Period: Five Years; Total Premium, including TRIA and PLIGA, of not greater than \$233,775.00: Project Number 31011025 - \$65,457.00; Project Number 31011012 - \$53,768.25; Project Number 31001010 - \$37,404.00; Project Number 31001008 - \$23,377.50; Project Number 03010001 - \$35,066.25; and Project Number 03020001 - \$18,702.00.

By Agenda Item 164-09, at the June 2009 Commission Meeting, the Commissioners authorized, approved and ratified the placement of various insurance coverages with various insurance companies with respect to the Rolling Owner Controlled Insurance Program ("OCIP"). At that time, in an effort to achieve additional savings for the Authority by purchasing all railroad protective insurance as one policy, the Authority advised contractors that it would assume responsibility for securing railroad protective insurance for all construction projects within the OCIP. To do so, Aon Risk Services, the Authority's broker, has advised that a cost effective way to do this would be to put together a "rolling" Railroad Protective Insurance program for all railroads affected by the construction.

The Authority's Engineering Department has analyzed the types and locations of the construction projects anticipated to be completed within the first five (5) years of the Authority's Capital Plan and have arrived at the estimated construction value for all construction within 50 feet of a railroad to be \$45,145,500.00.

Aon Risk Services, has competitively marketed this program to four (4) underwriters, and has negotiated the two most favorable quotations with the two (2) underwriters, Arch and Zurich. Zurich submitted a quote of \$0.65 per \$100.00 of construction value or \$293,445.75 which was significantly higher than the recommended quote. Additionally and notably, Zurich required a minimum premium of \$2,000 for a number of the smaller contracts, which Arch did not require.

The proposal submitted by Arch Insurance Company, provides all required insurance coverage for all railroad exposures at a rate of \$0.50 per \$100.00 of construction value, for a total premium of not greater than \$233,775.00, which includes a TRIA charge of \$4,514.55 and PLIGA of \$2,031.55. The premium is subject to audit at the end of the five (5) year term, based on actual construction value.

It is therefore recommended that the Commissioners authorize and approve the placement of the insurance coverage as described above with Arch Insurance Company at the limits, terms and premium amounts as set forth above. It is further recommended that the Executive Director be authorized to sign such documents and take any additional actions to further the intent of the above

recommendation. Additionally, it is requested that the Commissioners ratify all acts taken to date in furtherance of the insurance placement substantially as set forth above.

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

On motion by Commissioner DuPont, seconded by Commissioner Hodes, the Authority unanimously approved items 105-10 and 106-10; and authorized, as presented, the recommendations contained therein; and received and filed the memoranda.

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**107-10**

Electronic Tolls Director Switaj presented a memorandum dated April 15, 2010, concerning the recommendation to **Amend Supplement R to Professional Services Agreement with ACS State and Local Solutions, Inc.** – to Purchase Transponders from Mark IV IVHS Inc, on Behalf of the New Jersey E-ZPass Program.

At its July 22, 2008 meeting, the Authority's Board of Commissioners approved Supplement R to the Professional Services Agreement with ACS State and Local Solutions, Inc. to allow for a more efficient process in the ordering, inventorying, and paying for transponders needed for the New Jersey E-ZPass Program.

Consistent with the terms of Supplement R, the Authority has determined that the New Jersey E-ZPass Program requires approximately 155,000 Mark IV transponders, of various types, to service accounts for the New Jersey E-ZPass toll collection operations through December 31, 2010. This action will allow for new enrollments into the New Jersey E-ZPass Program to continue without interruption through 2010. It will also allow the Authority to have sufficient replacement transponders on hand through 2010. The total cost of this purchase is estimated at \$3.5 million. Also consistent with the terms of Supplement R, the Authority will pay ACS the same price for the transponders as it would if it purchased them directly from Mark IV.

Therefore, it is recommended that Supplement R to Professional Services Agreement with ACS State and Local Solutions, Inc. be amended to authorize the purchase of approximately 155,000 various transponder types through December 2010 at a total amount not to exceed \$3.5 million. These purchases should be charged to Account No. 10000-117920 and as transponders are drawn from inventory they will be charged to the operating fund.

