



## **MINUTES**

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

#### **BOARD MEETING NO. 647**

**November 14, 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 11:08 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 Rinaldi, Acting Director, Operations**

**Joanne Riddett, Director, Information Technology**

**Wendy Allen, Director, Department of Planning Services**

**James Chicoine, Assistant to the Director, Engineering Services**

**George Tanner, Director, Maintenance Engineering and Assistant Chief Engineer**

**Kevin Allen, Unit Supervisor 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, Director, Syracuse Division**  
**William Leslie, Director, Buffalo Division**  
**Ramesh Mehta, Director, New York Division**  
**David Boshart, Director, Office of Canal Land Management**  
**Jennifer Meicht, Deputy Director of Canal Corporation**  
**Michael Sikule, Director, Office of Investments and Asset Management**  
**Will Ristau, Deputy Director, Department of Planning Services**  
**Marc Herbst, Project Manager, Tappan Zee Project Management Team**  
**Also in Attendance:**  
**Cathy Woodruff, Reporter, *Albany Times Union***  
**Cara Matthews, Reporter, *Gannett News Service***

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. 646**

On the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, without any objections, the Board approved the minutes of Meeting No. 646 held on October 20, 2005, which were made available to the Board Members as part of the Agenda.

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

Mr. Bryan reported that net toll revenue in September was up \$8.9 million or 23.3 percent over August of 2004. For the first three quarters of 2005, net toll revenue was \$46.4 million over the level collected in the same period of 2004 (\$30.9 million of this increase was from passenger vehicles and \$15.6 million was from commercial vehicles).



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

At Board Member Reidman's request, a chart was attached to the report that indicates what portion of net toll collections are due to the toll adjustment. Approximately 24 percent of toll collections in September were due to the toll adjustment. In dollar terms, the Authority estimates that \$11.4 million of the \$47.2 million in net collections was generated by the toll adjustment.

Also attached is a chart that shows the portion of annual net toll collections that are collected in each month. The chart shows that collections in September are historically lower than the summer months as kids go back to school and discretionary passenger travel is reduced.

There has been a fair amount of public attention paid to the impact of gas prices on road traffic across the nation. Based on revenue data, the Authority estimates that the increases and volatility in fuel prices in early September had a very short-term and small impact on traffic and hence toll collections.

There were a number of weekdays and weekends during the period in which gas prices were climbing where passenger toll collections were below expectations. However, during the entire month of September, commercial toll collections were at or slightly above expected levels that suggest positive underlying traffic growth.

In total, passenger toll revenue collections in September were approximately 3 percent or about \$900,000 lower than expected. After adjusting for the rainy weekend weather in late September and October, the Authority has seen both passenger and commercial toll collections come in at or slightly above expectations which suggests that the impact of higher fuel prices has subsided and underlying traffic growth has returned to normal.

High fuel prices and their impact on our traffic in September led to a sizable reduction in gasoline deliveries and revenues and a slight reduction in restaurant sales. As a result, for the first nine months of the year, total concession revenue is about 0.9% or \$104,000 below the level collected in the first nine months of 2004.

Sundry and other revenue collections continue to significantly exceed last year's levels – up by over \$3.3 million or 28 percent for the first nine months of 2005. As noted in the attached revenue summary, this almost entirely due to higher interest earnings received on our investments.



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

Accounting for toll, concession, sundry and other revenue collections, total revenue collected in the first nine months of 2005 reached over \$403 million which was \$50 million or 14 percent above the level collected in the first nine months of 2004. Compared to the 2005 revised budget estimate for September, total operating revenue was on target.

On the expense side, for the nine months of 2005 the Authority was \$10.5 million or 4.9 percent above expenses for the same period in 2004. As noted in previous monthly reports, nondiscretionary expenses, such as growing health insurance premiums, pension costs and high fuel and electricity costs are driving increases in the budget. Compared to the revised budget, the Authority is \$10.5 million below estimates, this is due to payment timings and will be eliminated as the Authority moves along further into the year.

