



MINUTES

NEW YORK STATE THRUWAY AUTHORITY

BOARD MEETING NO. 641

June 21, 2005

Minutes of a meeting of the New York State Thruway Authority, held in the Board room at Administrative Headquarters, 200 Southern Boulevard, Albany, New York, 12209.

The meeting began at 10:45a.m.

There were present:

**John L. Buono, Chairman
Nancy Carey Cassidy, Board Member
John R. Riedman, Board Member**

Constituting all of the members of the Canal Corporation Board.

In addition, there were present the following staff personnel:

**Michael R. Fleischer, Executive Director
John Brizzell, Deputy Executive Director, Chief Engineer
John Bryan, Chief Financial Officer
Sharon O'Connor, General Counsel
William Rinaldi, Acting Director, Operations
Joanne Riddett, Director, Information Technology
Wendy Allen, Director, Department of Planning Services
Christopher Waite, Director, Engineering Services and Assistant Chief Engineer
George Tanner, Director, Maintenance Engineering and Assistant Chief Engineer
Michael Flynn, Director, Audit and Management Services
Jill Warner, Secretary and Board Administrator
Captain Richard Smith, Troop T
Daniel Gilbert, Director, Public Affairs**

Wilma DeLucco, Director, Administrative Services
Donald Bell, Director, Albany Division
Ramesh Mehta, Director, New York Division
Lawrence Frame, Acting Director of Canals
Richard Garrabrant, Acting Director, Syracuse Division
Marc Hannibal, Chief Attorney for Public Finance
Peter Casper, Assistant Counsel
Cecelia Lu, Legal Intern
Also in Attendance:
Cathy Woodruff, Reporter, *Albany Times Union*
Michelle Breidenbach, *Syracuse Post Standard*
Carmella Mantello
Lisa-Ann Acquario
Richard Harris
Bill Kahn, Partner, UHY

Chairman Buono noted that he, Ms. Carey Cassidy and Mr. Riedman had received and reviewed the Agenda submitted for consideration at this meeting and were prepared to act on each of the items.

The Chairman called the meeting to order.

Ms. Warner recorded the minutes as contained herein.

Public notice of the meeting had been given, Ms. Warner said.

Item 1 by Ms. Warner (Appendix A)
Minutes of Meeting No. 640

On the motion of Mr. Riedman, seconded by Ms Carey Cassidy, without any objections, the Board approved the minutes of Meeting No. 640 held on May 17, 2005, which were made available to the Board Members as part of the Agenda.



Item 2 by John Bryan (Appendix B)
Financial Report – April 2005

Mr. Bryan reported that net toll revenue for the first four months of 2005 increased slightly - by approximately \$300 - over the level collected in the same period of 2004. Compared to the 2005 budget, total net toll revenue collections for the first four months was only \$2.3 million or 1.7 percent below the level forecasted. This variance is the result of the unexpected inclement weather earlier in the year that reduced traffic flows for a number of days.

Accounting for the trends in toll, concession, sundry and other revenues, total revenue collected in the first four months of 2005 was \$1.3 million or 1.0 percent over the level collected in the first four months of 2004. Compared to budget estimates, total operating revenue is right on target.

On the expense side, despite higher than anticipated costs associated with snow and ice removal and issues with fuel, steel and other prices the Authority was able to contain costs in April as expenses were \$2.7 million or 2.3 percent below the budgeted level for the first four months of 2005.

The Authority has seen a 23% increase in EZPass On-The-Go sales so far this year, a 56% increase in overall EZPass sales in the month of May, and over a 1,000 customers have signed up for the new commuter discount plans

Following discussion regarding the financial condition of the Authority, on the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board accepted the Financial Reports for the month of April 2005.

Item 3 by Mr. Bryan as Amended (Appendix C)
Approving the Selection of a Consultant for Workers' Compensation Claims Review Services

The Board requested that a resolution be added to this Item to indicate that the Contract will contain a termination clause.

