



**MAINE TURNPIKE AUTHORITY  
MEETING  
September 5, 2024**

1. Pursuant to notice, a meeting of the Maine Turnpike Authority was held at 9 a.m. on September 5th, 2024

The following were present:

Daniel Wathen, Chair  
Michael Cianchette, Vice Chair  
Jane Lincoln, Member  
Andrew McLean, Member  
Thomas Zuke, Member  
Bruce Van Note, MaineDOT Commissioner

2. Chairman Daniel Wathen called the meeting to order and presided throughout the meeting. He noted that Executive Director Peter Mills would be late to the meeting due to having experienced car trouble that morning.
3. On motion of Michael Cianchette, seconded by Thomas Zuke, and with unanimous approval of the members present, it was voted to approve the minutes of the board's July 25<sup>th</sup> meeting.
4. John Sirois, Chief Financial Officer and Treasurer, reported on traffic and revenue. He said that traffic was up by just about 1 percent over last year, but noted that last year this month had been up 7 percent over the year before. He said that the MTA had reached the 10 million transactions mark for 2024 in August, the earliest in the year that level of transactions had ever been reached.
5. On motion of Thomas Zuke, seconded by Andrew McLean, with unanimous approval of the members present, it was voted to approve investments of money to the credit of Maine Turnpike Authority funds made during the month of July, 2024, as detailed on a report submitted to this meeting by Bangor Savings Bank, dated August 7<sup>th</sup>, 2024
6. Director of Information Technology Bill Yates described the recent relocation of office personnel required by the headquarters renovation project, including the move of most

customer service personnel to a leased location on Running Hill Road. Mr. Yates said he wanted to recognize the hard work and dedication of his IT staff – Sean Poage, Eben Akakpo, Rory McDougal and Ryan Rutledge - who had worked after hour and weekends to make this a smooth transition and ensure that customer service would be up and running on time. He said he was also very proud of the work done by the programmers on his staff and their successful move to tokenization, which meant the MTA did not have to keep any of its customers' credit card information on file and greatly reduced the risks of a security breach.

7. Director of E-Z Pass Pamela Lambert reported on recent activities of the Employee Appreciation Committee. She said the committee believed that a return to employee banquets would be appreciated by the majority of the employees, as would reinstatement of the policy of giving employees preference in the MTA's periodic equipment auctions. Ms. Lambert also said that she very much appreciated the work of IT personnel in helping her department move, which had greatly reduced the stress involved.
8. Deputy Director of Fare Collection Scott LaChance reported on recent activities of the Employee Development Committee. He said there were three types of training programs available to employees at the MTA – position specific, department specific, and outside higher education. He said the committee was working on a policy that addressed all three of these for review by the Policy Committee.
9. Deputy Director of Engineering Kristi Van Ooyen reported on recent activities of the employee Policy Committee. She said the committee had been working on the MTA's vehicle policy and weapons policy.
10. Michael Cianchette reported on the Personnel Committee's August 1<sup>st</sup> meeting. Mr. Cianchette said that bids had been received to administer the MTA's med flex and co-pay program, the FLSA overtime classifications were being implemented, and performance evaluations had been simplified. He said there were further recommendations from the committee on reclassifications of maintenance employees that would be discussed in executive session.
11. Chairman Wathen directed the board's attention to the current committee assignments and asked if any board members were interested in changes to the committee on which they served. No interest in change was expressed and Chairman Wathen said the assignments would remain the same.
12. Financial Analyst Tyler Laverriere presented the bids received for the annual renewal of the MTA's insurance policies. He said that the price increases in most of the policies had occurred mainly due to the recent large claims related to the fires in Litchfield and York. He mentioned that the cyber policy premium had decreased, possibly due to the MTA's implementation of tokenization.
13. On motion of Thomas Zuke, seconded by Jane Lincoln, and with unanimous approval of the members present, it was voted to approve contracts for insurance policies with Acadia

Insurance (Commercial, General Liability & Auto), Chubb Group (Public Officials & Fiduciary), and Travelers Insurance (Crime and Cyber), for a total premium amount of \$1,698,903, as presented to the board on a document titled “2024 Insurance Proposals – Executive Summary.”