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 Report for the month of September 2005.

**Item 3 by Mr. Bryan (Appendix C)**  
**Approving the Selection of an Insurance Broker for the Authority's Insurance Policies**

Board Member Riedman requested that language be included in the Contract indicating that the selected broker will be contracted on a fee only basis and will not receive commissions.

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. 5466**  
**APPROVING THE SELECTION OF AN INSURANCE  
BROKER FOR THE AUTHORITY'S INSURANCE  
POLICIES**

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**RESOLVED**, that the Board approves the selection of Rose & Kiernan, Inc. to provide insurance brokerage services for the Authority's insurance policies for a three-year period with two one-year options to renew at a total contract price not to exceed \$493,500 for both Canal



**Item 3 by Mr. Bryan (Appendix C)**

**Approving the Selection of an Insurance Broker for the Authority's Insurance Policies  
(Continued)**

Corporation and Authority services, and be it further

**RESOLVED**, that the Executive Director, or his designee, is hereby authorized to execute an Agreement with Rose & Kiernan, Inc. in accordance with the terms of this item, 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. Fleischer (Appendix D)**

**Authorizing the Executive Director to Execute an Amended Agreement with the Metro-North Commuter Railroad Company, a Subsidiary of MTA and New York State Department of Transportation**

The Board requested that the Memorandum of Agreement be amended to include the title of the Commissioner of Transportation's designee to represent him in his absence as a member of the Executive Steering Committee.

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



**Item 4 by Mr. Fleischer (Appendix D)**  
**Authorizing the Executive Director to Execute an Amended Agreement with the Metro-North Commuter Railroad Company, a Subsidiary of MTA and New York State Department of Transportation(Continued)**

**RESOLUTION NO. 5467**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDED AGREEMENT WITH THE METRO-NORTH COMMUTER RAILROAD COMPANY, A SUBSIDIARY OF MTA AND NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

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**RESOLVED, that the Executive Director be and is hereby authorized to execute an amended agreement with the Metro-North Commuter Railroad Company acting on behalf of the Metropolitan Transportation Authority (“MTA”) and the New York State Department of Transportation (“Department”) relating to the completion of the Environmental Review of the I-287/Tappan Zee Bridge Corridor project on terms and conditions consistent with the form of the agreement attached hereto as Exhibit I, and be it further**

**RESOLVED, that the Executive Director shall provide periodic status reports on the completion of various project milestones and provide a draft environmental impact analysis report to the Board for review, comment and subsequent action, and be it further**

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

**Item 5 by Ms. O’Conor (Appendix E)**  
**Approving the Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution and Authorizing the Execution of Any Other Documents Necessary to Effectuate Amendments to the General Revenue Bond Resolution**

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



**Item 5 by Ms. O’Conor (Appendix E)**  
**Approving the Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution and Authorizing the Execution of Any Other Documents Necessary to Effectuate Amendments to the General Revenue Bond Resolution(Continued)**

**RESOLUTION NO. 5468**

**APPROVING THE TENTH SUPPLEMENTAL REVENUE BOND RESOLUTION AMENDING THE GENERAL REVENUE BOND RESOLUTION AND AUTHORIZING THE EXECUTION OF ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE AMENDMENTS TO THE GENERAL REVENUE BOND RESOLUTION**

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**RESOLVED**, in accordance with the New York State Thruway Act, as amended, Title 9 of Article 2 of the Public Authorities Law, Chapter 43-A of the Consolidated Laws of the State of New York (as amended, the “Act”), the Authority is authorized to issue its bonds, in such principal amount, as in the opinion of the Authority, shall be necessary to provide sufficient moneys for achieving the corporate purposes of the Authority, and be it further

**RESOLVED**, that the Act authorizes the Authority to adopt bond resolutions establishing the contract with its bond and note holders, and be it further