After full discussion, on the motion of Ms. Carey-Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution as amended:



Item 3 by Mr, Bryan as Amended (Appendix C)
Approving the Selection of a Consultant for Workers' Compensation Claims Review
Services (Continued)

RESOLUTION NO. 5426

**APPROVING THE SELECTION OF A CONSULTANT
FOR WORKERS' COMPENSATION CLAIMS REVIEW
SERVICES**

RESOLVED, that the Board authorizes the selection of Risk Management Planning Group to provide workers' compensation review services for the a three year period with two one year options at a total contract price not to exceed \$726,329, and be it further

RESOLVED, that such contract shall contain a provision granting the Authority the right to suspend, abandon or terminate the contract at any time in its sole discretion, provided that the contractor shall be entitled to compensation for work performed prior to such suspension, abandonment or termination, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item, and other Board authorizations and suspend or terminate the Agreement in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Item 4 by Mr. Bryan (Appendix D)

Authorizing an Addendum #1 to the Authority's Contract with American Express

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5427

**AUTHORIZING AN ADDENDUM #1 TO THE
AUTHORITY'S CONTRACT WITH AMERICAN
EXPRESS**

RESOLVED, that the Executive Director or his designee be and hereby is authorized to execute the American Express Addendum #1, and be it further

RESOLVED, that the Chief Financial Officer hereby is, authorized to charge expenditures for services rendered under this addendum to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of such charges, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the terms of this item, and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Item 5 by Ms. O’Conor (Appendix E)
Approving and Adopting the State Personal Income Tax Revenue Bonds (Transportation) Fourth Supplemental Resolution Authorizing an Amount Not to Exceed \$475,000,000 of State Personal Income Tax Revenue Bonds (Transportation) Series 2005A, Approving the Form of and Authorizing the Distribution and Use of the Preliminary Official Statement and Authorizing Execution and Distribution of the Final Official Statement, Approving the Form of the Bond Purchase Agreement Confirming and Ratifying the Selection of Additional Underwriters and Authorizing the Execution of Any Other Documents Necessary for the Sale of State Personal Income Tax Revenue Bonds (Transportation) Series 2005A

After full discussion, on the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5428

APPROVING AND ADOPTING THE STATE PERSONAL INCOME TAX REVENUE BONDS (TRANSPORTATION) FOURTH SUPPLEMENTAL RESOLUTION AUTHORIZING AN AMOUNT NOT TO EXCEED \$475,000,000 OF STATE PERSONAL INCOME TAX REVENUE BONDS (TRANSPORTATION) SERIES 2005A, APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION AND USE OF THE PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DISTRIBUTION OF THE FINAL OFFICIAL STATEMENT, APPROVING THE FORM OF THE BOND PURCHASE AGREEMENT CONFIRMING AND RATIFYING THE SELECTION OF ADDITIONAL UNDERWRITERS AND AUTHORIZING THE EXECUTION OF ANY OTHER DOCUMENTS NECESSARY FOR THE SALE OF STATE PERSONAL INCOME TAX REVENUE BONDS (TRANSPORTATION), SERIES 2005A

RESOLVED, that Part I of Chapter 383 of the Laws of New York of 2001 (“Chapter 383”) authorized the Authority solely upon the determination of the Director of the Budget, to issue State Personal Income Tax Revenue Bonds (exclusive of certain costs) to finance the cost of



Item 5 by Ms. O’Conor (Appendix E)
State Personal Income Tax Revenue Bonds (Transportation) Series 2005A (Continued)

various projects which meet the statutory definition of Authorized Purposes, and be it further

RESOLVED that Chapter 383 authorized the Director of the Division of the Budget of the State of New York to enter into a financing agreement with Authorized Issuers to secure payment of debt service and other cash requirements in connection with the issuance of State Personal Income Tax Revenue Bonds, and be it further

RESOLVED, that on June 27, 2002, the Board approved the execution of a Financing Agreement to provide for the financing of Authorized Purposes pursuant to Chapter 383, and be it further