14. Chairman Daniel Wathen asked if there were any questions or objections related to items on the consent agenda. There were none, and the September Contract Consent Agenda was considered approved.
15. On motion of Michael Cianchette, seconded by Thomas Zuke, and with unanimous approval of the members present, it was voted to approve final payment on the following contracts:
  - Contract 2021.08 – Portland Area Widening and Safety Improvements, to Shaw Brothers, in the amount of \$ 419,047.43, for a final contract amount of \$25,312,528.94.
  - Contract 2023.01 – Northern Paving, to Pike Industries, in the amount of \$631,312.29, for a final contract amount of \$8,991,486.06.
16. Deputy Director of Engineering Kristi Van Ooyen presented a slate of proposed awards for construction services , engineering design services and general engineering consulting services. Michael Cianchette asked why the MTA had received only one response to the General Engineering Consultant solicitation. Ms. Van Ooyen said she had not received any feedback, but assumed it was because the other firms solicited did not have as strong a toll section as HNTB, which concentrated heavily on toll agencies.
17. On motion of Thomas Zuke, seconded by Jane Lincoln, and with unanimous approval of the members present, it was voted to approve the engineering consultant contracts as presented.
18. Deputy Director of Engineering Kristi Van Ooyen described some damage to the girder on the Stevenstown Road Bridge in Litchfield. She said the damage had been discovered by an employee and the MTA did not have any indication who might be responsible for it. She said the bridge was safe for traffic and that a contract for heat straightening the girder was being put together.
19. Project Manager Jamie Mason reported on ongoing construction projects. He said that the administrative buildings were being constructed on the Saco Interchange project and the collector/distributor and ramp were being paved. He said that he expected concrete would be set on the Route 122 bridge project within the next couple of weeks. He said that the contractor on the headquarters project was installing lights and doing rough plumbing for the heating upgrades. He said the mainline work on the Kittery paving project was almost complete. He said that bollards to protect the new propane tank at York Maintenance had been set and that the MTA was still waiting for the final building design with submittals

expected by the end of the week, and the structure hopefully complete by the end of the year.

20. Director of Communications Erin Courtney reported on items related to her department. She presented a proposed “Third Party Partnership Agreement” with MaineDOT and the Greater Portland Transit District to fund a conceptual design study for a rapid transit project in the Gorham-Westbrook-Portland corridor. Ms. Courtney said that the MTA had made a commitment as part of the Portland Area Widening project to provide more support for transit in the greater Portland area. She said the agreement included a \$96,000 MTA contribution and a \$300,000 contribution by MaineDOT. She said the agreement was still in draft form and that it would be returning to the board for approval at a future meeting.
21. Erin Courtney said that the public comments received on the MTA’s Four Year Capital Plan had been included in the board book. She said that staff would be recommending that the Gorham Connector be removed from the final version of the Four Year Plan, since it was still under evaluation by the MTA.
22. Erin Courtney directed the board’s attention to a memo from Acting Executive Director Peter Merfeld describing changes to the Gorham Connector Public Information Plan. Ms. Courtney noted that when the process had started earlier this year the MTA had picked up from where the legislative act in 2017 had prompted them to be by examining the possibility of a new road. She said other alternatives had been studied and rejected before and had therefore not received equivalent attention in this process thus far. She said that she expected the balance of 2024 would be determining how to move forward and keep the public informed of the MTA’s plans in the meantime.
23. Andrew McLean asked what rapid transit would mean for traffic congestion in the area and asked if the study just discussed examined what that result was likely to be. Ms. Courtney replied that the study funded by the Third Party Partnership Agreement was focused on design and would not examine traffic impacts, but that the upcoming MaineDOT transit and trails study would.
24. Executive Director Peter Mills arrived at this point and addressed the board. He noted that this would be his last meeting as executive director but that he would be happy to continue to assist the MTA in any way he could, especially in regard to issues raised by the Gorham Connector. Mr. Mills noted that most large projects seemed to encounter resistance at some point and reminded the board that it had taken several years just to accomplish something as relatively simple as moving the York Toll Plaza from a location where it had been sinking into the ground. He said that the Gorham Connector was a project on an entirely different scale and that, while he believed it would ultimately be built, he agreed that the MTA needed to spend a lot of time improving its public process. He suggested that concurrently with this the MTA should use equipment it owned to measure traffic in the area and noted that the other day he had personally counted 700 vehicles lined up at one intersection. He said that the MTA should make efforts to give the public more current and accurate information on traffic by taking consistent, accurate traffic counts.