**RESOLVED**, that there has been approved by the Board, on August 3, 1992, a General Revenue Bond Resolution (as amended and supplemented, the “General Revenue Bond Resolution”) which, consistent with the Act, authorizes bonds of the Authority, designated as “General Revenue Bonds” as direct and general obligations of the Authority in accordance with the terms thereof to finance all or a portion of the costs of various corporate purposes of the Authority, including the refunding thereof, and be it further

**RESOLVED**, that Article IX of the General Revenue Bond Resolution requires that amendment to the



**Item 5 by Ms. O’Conor (Appendix E)**  
**Approving the Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution and Authorizing the Execution of Any Other Documents Necessary to Effectuate Amendments to the General Revenue Bond Resolution(Continued)**

General Revenue Bond Resolution be accomplished by a supplemental resolution or resolutions of the Authority adopted at or prior to the time of amendment, and be it further

RESOLVED, that there has been prepared and submitted to the Board a form of Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution (the “Tenth Supplemental Resolution”), to effectuate the amendments to the General Revenue Bond Resolution described in this Resolution, and be it further

RESOLVED, that the Board approves the form of the Tenth Supplemental Resolution as submitted to this meeting and made a part of this resolution as though set forth in full herein, and authorizes an Authorized Officer (as defined in the General Revenue Bond Resolution) to approve and execute such changes to the Tenth Supplemental Resolution as may be deemed necessary or convenient to effectuate the purposes thereof, and be it further

RESOLVED, that the Authority intends to authorize the amendments, pursuant to the Resolution and the Tenth Supplemental Resolution, of the General Revenue Bond Resolution, and be it further

RESOLVED, that the Authority intends to effectuate the following amendments:

(a) Having received the consents of Bondholders as required and in accordance with the provisions of Articles IX and X of the General Revenue Bond Resolution, to amend the provisions of subsection 3 of



**Item 5 by Ms. O’Conor (Appendix E)**  
**Approving the Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution and Authorizing the Execution of Any Other Documents Necessary to Effectuate Amendments to the General Revenue Bond Resolution(Continued)**

Section 609 of the General Revenue Bond Resolution as follows:

“(3) The Authority covenants that tolls, fees or charges for the use of a Facility constituting a tolled road or bridge will be classified in a reasonable way to cover all traffic within any class regardless of the status or character of any person, firm or corporation participating in the traffic, and that no reduced rate of toll, fee or charge will be allowed within any such class except that provision may be made for the use of commutation or other tickets or privileges based upon frequency, volume, occupancy, congestion pricing or to facilitate implementation of electronic or other new toll collection technologies, or relating to incentives for use of newly tolled facilities which incentives last not longer than three years from the date of introduction of such incentives. The Authority further covenants that no free vehicular passage will be permitted over any portion of the Original Project that is subject to tolls at the time of adoption of this General Revenue Bond Resolution or any portion of an Additional Project constituting a tolled road or bridge except, to the extent determined necessary and appropriate from time to time in the sole discretion of the Authority, (i) to members, officers and employees of the Authority and the New York State Police, in each case to the extent assigned to any Facility actually in the performance of their duties or in the course of traveling to or from the place of the performance of such duties or as contractually provided, (ii) by means of passes or otherwise, to such vehicles owned by individuals, corporations or partnerships with which the Authority has entered into leases, concession contracts or service and maintenance contracts, as in its discretion may be deemed necessary for the operation of concessions and facilities upon the Facilities, for the maintenance of such concessions or facilities and for the prompt and



**Item 5 by Ms. O’Conor (Appendix E)**  
**Approving the Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution and Authorizing the Execution of Any Other Documents Necessary to Effectuate Amendments to the General Revenue Bond Resolution(Continued)**

economical furnishing of emergency services to patrons of the Facilities or any concession or facility thereof, (iii) in a manner and in amounts such that as a result thereof, based upon projections furnished in a report to the Authority and the Trustee by an Independent Consultant, the Authority projects that there will be no material decrease in Revenues, except to the extent offset by a corresponding decrease in Operating Expenses; provided that for purposes of its report, the Independent Consultant shall take into account implemented or approved toll adjustments and other contemporaneous or prospective changes in the operations of the Original Project and any portion of any Additional Project constituting a tolled road or bridge that shall have been approved by the Authority, and (iv) otherwise in de minimis amounts.”; and