RESOLVED, that on August 7, 2002, the Executive Director and the Director of the Division of the Budget executed a Financing Agreement to provide for the financing of Authorized Purposes pursuant to Chapter 383, and be it further

RESOLVED, that upon the request of the Director of the Budget, the Authority intends to issue in one or more series or sub-series up to \$475,000,000 of State Personal Income Tax Bonds (Transportation) Series 2005A (the, “Series 2005A Bonds”), in order to finance the costs of various Authorized Purposes, and to refund bonds previously issued pursuant to the Local Highway and Bridge Service Contract Bond Program, provided that present value savings would result therefrom satisfactory to the Authority and the State, and be it further

RESOLVED, that upon the request of the Director of the Budget, the Authority intends to issue a tranche of such Series 2005A Bonds, in one or more series or sub-series in order to finance the costs of Authorized Purposes in an amount not to exceed \$300,000,000, and, if the foregoing conditions are satisfied, to refund, in an amount not to



Item 5 by Ms. O’Conor (Appendix E)
State Personal Income Tax Revenue Bonds (Transportation) Series 2005A (Continued)

exceed \$175,000,000 of State Personal Income Tax Revenue Bonds (Transportation) previously issued for such purposes, and be it further

RESOLVED, that the refunding bonds authorized hereby may be issued simultaneously with or subsequent to the issuance of Series 2005A Bonds that are issued to finance the costs of Authorized Purposes, but not later than September 30, 2005, and be it further

RESOLVED, that on June 27, 2002 the Board adopted the State Personal Income Tax Revenue Bonds (Transportation) General Bond Resolution (the “General Bond Resolution”) and the State Income Tax Revenue Bonds Standard Resolution Provisions (“Annex A”) (the General Bond Resolution and Annex A together hereinafter referred to as the “Resolution”) which authorizes the bonds of the Authority, designated as State Personal Income Tax Revenue Bonds (Transportation) to finance all or a portion of the cost of projects which meet the statutory definition of Authorized Purposes, and to refinance bonds previously issued for such purpose, and be it further

RESOLVED, that Sections 201 and A-201, A-202, A-204 of the Resolution require that the issuance of State Personal Income Tax Revenue Bonds by the Authority shall be authorized by a supplemental resolution or resolutions of the Authority adopted at or prior to the time of issuance, and be it further

RESOLVED, that the Section A-902 of the Resolution empowers the Authority to adopt, for any one or more of the purposes set forth therein, a supplemental resolution, and be it further



Item 5 by Ms. O’Conor (Appendix E)
State Personal Income Tax Revenue Bonds (Transportation) Series 2005A (Continued)

RESOLVED, that there has been prepared and submitted to the Board a form of the Fourth Supplemental Bond Resolution Authorizing An Amount Not To Exceed \$475,000,000 of State Personal Income Tax Revenue Bonds (Transportation), Series 2005A (the “Fourth Supplemental Resolution”) amending and supplementing the Resolution, and be it further

RESOLVED, that the Authority intends to sell, solely upon the request of the Director of the Budget, pursuant to the Resolution and the Fourth Supplemental Resolution in one or more series or sub-series its State Personal Income Tax Revenue Bonds (Transportation) Series 2005A to JPMorgan Securities Inc., Lehman Brothers Inc., Merrill Lynch, Pierce Fenner & Smith Incorporated and First Albany Capital Inc., and such other underwriters that may be selected, pursuant to a Bond Purchase Agreement between the Authority and JPMorgan Securities Inc. as Representative of the Underwriters (the “Bond Purchase Agreement”), the form of which Bond Purchase Agreement has been set before the Board, and be it further

RESOLVED, that in connection with the sale of the Series 2005A Bonds, the Board approves the form of Preliminary Official Statement for its Series 2005A Bonds as submitted to this meeting and made a part of this resolution as though set forth in full herein, and authorizes an Authorized Officer to approve and execute such changes as may be deemed necessary or convenient to effectuate the purposes thereof, and be it further

