

# MEETING MINUTES

## **ACEC/PA Board Meeting - Meeting Minutes** **September 13, 2023, at 2:30 pm** **Location: Harrisburg Hilton, Harrisburg, PA**

### Attendees Present:

Board Members: Mike Bougher (President), Roseline Bougher (Immediate Past President/National Director), Mark Markosky (President -Elect), Rosanna Smithnosky (Treasurer), Eric Meyer (Secretary), Tony Dougherty, Mark Kinnee, Casey Moore, Damon Rhodes, Joseph Riley, Maggie Talarico, Josh Wilson, Jim Maloney, Larry Bankert, Matt Macey, Scott Zeevaart

ACEC/PA Executive Director: Brent Sailhamer

ACEC/PA Staff: Sarah Babski, Jean Brackbill

Ex-Officio: James Ritzman (GAC Chair)

Guests: Richard Hortsmann

Not present: Mike Girman (Vice President) and Glenn Stickel,

### Call to Order

Mike Bougher called the meeting to order at 2:03 PM.

#### 1. Antitrust Policy

- Mike Bougher reminded all attendees of the Antitrust Policy that we are to uphold. The Antitrust Policy was included in the Board packet.

#### 2. Governance Committee Report

- Casey Moore provided an update on the Governance Manual, and it is complete and posted on the ACEC website.
- Mike Bougher indicated that the financial policies and procedures needs addressed and Casey Moore indicate that it is in the governance manual. Mike Bougher stated it needs updated and Rosanna Smithnosky will coordinate with Casey Moore for the updates and changes for the financial policies and procedures.
- The By-Laws were sent out to the primary contacts of all members for ratification. Several email blasts were sent and we are still short on the number of votes to ratify the By-Laws. Sarah Babski stated there is 37 voters to date and that is short

of the 2/3rds of the membership that is needed.

- Sarah Babski will email the firms that have not responded to date. Mike Bougher said to send one more email to the member firms that did not vote and if the response is still short the Governance Committee will contact the member firms directly for the votes.

### 3. Events Report

- Sarah Babski provided the report on the events.
  - Scholarship Golf Outing (held on September 11, 2023)
    - 123 golfers participated with 6 volunteers.
    - The sponsorships were down from last year but overall, the event should net \$14k.
    - A silent auction was held online and raised \$1,500 with donated items from member firms.
- Infrastructure Conference (September 12<sup>th</sup> – 13<sup>th</sup>, 2023)
  - 171 registered which was up from previous year.
  - Sponsorship was up from previous year.
  - A post conference survey will be sent out to get feedback. After the feedback the location for next year will be determined.
- Regional meeting will be starting next month, and email notifications will be sent out shortly.
- PAC events are being planned in each region and will be held in the spring.
- Fall Day (November 15<sup>th</sup>, 2023) is set, and the following speakers/Topics are set:
  - Cheryl Moon-Sirianni – Executive Deputy Secretary
  - Legislative Updates
  - Mark Compton – CEO PTC
  - Hershey Park Chief Engineer (Behind the scene tour)
- Diamond Awards
  - Call for Entries are open until Mid-November
    - Added the Award for Most Valuable Subcontractor
    - Looking to increase the number of entries and two new categories were added:
      - Category N: Medium Projects
      - Category M: Construction Management/Construction Inspection
  - Looking for judges and increase from 3 to 5 judges. There have been problems getting folks to judge. The time provided has been a problem

with the number of entries. Roseline Bougher said to start asking for judges now and let them know of the tight timeframes.

- Mike Bougher asked if the Board could handle the judging and Mark Markosky brought up the concern of the perception if the board were to judge.
- Matt Macey asked if more time can be provided for the judging. Sarah Babski indicated that we could increase the time for judging.
- Larry Bankert asked if they had potential judges who should he have them contact. Sarah Babski indicated that she would be the point of contact for any potential judges.

#### 4. Consent Agenda

- Meeting Minutes from the June 27<sup>th</sup> 1:00 pm Board meetings.
  - The Annual Meeting of the Membership was part of the June 27<sup>th</sup> Meeting minutes and need to be pulled out of consent and will be acted on next meeting.
  - Mark Markosky had several comments on the June 27<sup>th</sup> meeting minutes that was to add him to the attendees present and the spelling of Treasurer needs fixed on page 2 section 5(f).
  - Scott Zeevaart indicated his name was misspelled.
  - Larry Bankert indicated that he was remote.
  - Tony Dougherty indicated that he was present.