(b) Subject to the consent of any issuer of a Credit Facility, as may be necessary in the determination of the Authority, pursuant to the provisions of Section 902(9) of the General Revenue Bond Resolution to amend the second paragraph of Section 611 of the General Revenue Bond Resolution to read as follows:

“2. The Authority shall annually, within 120 days after the close of each calendar year, file with the Trustee a copy of an annual report for such year, accompanied by a certificate of an Authorized Officer, including statements in reasonable detail of: financial condition as of the end of such year and income and expenses for such year, all to the extent relating to the Facilities; a statement of all classifications of income for such year; and a summary of statement with respect to each Fund and account established under the Resolution and until the payment of the Restaurant Concession Bonds within the meaning and with the effect expressed in the Restaurant Concession Bond Resolution, the funds and accounts relating thereto and the receipts therein and



**Item 5 by Ms. O’Conor (Appendix E)**  
**Approving the Tenth Supplemental Revenue Bond Resolution Amending the General Revenue Bond Resolution and Authorizing the Execution of Any Other Documents Necessary to Effectuate Amendments to the General Revenue Bond Resolution(Continued)**

disbursements therefrom during such year and the amounts held therein at the end of such year.”; and

(c) Subject to the consent of any issuer of a Credit Facility, as may be necessary in the determination of the Authority and with respect to the Restaurant Concession Bonds, only on or after the Retirement Date of Restaurant Concession Bonds, pursuant to the provisions of Section 902(9) of the General Revenue Bond Resolution to amend the General Revenue Bond Resolution to eliminate references to and provisions relating to “Guaranteed Bonds”, “Guaranteed Bond Resolutions”, “Restaurant Concession Bonds”, “Restaurant Concession Bond Resolution”, “Restaurant Concession Bonds Pledged Revenues” and “Retirement Date of Restaurant Concession Bonds”.

Any Authorized Officer is further authorized to prepare a conformed copy of the General Revenue Bond Resolution reflecting the foregoing amendments.

**RESOLVED**, that an Authorized Officer is authorized to make any determinations and to execute any additional certificates, agreements or other documents necessary to facilitate the foregoing amendments to the General Revenue Bond Resolution and to do and cause to be done any and all acts and things necessary or proper to carry out the transactions contemplated by this Resolution, and be it further

**RESOLVED**, that in connection with the adoption of the Tenth Supplemental Resolution, the Board approves the amendments to the General Revenue Bond Resolution described in this Resolution, and be it further;

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



**Item 6 by Ms. DeLucco (Appendix F)**

**Approval of the Unit II Collective Bargaining Agreement between the Thruway Authority and the Civil Service Employees Association, Local 058, AFSCME, AFL-CIO and Authorization for the Executive Director to Execute the Agreement**

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. 5469**

**APPROVAL OF THE UNIT II COLLECTIVE BARGAINING AGREEMENT BETWEEN THE AUTHORITY AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION LOCAL 058, AFSCME, AFL-CIO AND AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE THE AGREEMENT**

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**RESOLVED**, that the proposed Unit II Agreement between representatives of the Authority and the Civil Service Employees Association, Local 058, AFSCME, AFL-CIO (as representatives of employees in Negotiating Unit II) be, and the same hereby is, approved, and be it further

**RESOLVED**, that the Executive Director be, and hereby is, authorized to execute the Agreement, and be it further

**RESOLVED**, that the Executive Director or his designee be and hereby is, authorized to enter into Memoranda of Understanding or Settlement Agreements with representatives of CSEA to clarify or otherwise settle questions or disputes regarding the interpretation and application of this Agreement, and be it further