RESOLVED, that the Board authorizes the distribution of the Preliminary Official Statement relating to the Series 2005A Bonds by an Authorized Officer in substantially the form submitted to this meeting with such changes, insertions and omissions to the Preliminary Official Statement as may be approved by such Authorized



Item 5 by Ms. O'Connor (Appendix E)
State Personal Income Tax Revenue Bonds (Transportation) Series 2005A (Continued)

Officer said delivery being conclusive evidence of such approval, and any amendments or supplements thereto which may be necessary or desirable, and be it further

RESOLVED, that the Board authorizes an Authorized Officer, to confirm that the Preliminary Official Statement relating to the issuance of Series 2005A Bonds to finance the costs of Authorized Purposes or for the issuance of refunding bonds is deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, except for certain omissions relating to certain State information and information not required under said Rule to be included therein, and be it further

RESOLVED, that the Board authorizes an Authorized Officer to execute and deliver, on behalf of the Authority, one or more final Official Statements relating to the Series 2005A Bonds with such changes, insertions and omissions to the Preliminary Official Statement as may be approved by such Authorized Officer said execution being conclusive evidence of such approval, and any amendments or supplements thereto which may be necessary or desirable. Any material changes from the form of the Preliminary Official Statement (excluding information provided by or certified as to accuracy by the State of New York) approved pursuant to this Resolution to be made in a final Official Statement relating to the Series 2005A Bonds issued to finance Authorized Purposes or for refunding bonds, which are not made pursuant to matters which are authorized to be determined by an Authorized Officer pursuant to this Resolution, the Fourth Supplemental Resolution or a Certificate of Determination (as defined in the Resolution) shall be distributed to members of the Authority for comments, if any, from such members prior to final printing. After execution, such Authorized Officer or their designee is hereby authorized to deliver to the purchasers of the Series 2005A Bonds an



Item 5 by Ms. O’Conor (Appendix E)
State Personal Income Tax Revenue Bonds (Transportation) Series 2005A (Continued)

executed copy or copies of such Official Statement and any amendments or supplements thereto, and be it further

RESOLVED, that the Board approves the form of the Bond Purchase Agreement submitted at this meeting and made a part of this resolution as though set forth herein, in the manner set forth in Section 301 of the Fourth Supplemental Resolution and authorizes an Authorized Officer of the Authority to execute and deliver one or more of such Bond Purchase Agreements approve and execute such changes to any such Bond Purchase Agreement as may be deemed necessary or convenient to effectuate the purposes thereof, and be it further

RESOLVED, that an Authorized Officer is authorized to execute any additional agreements or other documents necessary to facilitate the sale of the State Personal Income Tax Revenue Bonds (Transportation) Series 2005A: i) one or more amendments to the Master Continuing Disclosure Agreements and ii) any additional agreements, including an escrow deposit agreement in connection with any refunding of any Prior Bonds, or other documents necessary to facilitate the sale of the Series 2005A Bonds and to do and cause to be done any and all acts necessary or proper for carrying out the transactions contemplated by this Resolution, and be it further

RESOLVED, that the Board confirms and ratifies the selection of Banc of America Securities LLC; CIBC World Markets Corp.; Raymond James & Associates, Inc.; RBC Dain Rauscher Inc.; Roosevelt and Cross, Incorporated; and Wachovia Bank, National Association as additional Underwriters for this transaction, and be it further

RESOLVED, that this Resolution be incorporated in the minutes of this meeting.



Item 6 by Ms. DeLucco (Appendix F)
Repeal of Obsolete Policies

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5429
REPEAL OF OBSOLETE POLICIES

RESOLVED, that the General Polices on Assignment of Chauffeurs (25-1-14); Temporary Employment (25-2-10); Return of Thruway Authority Property (25-2-11); Overtime (25-2-16); Filling Non-Competitive Class Maintenance Positions in Unit I (25-2-21); Job Vacancy Postings for Unit II Positions (25-2-22); Work Clothing and Cleaning Allowance (25-3-01); Training Program (25-3-06); Tool Allowance (25-3-08); and Access to Personal History Folders (25-3-12) (attached hereto as Exhibit A) be, and hereby are, repealed, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 7 by Mr. Rinaldi (Appendix G)
Authorizing One Year Contract Extensions with ExxonMobil Corporation and Sunoco, Inc. from October 1, 2005 to September 30, 2006

