



## **MINUTES**

### **NEW YORK STATE THRUWAY AUTHORITY**

#### **BOARD MEETING NO. 643**

**August 3, 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 10:35 a.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 Thruway Authority 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 Behrens, Director, Office of Traffic Management**

**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**

**Major George Beach, Troop T**

**Daniel Gilbert, Director, Public Affairs**

**Wilma DeLucco, Director, Administrative Services**

**Donald Bell, Director, Albany Division**  
**Carmella Mantello, Director of Canal Corporation**  
**Lawrence Frame, Deputy Director of Canal Corporation**  
**Richard Garrabrant, Acting Director, Syracuse Division**  
**Also in Attendance:**  
**Cathy Woodruff, Reporter, *Albany Times Union***

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.

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**Item 1 by Ms. Warner (Appendix A)**  
**Minutes of Meeting No. 642**

On the motion of Ms Carey Cassidy, seconded by Chairman Buono, without any objections, the Board approved the minutes of Meeting No. 642 held on July 7, 2005, which were made available to the Board Members as part of the Agenda.

**Item 2 by Mr. Bryan (Appendix B)**  
**Financial Report – June 2005**

Mr. Bryan reported that net toll revenue in June was up \$9.6 million or 25 percent over June of 2004 – reflecting the impact of the toll adjustment instituted in May and increased traffic on the system. As a result, for the first half of 2005 net toll revenue was \$14.7 million over the level collected in the same period of 2004 (\$9.0 million of this increase was from passenger vehicles with the \$5.7 million balance from commercial vehicles).

The traffic data for June and the preliminary revenue and traffic data for July has been reviewed by staff and Vollmer and the data indicates that overall the Authority is not seeing any significant diversions as a result of the toll adjustment



**Item 2 by Mr. Bryan (Appendix B)**  
**Financial Report – June 2005 (Continued)**

He reported that as far as concession revenue collections are concerned, gasoline deliveries were up in June – resulting in a 1.6 percent increase in revenues. However, for the first six months of the year, gasoline deliveries are down resulting in a 4.7 percent decline in revenue from for same period in 2004. Conversely, restaurant revenue in June was down by 7 percent and for the first half of the year but up by 1.6 percent for the first half of the year.

Sundry and other revenue collections continue to significantly exceed last year's levels – up by over 41 percent for the first half of 2005. This increase is predominately due to higher interest rates. The Authority is currently earning about 3 percent on average on investments, compared to the 1 percent or so earned on investments in 2004.

Accounting for toll, concession, sundry and other revenue collections, total revenue collected in the first six months of 2005 reached over \$221 million which was \$17.4 million or 7.9 percent above the level collected in the first half of 2004. Compared to current budget estimates, total operating revenue is essentially on target – about \$2.0 million or 0.8 percent below expectations.

On the expense side, as noted in previous financial reports, despite higher than anticipated costs associated with snow and ice removal earlier in the year and the high prices of fuel and other materials, expenses in the first six months of 2005 were \$4.4 million or 2.1 percent below the budgeted level.

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

**Item 3 by Mr. Fleischer (Appendix C)**  
**Report to Thruway Authority Board for Personal Service Contracts Up to \$150,000 for the Period April 1, 2005 through June 30, 2005**

Mr. Fleischer submitted as Exhibit I a listing containing Personal Service Contracts up to \$150,000 for the period of April 1, 2005 through June 30, 2005.

After full discussion, on the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board accepted Mr. Fleischer's report.



**Item 4 by Mr. Brizzell (Appendix D)**

**Authorizing an Amendment of the Rules and Regulations in Relation to the Maximum Speed Limit on the Thruway and Electronic Toll Collection**

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. 5440**

**AUTHORIZING AN AMENDMENT OF THE RULES AND REGULATIONS IN RELATION TO THE MAXIMUM SPEED LIMIT ON THE THRUWAY AND ELECTRONIC TOLL COLLECTION**

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**RESOLVED**, that the General Counsel is hereby authorized to take all necessary action to publish and adopt a rule making pursuant to the State Administrative Procedure Act (SAPA), to amend the maximum speed limit on the Thruway to sixty-five miles per hour and to reflect the speed limits for electronic toll collection and the administrative process for electronic toll collection speed violations and appeals, consistent with the proposed amendment to 21 NYCRR Part 103.2 Speed limits, attached hereto as Exhibit I, and be it further