**RESOLVED**, that an exact copy of the proposed Agreement shall be, and the same hereby is, included in the official notes for this meeting, and be it further

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



**Item 7 by Ms. DeLucco (Appendix G)**

**Approval to Enter into a Lease Agreement for Office Space at 270 Mt. Hope Drive, Albany, NY**

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. 5470**

**APPROVAL TO ENTER INTO A LEASE AGREEMENT  
FOR OFFICE SPACE AT 270 Mt. HOPE DRIVE,  
ALBANY, NY**

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**RESOLVED**, that the Director of Administrative Services or her designee be, and hereby is, authorized to negotiate a Lease Agreement for approximately 17,925 square feet at 270 Mt. Hope Drive, Albany, New York on the terms contained in this agenda item and such other terms as may be deemed to be in the best interest of the Authority and consistent with this item, and be it further

**RESOLVED**, that the recommendation for issuance of a Negative Declaration based on an environmental assessment of the proposed action completed in accordance with the provisions of the State Environmental Quality Review Act (SEQRA) (attached hereto as Exhibit 1) be and hereby is approved, and be it further

**RESOLVED**, that the Chief Engineer, or his designee, be, and the same hereby is, authorized to sign the SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Board relative to this action, and be it further

**RESOLVED**, that the Executive Director or his designee be, and hereby is, authorized, to execute a Lease Agreement on behalf of the Authority, and all other documents necessary to implement, or related to, said Lease Agreement, and be it further



**Item 7 by Ms. DeLucco (Appendix G)**

**Approval to Enter into a Lease Agreement for Office Space at 270 Mt. Hope Drive, Albany, NY (Continued)**

**RESOLVED**, that said Lease Agreement must be fully executed and approved by the NYS Attorney General and the Office of the State Comptroller no later than one year from the date that this resolution is approved and that if the Lease Agreement is not fully approved and executed, all authorization to enter into a Lease Agreement shall be deemed to have expired, and be it further

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

**Item 8 by Ms. Allen (Appendix H)**

**Authorizing the Executive Director to Execute an Agreement with Vollmer Associates LLP for Consulting Services Relative to a Study of Alternative Means of Collecting Tolls on the Thruway**

Board Member Riedman requested that staff negotiate with Vollmer Associates to expedite Phase I of the study and come back to the Board in January with a new timeline for the study.

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. 5471**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH VOLLMER ASSOCIATES LLP FOR CONSULTING SERVICES RELATIVE TO A STUDY OF ALTERNATIVE MEANS OF COLLECTING TOLLS ON THE THRUWAY**

**RESOLVED**, that the Executive Director be, and hereby is, authorized to execute an agreement on behalf of the Authority with Vollmer Associates LLP, 50 West 23<sup>rd</sup> Street, New York, New York 10010 for consulting services relative to Phase 1 of the Thruway Toll Systems Study for a term of two years, for a sum not to exceed \$750,000, and be it further



**Item 8 by Ms. Allen (Appendix H)**  
**Authorizing the Executive Director to Execute an Agreement with Vollmer Associates**  
**LLP for Consulting Services Relative to a Study of Alternative Means of Collecting**  
**Tolls on the Thruway (Continued)**

RESOLVED, that the Executive Director or his designee be, and hereby is, authorized on behalf of the Authority to fund the Phase 1 work through the 2006 Contracts Program Item Number 47.1, 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 9 by Mr. Rinaldi (Appendix I)**  
**Approval of General Policy 15-8-01 Duty Officers**

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. 5472**  
**APPROVAL OF GENERAL POLICY 15-8-01 DUTY OFFICERS**

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RESOLVED, that the revised General Policy on Duty Officers (as set forth in Exhibit I attached) is hereby approved, and be it further

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



**Item 10 by Mr. Bryan and Mr. Rinaldi (Appendix J)**  
**Establishing a New E-ZPass Discount Plan for Pick-Up Trucks Towing a Trailer, Camper or Boat Using a 5th Wheel Hitch, Authorizing Amendment to the Rules and Regulations of the Authority and Any Other Action Necessary for Future Action Relative to the Vehicle Classification System**