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

On motion by Commissioner Hodes, seconded by Commissioner DuPont, the Authority unanimously approved the recommendation, as presented; and received and filed the memorandum.

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**108-10**

Finance Comptroller Manuelli presented the **Financial Summary** of the New Jersey Turnpike Authority for the three months ended March 31, 2010. She highlighted that total revenue was about \$11 million under budget which is mostly attributed to the winter storms and their effects not only on toll revenue but on service areas and concessions. However, both traffic and revenue were up in March for the Turnpike and Parkway. In addition, commercial traffic was up 7.7% and is the highest since March 2008.

The Chairman asked why the fuel (revenue) is down even though gallons sold were up. Ms. Manuelli said that commissions on gallons sold are up. However, in accordance with the Authority's agreement with Sunoco, and in an effort to provide the most responsible competitive diesel fuel price, commissions on diesel fuel are shared based on a 50/50 split of profit margins, and profit margins are down this year which causes the revenues to be down.

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

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**109-10**

**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 4/9/10, together with 2009 – 2010 Yearly Comparisons for the three months through March 2010.

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

Chairman Simpson asked the Operations Director what the status was regarding safety and if extra attention was being paid to construction zones. Director Hill said that attention to safety is always paid to the whole of the roadways, especially construction zones; and that there have been a few bad weekends but overall we are doing well.

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**110-10**

**New Jersey State Police Troops D and E - Reports of Activities**, submitted for the three months through March, 2010, including 2009 – 2010 Yearly Comparisons, were presented by Major Burke, New Jersey State Police Troop E Commander.

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

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Upon conclusion of all agenda matters, Chairman Simpson opened the floor to public comment on other matters.

Frank Forst, Consultant to Local 194, said there are two items he considered important to all of us. The first is regarding an interview in the Philadelphia Inquirer about manpower for the Turnpike and the State, which read that there were 2000 on the Turnpike and 3000 for the State.

He expressed that, that made it seem as though the DOT is doing more than "we" are. He stated that records show that in the year 2000 there were 595 toll collectors and today there are 317. Further, maintenance had 380 workers and today there are 120, and with 150 more lanes to maintain. Put in perspective, more work with less people in the maintenance of the roadway and, from the union point of view, "our people are doing a good job." In addition, he said that this past snow season "our people" were even sent out to help the DOT with their roads.

Secondly, he referred to an article in the Bergen Record and Star Ledger stating that the "DOT Chief wishes for pot of gold at end of Turnpike." Mr. Forst then illustrated past expenditures which, by his recall, included: Turnpike paid for rebuilding the Driscoll Bridge because the "Parkway had no money"...and... "did not want to raise tolls"; and, to help balance the budget under a previous Governor, the Turnpike Authority bought an I-95 roadway segment for \$400 million from the State and then spent another \$100 million to bring its condition up to meet Authority standards. He continued by telling of a current radio story that reported "our" bridges being bad, he first opined that bridges are bad all over but the Authority has a plan for routine maintenance, and then recounted additional spending examples he found in recent financial reports and agendas that cited Authority money paid \$61,270,000 for State Police salaries and benefits; plus a new building and equipment given to the State Troopers; funding classes for State Troopers, \$22 million to the State Transportation Trust Fund and also contributions to the Authorities Unit.

Mr. Forst concluded his remarks by saying that he was not objecting to these things but when he read the Chairman thinks there is a pot of gold here, the Authority already gives the State, by his calculations, over \$100 million for support services and contributions. He just wanted to "draw a line" to say that the Turnpike has been contributing, and does not want it to be thought that the Turnpike is not doing its part to help the State.

Chairman Simpson thanked Mr. Forst for his comments adding that he appreciated his work.

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The motion to adjourn was made by Commissioner DuPont, seconded by Commissioner Hodes and, after the voice vote, the motion was duly adopted. The Authority adjourned at 10:02 A.M., to meet on Wednesday, May 26, 2010, at 9:30 A.M.