**RESOLVED**, that the General Counsel, with the concurrence of the Executive Director, is hereby authorized to make modifications to these amendments as she deems appropriate in response to any comments that may be received during the SAPA process, provided, however, if the General Counsel and the Executive Director determine that any of the modifications are significant, such modifications will be circulated to the Board Members prior to adoption of the rule making, and be it further

**RESOLVED**, that the Board authorize the maximum allowable speed limit on the Garden State Parkway Connector and I87 between mileposts 23.53 and 33.0 be posted as sixty-five miles per hour, and continue a posting of sixty-five miles per hour speed limit on highway portions so



**Item 4 by Mr. Brizzell (Appendix D)**

**Authorizing an Amendment of the Rules and Regulations in Relation to the Maximum Speed Limit on the Thruway and Electronic Toll Collection (Continued)**

authorized by previous Board actions, and be it further

RESOLVED, that the Board rescinds the resolve from the June 1995 Board Meeting No. 535, Resolution No. 4547 that a fifty-five mile per hour speed limit be maintained for long tandem operations pursuant to an Authority permit, and be it further

RESOLVED, that the Executive Director, the General Counsel, the Chief Engineer, or their designees, be, and the same hereby are, authorized to take all actions necessary to implement this Resolution, rule making and adopted rule, and be it further

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

**Item 5 by Ms. DeLucco (Appendix E)**

**Compensation for Managerial/Confidential Employees and Authorization of the Executive Director to Extend to Managerial/Confidential Employees Appropriate Bargaining Agreement Provisions which may be Negotiated**

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. 5441**

COMPENSATION FOR  
MANAGERIAL/CONFIDENTIAL EMPLOYEES AND  
AUTHORIZATION OF THE EXECUTIVE DIRECTOR  
TO EXTEND TO MANAGERIAL/CONFIDENTIAL  
EMPLOYEES APPROPRIATE BARGAINING  
AGREEMENT PROVISIONS WHICH MAY BE  
NEGOTIATED

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**Item 5 by Ms. DeLucco (Appendix E)**  
**Compensation for Managerial/Confidential Employees and Authorization of the**  
**Executive Director to Extend to Managerial/Confidential Employees Appropriate**  
**Bargaining Agreement Provisions which may be Negotiated (Continued)**

**RESOLVED**, that retroactive to the pay period that includes July 1, 2004 the base salary of Managerial/Confidential (M/C) employees and the M/C salary schedule be increased by 2.5% as noted on Exhibit A; and retroactive to the pay period that includes July 1, 2005, the base salary of M/C employees and the M/C Salary Schedule be increased by 2.75% as noted on Exhibit B; and effective the first pay period following Board approval an adjustment of \$400.00 be added to the base salary of M/C employees and the M/C Salary Schedule be increased by \$400.00 as noted on Exhibit C; and effective the pay period that includes July 1, 2006, the base salary of M/C employees and the M/C Salary Schedule be increased by 3.0% as noted on Exhibit D; and effective the pay period that includes July 1, 2007 an adjustment of \$866.00 be added to the base salary of M/C employees and the M/C Salary Schedule be increased by \$866.00 as noted on Exhibit E, and be it further

**RESOLVED**, that employees new to the Authority after the date of Board approval of this item, will permanently contribute 20% of the cost of individual or individual and dependent health insurance coverage for the Empire Plan. The Authority will pay for those employees enrolled in HMO plans, up to the same dollar amounts as for the Empire Plan. Service with the Canal Corporation will be deemed Thruway Authority service for health insurance purposes, and be it further

**RESOLVED**, that for employees hired prior to the date of Board approval of this item, the health insurance opt-out be increased to \$1,500 annually for individual coverage and to \$3,000 annually for dependent coverage. Employees new to the Authority after Board approval of this item will not be eligible for the opt-out program, and be it further



**Item 5 by Ms. DeLucco (Appendix E)**  
**Compensation for Managerial/Confidential Employees and Authorization of the**  
**Executive Director to Extend to Managerial/Confidential Employees Appropriate**  
**Bargaining Agreement Provisions which may be Negotiated (Continued)**

**RESOLVED**, that the number of years of permanent service required to be eligible for an unlimited E-ZPass tag be increased from four to five years of satisfactory service for employees hired after Board approval of this item. Employees new to the Authority after Board approval of this item will not be eligible to receive an Unlimited Thruway Pass upon retirement, and be it further