Mike Bougher made a motion to accept the 1:00 pm Board meeting minutes with the changes above. Mark Markosky moved, Tony dougherty 2<sup>nd</sup>, all in favor.

- Meeting Minutes from the June 27<sup>th</sup> 3:30 pm Board meeting.

Mike Bougher made a motion to accept the 3:30 pm Board meeting minutes. Casey Moore moved, Damon Rhodes 2<sup>nd</sup>, all in favor.

#### 5. Financial Report

- Rosanna Smithnosky indicated the financial packet is through July and went over the items of notes provided in the Board packet.
- Jean Brackbill went over the reporting and explained the revised reporting. The Dues were updated as of 9/13. She indicated that 73 out of 116 member firms and 8 out of 16 affiliate members have paid their dues. Overall Dues is \$515k and \$292k are paid to date.
- Roseline Bougher asked about the auditing and if it was every three (3) years. It

was confirmed and next year will be the audited year.

- Roseline Bougher asked if we are up to date with our dues to National and Brent Sailhamer indicated that we are and got confirmation from National and we are making quarterly payments to National.
- The PAC reporting was brought up and Brent Sailhamer stated a couple of more contributions were made to the PAC from James Maloney and Matt Macey.

Motion was made to accept the financial report. Roseline Bougher moved, Damon Rhodes 2<sup>nd</sup>, all in favor

## 6. Membership Report

- Sarah Babski provided the report for Mike Girman.
- Tectonic Engineering became a new member firm and we lost member firm Great Valley Management Corp and affiliate member Advance 2000, Inc. The reason for the two firms dropping is not known and we are trying to obtain.
- Jean Brackbill noted that T3 who dropped previously did not pay their dues that covered January through June.
- The membership committee is working on the Hot Prospect List.
- Rosanna Smithnosky is working with Mike Girman to reach out to the current members for feedback and will add that to the committee task. They will get with the board to assist with contacting the member firms.
- Matt Macey indicated an affiliate firm reached out to him to see about getting more involved and what can be done. Rose Bougher said they could become full members and get involved as she did not believe the by-laws prohibited that.
- Casey Moore looked into this and found that the affiliate firm would need to have a PE to become a full member. Matt Macey will follow up with the affiliate firm.

Motion was made to accept the membership report. Tony Dougherty moved, Mark Markosky 2<sup>nd</sup>, all in favor

## 7. National Director Report

- Roseline Bougher provided the report.
- Roseline Bougher indicated she wanted to send an email to the membership to solicit for the National PAC and she was looking for full board support. Brent Sailhamer raised the concern about soliciting PAC Contributions by email. Roseline questioned if this is not possible how do we solicit for the National PAC. Brent will look into this and get back to Rose. Rose indicated that this needs to get resolved as the National PAC is up in November.
- James Maloney asked for the Do's & Don'ts for the soliciting PAC contributions as the Regional meetings are starting up next month. Mike Bougher asked Brent to get this together quickly and send out to the regional chairs.
- Rose Bougher asked the status of the PAC goals and Brent indicated the goals and Sarah Babski indicated that all board members are current on the PAC

contributions.

- Larry Bankert asked if we could get the State PAC information and Sarah indicated that it is on the ACEC website.
- Rose Bougher stated that the State PAC needs to be pushed at the regional events. James Maloney stated that we need to make it as easy as possible to contribute like using a QR Code. How the PAC payments are made was discussed and how the State vs. National methods are different due to the regulations.
- Jean Brackbill mentioned the possibility of perpetual donor payments is possible for making contributions as well.
- Mike Bougher asked Brent Sailhamer to get with Commonwealth Compliance Systems (CCS) to report on what can be done so we keep all of our methods in line with the regulations.
- Rose forwarded the past CCS memo from last year that provided guidance but was not very clear. The memo indicated to contact them for conformance.

Motion was made to accept the National Directors report. Damon Rhodes moved, Larry Bankert 2nd, all in favor.

## 8. Executive Director's Report

- Brent Sailhamer provided the Executive Director's report.
- Brent stated that testimony was requested concerning transit funding. He will draft the testimony and provide for board review.
- Brent also indicated the request for written testimony on the Automated Work Zone Enforcement and Brent will draft the written testimony and provide to the board.
- Brent brought up the recently completed Infrastructure Conference and the feedback from last years' conference and will compare to the comments received in the post conference survey. Mike Bougher stated the one comment from last year was the membership wanted more networking time. Rose Bougher said the level of speakers was excellent and hope the comments reflects that. Rosanna Smithnosky commented on the leadership session and the interaction was good and positive and hope this can be kept in future conferences.