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The Secretary acknowledges receipt of the following documents for file:  
ADDITIONAL REPORTS:

REPORT OF PURCHASES – under Executive Directors Delegated Authority (EDDA) Resolution 40-95, for the one-month period: March 1 through March 31, 2010.

REPORT OF UTILITY ORDERS – under EDDA 117-05, modified by EDDA 150-09; Dated for April 27, 2010.

REPORT SUMMARY OF CONTRACT CHANGE ORDERS; only for Type 1 and Type 2 – Period March 12, 2010 through April 8, 2010; Dated for April 27, 2010.

REPORT OF CONSTRUCTION PROGRESS – Period Ending April 9, 2010; Dated for April 27, 2010.

AGREEMENTS/CONTRACTS:

Insurance – Excess Workers Compensation Policy for New Jersey Turnpike Authority; Broker: Risk Strategies Company. Carrier: Arch Insurance Group, Period 2/1/09 – 2/1/10, authorized 1/28/09; and Period 2/1/10 – 2/1/11, authorized 1/26/10.

Insurance – Architects and Engineers Professional Liability Policy (Errors and Omissions) for New Jersey Turnpike Authority; Broker: Allied North America. Carrier: Zurich, Period 8/31/09 – 8/31/12; authorized 10/27/09.

Insurance – Major Bridge and Property Policies for Turnpike; Broker: NIA Group LLC. Carriers: Lexington (AIG), and Illinois Union (ACE), Period 9/1/09 – 9/1/10; authorized 8/25/09.

Insurance – Major and Minor Bridge Property Policies for Parkway; Broker: Risk Strategies Company. Carriers: Westchester Fire (ACE), Landmark American (RSUI), Ironshore Specialty, Period 2/1/09 – 2/1/10; EDDA 1/28/09 and ratified 2/24/09.

Deeds for Slope Easement, dated January 21, 2010 – from Christopher Vernon – for Turnpike Right-of-Way (ROW) Section 4G, Design Section 4: Parcels E975, 2E975 and E975; Block 41, Lot 8, Robbinsville, Mercer County; authorized 1/26/10.

Deed, dated January 11, 2010 – from Brookland Company – for Turnpike ROW Section 4L, Design Section 8: Parcel 1238, Block 6, Lots 6, 7, 10 and 11; and Block 7, Lots 1 and 2, Monroe Township, Middlesex County; authorized 6/30/09.

Deeds, dated July 25, 2009 – from Richard Havens – for Turnpike ROW Section 4G, Design Section 4: Parcels 957, E957, D957 and RC957, Block 30.03, Lots 10.02, 13 and 14, Robbinsville, Mercer County; authorized 5/27/09.

Deed, dated January 19, 2010 – from David Kielbasa – for Turnpike ROW Section 3F, Design Section 3; Parcel C314; Portion of Block 2724, Lot 111, Hamilton, Mercer County; authorized 3/31/09.

Deed, dated May 6, 2008 – from Hans-Jorg Arzt and Cheryl Arzt – for Turnpike Section 3E, Design Section 2; Parcel No. (Not identified), Block 108; Lot 2.02 (46 Shanahan Lane), Chesterfield Township, Burlington County; authorized 4/16/08.

Deed, dated March 20, 2009 – from 530 Route 33 East Windsor LLC – for Turnpike Section 4J, Design Section 6: Parcel 1105, Block 20.01, Lot 8, East Windsor, Mercer County; authorized 2/24/09.

Deed, dated October 20, 2009 – from Alexander and Margaret Michalchuk – for Turnpike ROW Section 3F, Design Section 3: Parcel No. 315; Block 2732, Lot 1, Hamilton, Mercer County; authorized 7/22/08.

Deed, dated January 20, 2009 – from Blue Rock Holdings LLC – for Turnpike ROW Section 4J, Design Section 6: Parcel No. 1094; Block 22, Lot 60, East Windsor, Mercer County; authorized 12/9/08.

Deed, dated October 23, 2009 – from Frank and Josephine Herdt – for Turnpike Design Section 2, Turnpike (ROW) Section 3E: Parcel 276; Block 108, Lot 2.08, Chesterfield, Burlington County; authorized 10/27/09.