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

**RESOLUTION NO. 5473**

**ESTABLISHING A NEW E-ZPASS DISCOUNT PLAN FOR PICK-UP TRUCKS TOWING A TRAILER, CAMPER OR BOAT USING A 5TH WHEEL HITCH, AUTHORIZING AMENDMENT TO THE RULES AND REGULATIONS OF THE AUTHORITY AND ANY OTHER ACTION NECESSARY FOR FUTURE ACTION RELATIVE TO THE VEHICLE CLASSIFICATION SYSTEM**

**RESOLVED, that the Board approves and authorizes implementation of the E-ZPass discount plan for certain Class 3H and 4H vehicle combinations as described in this item, and be it further**

**RESOLVED, that implementation of this discount plan will be in compliance with the applicable provisions of the Authority's General Revenue Bond Resolution and will not adversely affect the progression of the Authority's multi-year capital plan, and be it further**

**RESOLVED, that the Board affirms the issuance of the Negative Declaration of Environmental Significance originally adopted on April 25, 2005, and be it further**

**RESOLVED, that the Board approves the proposed modifications to the Authority's regulations as presented in Exhibit III attached hereto and authorizes the Executive Director, or his designee, to take all actions necessary under the State Administrative Procedure Act, Executive Order #20 and any other applicable statutes, policies and other requirements to effectuate the amendments to the**



**Item 10 by Mr. Bryan and Mr. Rinaldi (Appendix J)**  
**Establishing a New E-ZPass Discount Plan for Pick-Up Trucks Towing a Trailer, Camper or Boat Using a 5th Wheel Hitch, Authorizing Amendment to the Rules and Regulations of the Authority and Any Other Action Necessary for Future Action Relative to the Vehicle Classification System(Continued)**

regulations of the Authority, and be it further

RESOLVED, that the Board authorizes the Executive Director, or his designee, to take any other action deemed necessary to take any further action relative to the Vehicle Classification System, and be it further

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

**Item 11 by Mr. Tanner (Appendix K)**  
**Approving and Authorizing the Executive Director to Execute an Agreement with the Town of West Seneca, Erie County for the Provision of Public Sewer Services for the Lackawanna Toll Barrier Facility (Milepost 430.5)**

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

**RESOLUTION NO. 5474**

**APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF WEST SENECA, ERIE COUNTY FOR THE PROVISION OF PUBLIC SEWER SERVICES FOR THE LACKAWANNA TOLL BARRIER FACILITY (MILEPOST 430.5)**

RESOLVED, that the Executive Director be, and hereby is, authorized to execute an Agreement with the Town of West Seneca, Sewer District No. 12-1 for municipal sanitary sewer services on such terms and conditions that he deems in the best interest of the Authority and which are consistent with the provisions of this agenda item; and be it further



**Item 11 by Mr. Tanner (Appendix K)**  
**Approving and Authorizing the Executive Director to Execute an Agreement with the**  
**Town of West Seneca, Erie County for the Provision of Public Sewer Services for the**  
**Lackawanna Toll Barrier Facility (Milepost 430.5) (Continued)**

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 the Agreement that may be necessary between the Authority and the Town of West Seneca, Sewer District No. 12-1 Agreement; and be it further

RESOLVED, that the Executive Director or his designee, be authorized to execute renewals of said Agreement upon such terms and conditions he deems in the best interest 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 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 full in the minutes of this meeting.