After full discussion, on the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5430
**AUTHORIZING ONE YEAR CONTRACT
EXTENSIONS WITH EXXONMOBIL CORPORATION
AND SUNOCO, INC. FROM OCTOBER 1, 2005 TO
SEPTEMBER 30, 2006**

RESOLVED, that one year extensions of the Authority's existing contracts with ExxonMobil Corporation and Sunoco, Inc. respectively are, and the



Item 7 by Mr. Rinaldi (Appendix G)
Authorizing One Year Contract Extensions with ExxonMobil Corporation and Sunoco,
Inc. from October 1, 2005 to September 30, 2006 (Continued)

same hereby are authorized, on the terms contained herein, and be it further

RESOLVED, that the Executive Director or his designee be, and he hereby is, authorized to execute and take all actions necessary to implement such agreements on behalf of the Authority, and be it further

RESOLVED, that the Executive Director, or his designee, shall have the authority to: exercise all powers reserved to the Authority under the provisions of said agreements and manage and administer the agreements; consistent with the terms of this item and other Board authorizations; and be it further

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.

Item 8 by Mr. Rinaldi (Appendix H)
Authorizing a One Year Contract with HMSHost Corporation to Operate Sixteen
Travel Plaza Food Service Facilities from October 1, 2005 to September 30, 2006

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5431
AUTHORIZING ONE YEAR CONTRACT WITH
HMSHOST CORPORATION TO OPERATE SIXTEEN
TRAVEL PLAZA FOOD SERVICE FACILITIES FROM
OCTOBER 1, 2005 TO SEPTEMBER 30, 2006



Item 8 by Mr. Rinaldi (Appendix H)
Authorizing a One Year Contract with HMSHost Corporation to Operate Sixteen
Travel Plaza Food Service Facilities from October 1, 2005 to September 30, 2006
(Continued)

RESOLVED, that a one year contract between the Authority and HMSHost Corporation on the terms contained herein be, and, the same hereby is authorized,

RESOLVED, that the Executive Director, or his designee, be, and he hereby is, authorized to execute and take all actions necessary to implement such a contract on behalf of the Authority, and be it further

RESOLVED, that the Executive Director, or his designee, shall have the authority to: exercise all powers reserved to the Authority under the provisions of said contract and manage and administer the agreement consistent with the terms of this item and other Board authorizations; and be it further

RESOLVED, that the recommendation regarding the environmental significance of this action be, and hereby is, approved; and be it further;

RESOLVED, that the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the required documents and distribute any required notices on behalf of the Board in relation to this action in accordance with the determination of environmental significance herein, and be it further;

RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.



Item 9 by Mr. Tanner (Appendix I)

Authorizing an Environmental Remediation Project at the Oneida Service Area and Use of a NYS Department of Environmental Conservation Standby Contract, and Allocating Funds Therefor

The Board requested that staff review the Request for Proposal (RFP) for operation of the travel plazas and reconsider the portion requiring bidders to agree to pay 50 percent of the costs remediation at the travel plaza sites for preexisting environmental contamination.

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5432

**AUTHORIZING AN ENVIRONMENTAL
REMEDATION PROJECT AT THE ONEIDA
SERVICE AREA AND USE OF A NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION STANDBY CONTRACT, AND
ALLOCATING ADDITIONAL FUNDS THEREFOR**

RESOLVED, that the Chief Engineer, or his designee, be authorized to execute a contract with a New York State Department of Environmental Conservation Standby Contractor to complete the remaining remediation of the Oneida Service Area as required by the NYS Department of Environmental Conservation, and be it further

RESOLVED, that \$1,200,000 be allocated for the Oneida Service Area remediation project and the cost of the work shall be funded through the 2005 and 2006 Environmental Reserve Account budgets, and savings/deferments in the 2005 Contracts Program, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the