Deed, dated September 26, 2008 – from Dennis and Debra McElvaine – for Turnpike ROW Section 3F, Design Section 3: Parcel No. 319; Block 2725, Lot 3, Hamilton, Mercer County; authorized 7/22/08.

Deeds, dated December 2, 2009 – from Jeffrey Weiser and Alice Kerwick – for Turnpike ROW Section 4G, Design Section 4: Parcels C967, UE967 and 2UE967; Portion of Block 30, Lot 9 Robbinsville, Mercer County; authorized 3/31/09.

Force Account Agreement, dated August 29, 2005 – National Railroad Passenger Corporation (a/k/a Amtrak) – Reimbursement of Force Account Work, Easterly Passaic River Bridge Deck Reconstruction, Miscellaneous Structural and Roadway Improvements, Structure Nos. E107.88 and E109.02; authorized 5/31/05.

Price Agreement ITS2009, dated March 1, 2010 – DAKTRONICS, Inc. – Fabrication of Variable Message Sign and Variable Speed Limit Sign System; authorized 12/16/09.

Contract No. T100.107 – D'Annunzio & Sons Inc.; authorized 1/26/10.

Contract No. P100.108 – Joseph M. Sanzari Inc.; authorized 1/26/10.

Contract No. T100.147 – Allied Painting Inc.; authorized 1/26/10.

Contract No. A300.110 – Agate Construction Co. Inc.; authorized 12/16/09.

Contract No. A600.102A – PKF-Mark III Inc.; authorized 2/23/10.

Contract No. T869.120.002 – Central Jersey Landscaping Inc.; authorized 1/26/10.

Contract No. T869.120.101 – IEW Construction Group Inc.; authorized 1/26/10.

Contract No. T869.120.103 – George Harms Construction; authorized 3/30/10.

Contract No. T869.120.801 – D’Annunzio & Sons Inc.; authorized 1/26/10.

ORDER FOR PROFESSIONAL SERVICES and/or PROFESSIONAL SERVICES AGREEMENTS

OPS No. T3211 – Gannett Fleming Inc. – Design Services; authorized 1/26/10.

OPS No. P3292 – LS Engineering Associates – Bridge Inspection Program; authorized 3/30/10.

OPS No. T3312 – Medina Consultants – Design Services; authorized 1/26/10.

OPS No. A3322 – Wilbur Smith Associates – Traffic Consulting Engineers; authorized 1/26/10.

OPS No. P3323 – Greenman-Pedersen Inc. – Supervision of Construction; authorized 1/26/10.

OPS No. P3324 – Gannett Fleming Inc. – Supervision of Construction; authorized 12/16/09.

OPS No. T3325 – Jacobs Engineering Group Inc. – Supervision of Construction; authorized 1/26/10.

OPS No. T3327 – STV Inc. – Supervision of Construction; authorized 1/26/10.

OPS No. P3328 – Dewberry-Goodkind Inc. – Program Manager; authorized 3/30/10.

OPS No. T3290 – LS Engineering Associates Corp. – Bridge Inspection; authorized 2/23/10.

OPS No. P3296 – Arora and Associates P.C. – Design Services; authorized 1/26/10.

Supplemental OPS No. A3053L – HNTB Corporation – General Consultants and 2006 – 2010 Bridge Inspection Program; authorized 2/23/10.

Supplemental OPS No. A3053M – HNTB Corporation – Out-of-Scope Design Services; authorized 3/30/10.

Supplemental OPS No. T3102B – HNTB Corporation – Program Manager, Turnpike Interchange 6 to Interchange 9 Widening; authorized 12/16/09.

Supplemental OPS No. P3175A – Greenman-Pedersen Inc. – Preliminary Design and Environmental Permitting; authorized 2/23/10.

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Rose Stanko  
Secretary

APPROVED:

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

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Michael R. DuPont, Treasurer

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Harold L. Hodes, Commissioner

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David G. Evans, Commissioner

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Raymond M. Pocino, Commissioner

(ABSENT)

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Troy Singleton, Commissioner

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Ulises E. Diaz, Commissioner