**RESOLVED**, that the Executive Director is authorized to adjust the Sick Leave Incentive program by restoring the lost sick leave bank up to a maximum of 200 days and authorizing the application of the value of up to 200 days of sick leave towards the employee cost of health insurance upon retirement; and is also authorized to seek legislation to permit M/C employees to apply up to 200 days of sick leave for retirement service credit purposes, and be it further

**RESOLVED**, that the Executive Director be, and hereby is authorized to extend appropriate provisions of collective bargaining agreements that have been or may be reached as a result of current labor negotiations with the Authority/Corporation's unionized employees (including the reduction of such benefits) to the Authority's M/C employees, and be it further

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



**Item 6 by Mr. Waite (Appendix F)**

**Authorizing an Amendment to the 2005 Contracts Program to Include Two Projects for a Letting in 2005**

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. 5442**

**AUTHORIZING AN AMENDMENT TO THE 2005 CONTRACTS PROGRAM TO INCLUDE TWO PROJECTS FOR A LETTING IN 2005**

RESOLVED, that the 2005 Contracts Program be, and it hereby is, amended so that Item B905.1, Tappan Zee Bridge Deck Replacement can be let in 2005 and that H57.1 Pavement Resurfacing at Interchanges 20E (Saugerties) and 21B (Coxsackie), can be let in 2005 with H816.1, Pavement Resurfacing from Interchange 21 to 21A, M.P. 109.3 to 121.2, 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 7 by Mr. Waite (Appendix G)**

**Authorizing Negotiation and Execution of Two Term Agreements (D213485 and D213490) with Two Engineering Firms for Design 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 7 by Mr. Waite (Appendix G)**  
**Authorizing Negotiation and Execution of Two Term Agreements (D213485 and D213490) with Two Engineering Firms for Design Support Services for a Period of Two Years (Continued)**

**RESOLUTION NO. 5443**

**AUTHORIZING NEGOTIATION AND EXECUTION  
OF TWO TERM AGREEMENTS (D213485 AND  
D213490) WITH TWO ENGINEERING FIRMS FOR  
DESIGN SUPPORT SERVICES FOR A PERIOD OF  
TWO YEARS**

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**RESOLVED**, that the Chief Engineer or Director of Engineering Services be, and they hereby are, authorized to negotiate and execute term agreements (D213485, and D213490) with the two (2) engineering firms listed in Exhibit A, attached hereto, for design 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 8 by Mr. Waite (Appendix H)**  
**Authorizing Negotiation and Execution of Engineering Agreement D213507 with**  
**Nussbaumer & Clarke, Inc. for Construction Inspection Services Relative to TAB 05-6,**  
**Selective Mill and Inlay and Full Depth Repairs at Various Locations in Buffalo**  
**Division**

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. 5444**

**AUTHORIZING NEGOTIATION AND EXECUTION  
OF ENGINEERING AGREEMENT D213507 WITH  
NUSSBAUMER & CLARKE, INC. FOR  
CONSTRUCTION INSPECTION SERVICES  
RELATIVE TO TAB 05-6, SELECTIVE MILL AND  
INLAY AND FULL DEPTH REPAIRS AT VARIOUS  
LOCATIONS IN BUFFALO DIVISION**

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**RESOLVED, that the Chief Engineer or Director of Engineering Services be, and they hereby are, authorized to negotiate and execute engineering agreement D213507 with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219 for construction inspection services relative to TAB 05-6, Selective Mill and Inlay and Full Depth Repairs at Various Locations in Buffalo Division, provided that the Maximum Amount Payable does not exceed the \$320,000, of which \$300,000 is Authority funding (Item H1059.5 of the 2005 Contracts Program) and the remaining \$20,000 is from the New York State Department of Transportation, 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 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**



**Item 8 by Mr. Waite (Appendix H)**  
**Authorizing Negotiation and Execution of Engineering Agreement D213507 with**  
**Nussbaumer & Clarke, Inc. for Construction Inspection Services Relative to TAB 05-6,**  
**Selective Mill and Inlay and Full Depth Repairs at Various Locations in Buffalo**  
**Division (Continued)**

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.

**Adjournment**

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

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Jill B. Warner  
Secretary