Item 9 by Mr. Tanner (Appendix I)

Authorizing an Environmental Remediation Project at the Oneida Service Area and Use of a NYS Department of Environmental Conservation Standby Contract, and Allocating Funds Therefor (Continued)

provisions of the contract consistent with the terms of this item and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that the Executive Director or his designee be authorized to undertake all actions necessary to implement this Board action, including, but not limited to, executing all documents that may be necessary between the Authority and the designated New York State Department of Environmental Conservation Standby Contractor; and be it further

RESOLVED, that this maintenance activity has been evaluated under the State Environmental Quality Review Act and has been found to be a SEQRA Type 2 project (6 NYCRR Part 617.5(1) not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the Chief Engineer or his designee, be, and the same hereby is, authorized to sign the required documents and distribute any required notices on behalf of the Board with relation to this action in accordance with the determination of environmental significance herein; and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 10 by Mr. Waite (Appendix J)

Authorizing Negotiation and Execution of Two Term Agreements (D213483 and D213484) with Two Engineering Firms for Construction Inspection Support Services for a Period of Two Years

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:



Item 10 by Mr. Waite (Appendix J)
Authorizing Negotiation and Execution of Two Term Agreements (D213483 and D213484) with Two Engineering Firms for Construction Inspection Support Services for a Period of Two Years (Continued)

RESOLUTION NO. 5433

AUTHORIZING NEGOTIATION AND EXECUTION OF TWO TERM AGREEMENTS (D213483 AND D213484) WITH TWO ENGINEERING FIRMS FOR CONSTRUCTION INSPECTION SUPPORT SERVICES FOR A PERIOD OF TWO YEARS

RESOLVED, that the Chief Engineer or Director of Engineering Services be, and they hereby are, authorized to negotiate and execute term agreements (D213483, and D213484) with the two (2) engineering firms listed in Exhibit A, attached hereto, for construction inspection support services with the Maximum Amount Payable of each of these agreements not to exceed the amount shown in the attached Exhibit A, and be it further

RESOLVED, that the Chief Engineer or the Director of Engineering Services or their designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreements, manage and administer the Agreements, amend the provisions of the Agreements consistent with the terms of this item and in accordance with the 2005 Contracts Program Resolution No. 5396 and other Board authorizations, and suspend or terminate the Agreements in the best interests of the Authority, and be it further

RESOLVED, that information relating to each agreement be included in the Director of Engineering Services' Quarterly Report to the Board on Contracts Program activities which will include the date of execution of each agreement, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.



Item 11 by Mr. Waite (Appendix K)
Authorizing Negotiation and Execution of Engineering Agreement D213501 with
Lockwood, Kessler & Barlett, Inc. for Construction Inspection Services Relative to
TANY 05-2, Roadway Rehabilitation and Operational Improvements between M.P.
16.0 and M.P. 29.5, and Allocating Funds Therefor

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5434

**AUTHORIZING NEGOTIATION AND EXECUTION
OF ENGINEERING AGREEMENT D213501 WITH
LOCKWOOD, KESSLER & BARTLETT, INC. FOR
CONSTRUCTION INSPECTION SERVICES
RELATIVE TO TANY 05-2, ROADWAY
REHABILITATION AND OPERATIONAL
IMPROVEMENTS BETWEEN M.P. 16.0 AND M.P. 29.5,
AND ALLOCATING FUNDS THEREFOR**

RESOLVED, that the Chief Engineer or Director of Engineering Services be, and they hereby are, authorized to negotiate and execute engineering agreement D213501 with Lockwood, Kessler & Bartlett, Inc., One Aerial Way, Syosset, New York 11791 for construction inspection services relative to TANY 05-2, Roadway Rehabilitation and Operational Improvements between M.P. 16.0 to M.P. 29.5, provided that the Maximum Amount Payable does not exceed the \$5,000,000, of which \$4,500,000 is currently provided through the 2005 Contracts Program (H312, H501 and H999), and be it further