**Item 12 by Mr. Waite as presented by Mr. Brizzell (Appendix L)**  
**Authorizing Negotiation and Execution of Four Term Agreements (D213522, D213523,**  
**D213524 and D213525) with Four Engineering Firms for Construction Inspection**  
**Support Services for a Period of Two Years**

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



**Item 12 by Mr. Waite as presented by Mr. Brizzell (Appendix L)**  
**Authorizing Negotiation and Execution of Four Term Agreements (D213522, D213523,**  
**D213524 and D213525) with Four Engineering Firms for Construction Inspection**  
**Support Services for a Period of Two Years (Continued)**

**RESOLUTION NO. 5475**

**AUTHORIZING NEGOTIATION AND EXECUTION  
OF FOUR TERM AGREEMENTS (D213522, D213523,  
D213524 AND D213525) WITH FOUR ENGINEERING  
FIRMS FOR CONSTRUCTION INSPECTION  
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 (D213522, D213523, D213524 and D213525) with the four (4) 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 2006 Contracts Program Resolution No. 5457 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



**Item 12 by Mr. Waite as presented by Mr. Brizzell (Appendix L)**  
**Authorizing Negotiation and Execution of Four Term Agreements (D213522, D213523, D213524 and D213525) with Four Engineering Firms for Construction Inspection Support Services for a Period of Two Years (Continued)**

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

**Item 13 by Mr. Waite as presented by Mr. Brizzell (Appendix M)**  
**Authorizing Negotiation and Execution of Two Term Agreements (D213499 and D213500) with Two Engineering Firms for Highway Pavement Testing and Analysis Services for a Period of Two Years**

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. 5476**

**AUTHORIZING NEGOTIATION AND EXECUTION OF TWO TERM AGREEMENTS (D213499 AND D213500) WITH TWO ENGINEERING FIRMS FOR HIGHWAY PAVEMENT TESTING AND ANALYSIS 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 (D213499 and D213500) with the two (2) engineering firms listed in Exhibit A, attached hereto, for Highway Pavement Testing and Analysis 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 2006 Contracts Program Resolution No. 5457 and other Board authorizations, and



**Item 13 by Mr. Waite as presented by Mr. Brizzell (Appendix M)**  
**Authorizing Negotiation and Execution of Two Term Agreements (D213499 and D213500) with Two Engineering Firms for Highway Pavement Testing and Analysis Services for a Period of Two Years (Continued)**

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 14 by Ms. DeLucco (Appendix N)**  
**Approval of a Sublease of the Authority's Leased Office Space at One Rockefeller Plaza in New York City**

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. 5477**  
**APPROVAL OF A SUBLEASE OF THE AUTHORITY'S**  
**LEASED OFFICE SPACE AT ONE ROCKEFELLER**  
**PLAZA IN NEW YORK CITY**

RESOLVED, that the Director of Administrative Services or her designee is authorized to negotiate a sublease agreement with Shwal & Platt (a partnership) and Berns & Berns (a partnership) for the office space leased by the Authority from RCPI Landmark Properties, L.L.C. at One Rockefeller Plaza on the terms described herein, and such terms as may be deemed to be in the best interest of the Authority and consistent with the terms of this item and the Thruway Real Property Management Policy (25-6-02), and to approve expenditures required in connection with such sublease, and be it further



**Item 14 by Ms. DeLuco (Appendix N)**

**Approval of a Sublease of the Authority's Leased Office Space at One Rockefeller Plaza in New York City (Continued)**

**RESOLVED**, that the recommendation for issuance of a Negative Declaration based on an environmental assessment of the proposed action completed in accordance with the provisions of the State Environmental Quality Review Act (SEQRA) (attached hereto as Exhibit 1) be and hereby is approved, and be it further

**RESOLVED**, that the Chief Engineer, or his designee, be, and the same hereby is, authorized to sign the SEQRA Environmental Assessment and issue the Negative Declaration, and to distribute any required notices on behalf of the Board relative to this action, and be it further

**RESOLVED**, that the Executive Director, or his designee, be, and he hereby is, is authorized to execute the sublease agreement on behalf of the Authority, and all other documents necessary to implement, or related to, said sublease agreement, and be it further

**RESOLVED**, that said sublease agreement must be fully executed and approved by the NYS Attorney General and the Office of the State Comptroller no later than one year from the date that this resolution is approved and that if the sublease agreement is not fully approved and executed, all authorization to enter into a sublease agreement shall be deemed to have expired, and be it further