25. Mr. Mills noted that the Saco Interchange project seemed to have proceeded very successfully so far. He said that this interchange would draw a lot of traffic from local roads and be a significant source of improvement to mobility south of Portland.
26. Mr. Mills said that he had been lucky to have a fabulous job for the last 13 years and that he would always be available if needed to assist the MTA in some capacity if needed.
27. Chairman Daniel Wathen reviewed some of the highlights of Peter Mills' tenure at the MTA, including improvement of the MTA's bond rating, which allowed the MTA to save millions of dollars by refinancing its bonds; guiding the MTA through COVID while continuing to contribute \$145 million to Maine's economy during the shutdown by keeping large construction projects like the Portland Widening open; the legislation passed in 2011, largely written by Mr. Mills, to implement reforms recommended by OPEGA, improve the MTA budget process and permit enforcement reciprocity agreements with toll agencies in other states; implementing those reciprocity agreements with New Hampshire and Massachusetts which were the first such agreements in the country; the York Toll Plaza relocation, the Portland Area Widening, and major toll plaza projects, including the conversion of all mainline plazas to Open Road Tolling, a redesigned Exit 45 and Gray Interchange, and the ongoing construction of a new interchange in Saco. Chairman Wathen noted that in the early days Peter Mills had often described his position in the MTA as like "being in toll highway school" and said that Mr. Mills had graduated with distinction.
28. Director of Building Maintenance Shawn Laverdiere presented a proposal to replace the flooring at the MTA's maintenance areas.
29. On motion of Michael Cianchette, seconded by Thomas Zuke, and with unanimous approval of the members present, it was voted to approve a contract for \$61,449.00 to Hascall and Hall for removal of the tile flooring and concrete polishing at seven maintenance areas.
30. Stanis Roberts of Scarborough introduced himself and said that he was there to comment on the Gorham Connector project. Mr. Roberts said that the most essential component in decision making was accurate, unbiased information. He said that the corporation that has been responsible for all of the information provided on the connector since 2012 also stood to make a lot of money from the connector and he believed that was a conflict of interest. He said that misrepresentations had been made, such as the assertion that traffic was at or above pre-Covid levels, even though some sites where MaineDOT traffic counts had been taken were showing a significant decrease. Mr. Roberts said that traffic on local roads had peaked about ten years ago and on average had declined since that time, in spite of significant population growth. He asserted that the cost quoted for the connector had the public meeting had been "around \$250 million", but at the same time that was said a document existed in the MTA's possession showing the cost as being over \$300 million. He said that he had requested a copy of a 2023 Traffic and Revenues Study mentioned on the MTA's website and been told it did not exist, in spite of the fact that the MTA had spent over \$ 1 million on that study since 2019.

31. Mark Edgerly of the Highway Maintenance department presented a proposal signed by several highway maintenance employees asking that the MTA raise all Maintenance and Operations union positions to 110% based on the recent market analysis study.
32. Elizabeth Trice of Portland commented on issues related to the Gorham Connector project. Ms. Trice said she appreciated the MTA's efforts. She said that highways contributed to housing issues, but that planning was the solution to them. She noted that at the MTA's public meeting in the spring, 97 percent of those commenting had opposed the connector and she found it disappointing that the MTA seemed to be continuing to move forward with an attempt to change the public's mind. She urged the MTA to look at different solutions, such as signal coordination and bicycle lanes.
33. Warren Knight , co-owner of Smiling Hill Farms, addressed the board on the Gorham Connector. He said he felt like the public meeting in March had been a success at engaging the public and asked why subsequent meetings were cancelled. He said that his opposition to this project had begun as a parochial one but that he had come to realize there were much more important concerns here. He suggested that board members read a book called "Killed by a Traffic Engineer", which showed the mindset of many traffic engineers and planners that their job was to plan a project and then defend it rather than truly engage with the public. He said that the Gorham Connector was a zombie project that was only walking around because so much money had been pumped into it and that somebody needed to have the courage to kill it.
34. Chairman Daniel Wathen noted that every September the MTA elected its Vice-Chair, Executive Director, Secretary and Treasurer, for the coming year. He asked for nominations for these positions.
35. Bruce Van Note nominated Michael Cianchette for the position of Vice Chair and on unanimous vote of the members Michael Cianchette was elected to serve as Vice Chair for the 2024-2025 term.
36. Michael Cianchette nominated Peter Merfeld to serve as Acting Executive Director for the 2024-2025 term or until a permanent executive director was hired by the board, whichever came first. By a unanimous vote of the members, Peter Merfeld was elected to serve as Acting Executive Director.
37. Chairman Wathen noted that there had been some discussion earlier in the summer on whether the secretary and treasurer positions should be held by board members instead of employees. He said that he believed the current practice should be continued for the present, at least until the board had found a permanent executive director.
38. Thomas Zuke nominated John Sirois and Jonathan Arey for the positions of Treasurer and Secretary , respectively. By unanimous votes of the members present, John Sirois and Jonathan Arey for elected to these positions for the 2024-20125 term.