RESOLVED, that an additional \$500,000 be authorized for this agreement, and while sufficient Thruway funding is available in the 2005 Contracts Program for the 2005 cash flow, adjustments will be made to the seven-year Capital Program in order to balance the overall funding, and be it further,



Item 11 by Mr. Waite (Appendix K)
Authorizing Negotiation and Execution of Engineering Agreement D213501 with
Lockwood, Kessler & Barlett, Inc. for Construction Inspection Services Relative to
TANY 05-2, Roadway Rehabilitation and Operational Improvements between M.P.
16.0 and M.P. 29.5, and Allocating Funds Therefor (Continued)

RESOLVED, that the Chief Engineer or the Director of Engineering Services or their designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the Agreement, manage and administer the Agreement, amend the provisions of the Agreement consistent with the terms of this item and in accordance with the 2005 Contracts Program Resolution No. 5396 and other Board authorizations, and suspend or terminate the Agreement in the best interests of the Authority, and be it further

RESOLVED, that the information relating to this agreement be included in the Director of Engineering Services' Quarterly Report to the Board on Contracts Program activities, such information to include the exact Maximum Amount Payable and date of execution of the agreement and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 12 by Mr. Waite (Appendix L)
Authorizing an Amendment to the 2005 Contracts Program to Include a Project for
the Lackawanna Toll Barrier Sanitary System for a Letting in 2005, and Allocating
Funds Therefor

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5435
AUTHORIZING AN AMENDMENT TO THE 2005
CONTRACTS PROGRAM TO INCLUDE A PROJECT
FOR THE LACKAWANNA TOLL BARRIER
SANITARY SYSTEM FOR A LETTING IN 2005, AND
ALLOCATING FUNDS THEREFOR



Item 12 by Mr. Waite (Appendix L)

Authorizing an Amendment to the 2005 Contracts Program to Include a Project for the Lackawanna Toll Barrier Sanitary System for a Letting in 2005, and Allocating Funds Therefor (Continued)

RESOLVED, that the 2005 Contracts Program be, and it hereby is, amended so that the Lackawanna Toll Barrier Sanitary System contract can be let in 2005, and be it further

RESOLVED, that \$100,000 be authorized for the project, and sufficient Thruway funding is available through deferments and/or savings identified in the 2005 Contracts Program, and be it further

RESOLVED, that the Executive Director or his designee shall have the authority to exercise all powers reserved to the Authority under the provisions of the contract, manage and administer the contract, amend the provisions of the contract consistent with the terms of this item and other Board authorizations and suspend or terminate the contract in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 13 by Mr. Waite (Appendix M)

Approving Supplemental Agreement No. 1 to D212770 with Vollmer Associates, LLP for Construction Inspection Services Relative to Contract TANY 04-039B, Replacement of the Route 300 Bridge over the Thruway, and Allocating Funds Therefor

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:



Item 13 by Mr. Waite (Appendix M)

**Approving Supplemental Agreement No. 1 to D212770 with Vollmer Associates, LLP
for Construction Inspection Services Relative to Contract TANY 04-039B,
Replacement of the Route 300 Bridge over the Thruway, and Allocating Funds
Therefor (Continued)**

RESOLUTION NO. 5436

**APPROVING SUPPLEMENTAL AGREEMENT NO. 1
TO D212770 WITH VOLLMER ASSOCIATES, LLP
FOR CONSTRUCTION INSPECTION SERVICES
RELATIVE TO CONTRACT TANY 04-39B,
REPLACEMENT OF THE ROUTE 300 BRIDGE OVER
THE THRUWAY, AND ALLOCATING FUNDS
THEREFOR**

RESOLVED, that the proposed Supplemental Agreement No. 1 to D212770 with Vollmer Associates, LLP, 50 West 23rd Street, New York, New York 10010, for construction inspection services relative to contract TANY 04-39B, replacement of the Route 300 Bridge, for an additional sum of \$342,000, be, and the same hereby is, approved, and be it further