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

**Executive Session**

**On the motion of Mr. Riedman, seconded by Ms. Carey Cassidy, the Board voted to convene to Executive Session to discuss Real Property valuations in relation to a proposed public auction:**



**Item 15 by Mr. Bryan (Appendix O)**

**Declaring Surplus to Authority Needs, Real Property Reference No. 532, Located in the New York Division at Milepost ML/29.9/SB in the Village of Suffern, County of Rockland; and Authorizing its Conveyance via Public Auction**

**Public Session Resumed**

Mr. Riedman moved that the meeting return to Public Session. Ms. Carey Cassidy seconded the motion.

**Item 15 by Mr. Bryan (Appendix O)**

**Declaring Surplus to Authority Needs, Real Property Reference No. 532, Located in the New York Division at Milepost ML/29.9/SB in the Village of Suffern, County of Rockland; and Authorizing its Conveyance via Public Auction**

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. 5478**

**DECLARING SURPLUS TO AUTHORITY NEEDS,  
REAL PROPERTY REFERENCE NO. 532, LOCATED  
IN THE NEW YORK DIVISION AT MILEPOST  
ML/29.9/SB IN THE VILLAGE OF SUFFERN, COUNTY  
OF ROCKLAND; AND AUTHORIZING ITS  
CONVEYANCE VIA PUBLIC AUCTION**

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**RESOLVED, that the Authority Board hereby declares that Real Property Reference No. 532 (the “Subject Property”), delineated as Parcel No. 1601 on Conveyance Map No. 1601-C in Rockland County in the Hudson Section of the Thruway, is surplus to the needs of the Authority; and be it further**

**RESOLVED, that a conveyance of the Subject Property via a public auction, in accordance with the terms authorized during the Executive Session of this meeting and on other such terms as may be deemed by the Executive Director, or his designee, to be in the best interest of the Authority, be, and the same hereby is, approved; and be it further**



**Item 15 by Mr. Bryan (Appendix O)**  
**Declaring Surplus to Authority Needs, Real Property Reference No. 532, Located in**  
**the New York Division at Milepost ML/29.9/SB in the Village of Suffern, County of**  
**Rockland; and Authorizing its Conveyance via Public Auction (Continued)**

**RESOLVED**, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute all documents necessary to effectuate the conveyance of the Subject Property; and be it further

**RESOLVED**, that the conveyance of the Subject Property shall be subject to the purchaser's payment of all costs incidental to the transfer of real property; and be it further

**RESOLVED**, that the Chief Engineer's recommendation regarding the environmental significance of this action (the "Recommendation"), pursuant to the State Environmental Quality Review Act ("SEQRA"), be, and the same hereby is approved; and be it further

**RESOLVED**, that the Chief Engineer, or his designee, be, and the same hereby is, authorized to execute the SEQRA Full Environmental Assessment Form and Negative Declaration in accordance with the Recommendation, and to distribute any required notices on behalf of the Board relative to this action; and be it further

**RESOLVED**, that the Executive Director, the Chief Engineer, the Chief Financial Officer, and the General Counsel be, and the same hereby are, authorized to take all steps necessary to implement this Board action; and be it further

**RESOLVED**, that the conveyance of the Subject Property must be completed within one (1) year of the date that this resolution is adopted by the Authority Board, and that if the conveyance is not completed, all authorization to proceed with the conveyance shall be deemed to have expired; and be it further



**Item 15 by Mr. Bryan (Appendix O)**  
**Declaring Surplus to Authority Needs, Real Property Reference No. 532, Located in**  
**the New York Division at Milepost ML/29.9/SB in the Village of Suffern, County of**  
**Rockland; and Authorizing its Conveyance via Public Auction (Continued)**

**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 Ms. Carey Cassidy, seconded by Mr. Riedman, without any objections, the meeting was adjourned.

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**Jill B. Warner**  
**Secretary**