39. On motion of Andrew Mclean, seconded by Thomas Zuke, and with unanimous approval of the members present, it was voted to adopt the following resolution:

Whereas, an Acting Executive Director has been appointed by the board of the Maine Turnpike Authority to fulfill the duties of that position while a search for a replacement is conducted, the board hereby resolves as follows:

- The Acting Executive Director will have all the powers of the previous Executive Director including, but not limited to, the power to sign requisitions, checks, contracts, deeds, and other instruments binding the Authority.
- This resolution is effective immediately and will remain in effect until a new Executive Director is elected by the board or the Acting Executive Director leaves that position.
- The Chairman of the Maine Turnpike Authority is authorized to execute any necessary documents and take all other actions required to give this resolution effect.

40. On motion of Jane Lincoln, seconded by Thomas Zuke, and with unanimous approval of the members present it was voted to enter executive session for the purposes of:

- Discussion, pursuant to 1 MRSA § 405(6)(A), of the compensation of a group of public employees in the Maintenance and Operations Department;
- Discussion, pursuant to 1 MRSA § 405(6)(C), of property acquisitions in connection with the Gorham Connector Project and a possible wetland mitigation site in Scarborough, Maine
- Discussion, pursuant to 1 MRSA § 405(6)(E), of the legal rights and duties of the MTA in connection with permitting for the Gorham Connector where premature public knowledge of the issues discussed would clearly place the MTA at a substantial disadvantage;

The executive session began at 10:49 A.M. and ended at 12:20 A.M.

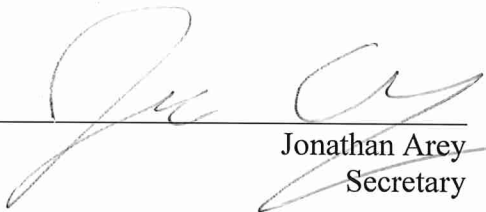
41. On motion of Michael Cianchette, seconded by Thomas Zuke, and with unanimous approval of the members present, the following was resolved:

- MTA staff may enter into an Option Agreement for purchase of a wetland mitigation site and construction services in creation of that site with Grondin Aggregates, substantially in the form of the draft agreement presented to the board, provided that staff could finalize said agreement in such a way that, in the

opinion of the Acting Executive Director, satisfactorily protected the MTA's interests.

- That a contract, in the amount of \$64,074.00, to administer the MTA's Flexible Spending Account and Health Cost Reimbursement programs for three years, with two one year optional renewals, be awarded to ASIFlex.
- That the salaries of twenty-seven employees in the MTA's Operations and Maintenance unit be adjusted, as shown on a document entitled "Proposed Salary Adjustment with Benefit Impact / Operations and Maintenance Unit", dated September 3<sup>rd</sup>, 2024.
- That the salary of the Acting Executive Director Peter Merfeld be adjusted, with an effective date of September 8<sup>th</sup>, 2024, to Range 29, Step 11+4 for the duration of his service as Acting Executive Director, said change to take effect prospectively only.

42. On motion of Thomas Zuke, seconded by Jane Lincoln, and with unanimous approval of the members present, it was voted to adjourn at 12:23 P.M.

  
Jonathan Arey  
Secretary  
9/13/24  
Date