RESOLVED, that the revised Maximum Amount Payable for this Agreement (D212770) be \$570,000, and be it further

RESOLVED, that the additional sum of \$44,000 be allocated from Thruway savings and/or deferments in the 2005 Contracts Program, and be it further

RESOLVED, that the Chief Engineer or the Director of Engineering Services or their designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the Supplemental Agreement, manage and administer the Supplemental Agreement, amend the provisions of the Supplemental Agreement consistent with the terms of this item and in accordance with the 2005 Contracts Program Resolution No. 5396 and other Board authorizations, and suspend or



Item 13 by Mr. Waite (Appendix M)

Approving Supplemental Agreement No. 1 to D212770 with Vollmer Associates, LLP for Construction Inspection Services Relative to Contract TANY 04-039B, Replacement of the Route 300 Bridge over the Thruway, and Allocating Funds Therefor (Continued)

terminate the Supplemental Agreement in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Item 14 by Mr. Waite (Appendix N)

Approving Supplemental Agreement No. 2 to D212920 with Trautman King Markwart Associates, P.C. for Design Services Relative to New Maintenance Facilities in Buffalo Division, and Allocating Additional Funds Therefor

After full discussion, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board adopted the following resolution:

RESOLUTION NO. 5437

APPROVING SUPPLEMENTAL AGREEMENT NO. 2 TO D212920 WITH TRAUTMAN KING MARKWART ASSOCIATES, P.C. FOR DESIGN SERVICES RELATIVE TO NEW MAINTENANCE FACILITIES IN THE BUFFALO DIVISION, AND ALLOCATING FUNDS THEREFOR

RESOLVED, that the proposed Supplemental Agreement No. 2 to D212290 with Trautman King Markwart Associates, P.C., 470 Franklin Street, Buffalo, New York 14202, for design services relative to new maintenance facilities in the Buffalo Division, for an additional sum of \$575,000, be, and the same hereby is, approved, and be it further

RESOLVED, that the revised Maximum Amount Payable for this Agreement (D212290) be \$1,065,000, and be it further



Item 14 by Mr. Waite (Appendix N)

Approving Supplemental Agreement No. 2 to D212920 with Trautman King Markwart Associates, P.C. for Design Services Relative to New Maintenance Facilities in Buffalo Division, and Allocating Additional Funds Therefor (Continued)

RESOLVED, that the additional sum of \$95,000 be allocated from Thruway savings and/or deferments in the 2005-2011 Capital Program, and be it further

RESOLVED, that the Chief Engineer or the Director of Engineering Services or their designees shall have the authority to exercise all powers reserved to the Authority under the provisions of the Supplemental Agreement, manage and administer the Supplemental Agreement, amend the provisions of the Supplemental Agreement consistent with the terms of this item and in accordance with the 2005 Contracts Program Resolution No. 5396 and other Board authorizations, and suspend or terminate the Supplemental Agreement in the best interests of the Authority, and be it further

RESOLVED, that this resolution be incorporated in the minutes of this meeting.

Tappan Zee Bridge Update

Chairman Buono requested that Ramesh Mehta, New York Division Director, provide the Board with a brief update on the condition of the Tappan Zee Bridge. Mr. Mehta reported that while the condition of the bridge has gone down it is not in dangerous condition for travel. He stated that to date 330,000 square feet of the bridges 1.5 million square foot deck has been replaced so far. The contract for additional work will be let this year and may take up to 2 years to complete.

Mr. Fleischer added that the Authority is looking into ways to accelerate the letting on this project and intends to provide Mr. Mehta with assistance from maintenance crews in other divisions.

Chairman Buono stated that it is the Board's intention that staff ensure that the Bridge is perfectly safe and that the standard is up to par for the driving public. He requested that Mr. Mehta and Mr. Fleischer continue keep the Board informed as to developments with this project.



Executive Session

On the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the Board voted to convene to Executive Session to discuss Real Property matters and pending litigation.

Adjournment

There being no further business to come before the Board, on the motion of Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the meeting was adjourned.

Jill B. Warner
Secretary