## 9. President's Report

- Mike Bougher provided the President's report.

### Indemnification

- Indemnification is getting close, but PennDOT is trying to separate field work and office work in the current indemnification wording. Still working through Tony Potter to get this completed.
- Brent Sailhamer and Rose Bougher are meeting with Rep. Langerholc to discuss legislation on indemnification and being a potential sponsor.
- Larry Bankert asked about AIA and if they were included in the discussion and Rose



Bougher indicated that they have been contacted and have not had any response from them.

- The PTC was raised on their stance on indemnification and Rose Bougher stated that they are on board and are in the loop but are just waiting for PennDOT to make the change.

#### Wage Rates

- Tony Dougherty provided an update on the wage rates. Tony is still working with Cheryl Moon-Sirianni and Mike Rebert on this and working on the Strike-Off letter. There will be a 4-to-5-week lag on the rate changes when the Strike-Off letter is sent out.
- Tony stated that Michelle Harter indicated that the union contract was needed plus some legislative action and that was news to Tony and the group working on the wage rates.
- Tony has gathered and is providing the neighboring states rates to provide to PennDOT. Still working with Cheryl and Mike on the regional rates. Construction Services committee has a subgroup working on this as well.

#### Mentor/Protégé Program

- Rosanna Smithnosky and Brent provided an update on the Montor/Protégé Program and this program is being re-visioned. Looking at potentially having a MPP firm present at a regional meeting.
- Brent brought up the question that was asked at the conference from KS Engineering concerning them being a MBE and DB firm but not a DBE and this was already addressed and no further consideration is needed.

#### 10. New Items

- Mike Bougher brought up new items and informed the board that a new Workforce Development Committee is being made with Todd Morris as the Chair. Casey Moore brought up partnering with other associations to deal with workforce development. Mike Bougher asked if anyone on the board had any staff that would be good to participate on the new committee and pass them along.
- There was a Senior Leadership session at the Infrastructure Conference that Rose Bougher was the speaker and led the session. Rose provided an update of the session and purpose was to find the issues that is affecting the membership. She surveyed the attendees and found the top five issues raised and they were the following:
  - Mutual Gains – Need to develop version 2.0 and address digital delivery. Scott Zeevaart brought up that his take from Michele Harter is this is not on PennDOT's radar and they have no interest in going down this path again.

- Supplements (Working prior to approval) - This is a problem and the stance from Michele Harter at PennDOT is to not work prior to the approval of the supplement. The membership raised this as they are being directed to deliver project knowing the process is still ongoing. PTC allows advance NTP and PennDOT does not use them.
- Average Hourly Rates – Still going on and it appears to be in the western part of the state.
- Escalation – This was mentioned and one of the members indicated that there is a process in Publication 93 that addresses adjusting escalation.
- Maximum Rate – the question was asked if there was a max rate and if so what is it and what triggers a denial in ECMS of proposed rates.
  - Rose Bougher indicated that these items need addressed and followed up with the membership.
  - These items will be brought up at the quarterly meeting with Secretary Carroll, Cheryl Moon-Sirianni, and Mike Rebert.
- There was a session on the Benefits of your ACEC/PA Membership and was moderated by Brent Sailhamer with Board members Casey Moore, Mark Markosky, and Rosanna Smithnosky on the panel. The panel provided a summary of the session, and the feedback was positive. Rosanna mentioned there is ongoing efforts to see how to get more folks involved in ACEC Committees.
- The Committee Portal is not being renewed and will expire in April. Need to look into notifications for committee meetings and signing up for committees. Mike Bougher stated that the current ACEC website needs to be revamped and that should be considered. Mark Markosky said why not use Teams for the committees as some of this can be handled within Teams.
- Mike Bougher introduced James Ritzman as the new GAC and will be added to the future agendas.
- James Maloney asked about the Regional Meeting Sponsorships and what is allowed from our sponsors. It was asked is a 1–2-minute talk at the beginning of the meetings and if a booth be displayed from the sponsor. A discussion was had, and the outcome was that the sponsorships will get the same as last year which is Acknowledgement on screen and from the podium at the meeting.

Motion made to adjourn the meeting. Casey Moore moved, Tony Dougherty 2<sup>nd</sup>, Unanimously approved.