



# **BOARD OF DIRECTORS MEETING**

**JANUARY 31, 2022**

**ALBANY, NEW YORK**



**NEW YORK**  
STATE OF  
OPPORTUNITY™

**Thruway  
Authority**

## **BOARD MEETING AGENDA**

Meeting Number 752

January 31, 2022

Albany, New York

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### **A. Public Comment Period on the Agenda Items**

### **B. Consent Items**

1. To consider and act upon the Minutes of Thruway Authority Board Meeting No. 751
2. Review and Approval of the October 2021 Financial Report
3. Investment Transactions – Fourth Quarter 2021

### **C. Action Items**

4. Staff Appointment of Josh Klemm to Director of Information Technology
5. Staff Appointment of Pat Hoehn to Director of Syracuse Division
6. Authorizing the Executive Director to enter into a Memorandum of Agreement with the MTA Bridges & Tunnels to Reimburse Costs Related to Program Management Services for the New York E-ZPass Customer Service Center Transition.
7. Declaring Real Property Reference No. 490, Located in the City of Rye and County of Westchester, and Permanent Easement in Adjoining Land, Real Property Reference No TN15-4, as Not Necessary for the Authority's Corporate Purposes and Authorizing the Sale Thereof
8. Declaring Real Property Reference No. TN20-3 – Subject Property A & Subject Property B, Located in the Town of Clarkstown and County of Rockland, as Not Necessary for the Authority's Corporate Purposes and Authorizing the Auctions Thereof
9. Authorizing the Execution of Agreement D214866 with JMT of New York, Inc.
10. Authorizing the Execution of Agreement D214867 with Erdman Anthony and Associates, Inc.
11. Authorizing Additional Funding for TAB 21-22/D214858, Buffalo and Syracuse Division Pavement Striping – Various Locations

12. Authorizing the Executive Director to Execute a Contract with New York State Department of Transportation for the Transfer Variable Message System Boards for Less Than Fair Market Value

**D. Report to the Board**

13. Report on Procurement Contracts and Other Agreements Up to \$300,000 Executed by the Executive Director During the Period October 1, 2021 Through December 31, 2021

**E. Public Comment Period for General Thruway Authority Matters (15 Minute Limit)**

**F. Other Business**

**G. Adjournment**

Meeting No. 752  
Item 1  
Appendix A

TO: The Thruway Authority Board

DATE: January 31, 2022

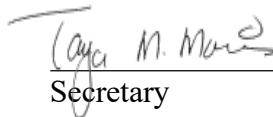
FROM: Tanya M. Morris  
Secretary

SUBJECT: Approval of Minutes of Board Meeting No. 751

Copies of the Minutes of Board Meeting No. 751 was made available to the Board Members as part of the Agenda.

RECOMMENDATION

It is recommended that the Minutes of Board Meeting No. 751 held on December 6, 2021 be approved by the Board.

  
Secretary

RECOMMENDATION APPROVED:

  
Executive Director



**MINUTES  
NEW YORK STATE THRUWAY AUTHORITY  
BOARD MEETING NO. 751  
December 6, 2021**

Meeting minutes of the New York Thruway Authority, due to COVID19 was held by Webinar.

The meeting of the New York State Thruway Authority Board opened in session for the consideration of various matters. These minutes reflect only the items considered by the New York State Thruway Authority Board. The meeting began approximately at 11:55 a.m.

The following committee members were present on Webinar:

Joanne M. Mahoney, Chair  
Robert Megna, Vice-Chair  
Jose Holguin-Veras, Ph.D., Board Member  
Donald Rice, Board Member  
Stephen Saland, Board Member  
Heather Briccetti, Board Member

Constituting a majority of the members of the Thruway Authority Board.

Staff present on Webinar:

Matthew J. Driscoll, Executive Director  
Matthew Trapasso, Chief of Staff  
Joseph Igoe, Deputy Counsel  
Matt Howard, Treasurer and Chief Financial Officer  
Rich Lee, Chief Engineer  
Jim Konstalid, Director of Maintenance & Operations  
Harry Lennon, Director Audit & Management Services  
Josh Klemm, Director of IT  
Jen Givner, Director Media Relations  
John Barr, Director of Administration Services  
Mary Boehm, Deputy Director Audit & Management Services  
Rick Bower, Chief Auditor  
Eric Christensen, Deputy Director of Operations  
Andy Trombley, Director of Contracts & Procurements  
Frank Macarilla, Information Technology Specialist

Sean Lasher, Information Technology Specialist  
Tanya Morris, Board Secretary

Chair Mahoney called the meeting of the Thruway Authority Board to order.

Ms. Morris recorded the minutes as contained herein (public notice of the meeting had been given).

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### **PUBLIC COMMENT PERIOD RELATED TO THE MEETING AGENDA**

Chair Mahoney stated that due to COVID19 and Executive Order 202.1, we are able to have our Board Meeting by Webinar. Individuals who wish to address items on today's agenda would have had to submit their written comments via email prior to this Board Meeting to the Board Administrator.

Chair Mahoney asked Ms. Morris if there were any public comments. Ms. Morris stated there were no comments. Details of the comments are included in the Webinar recording of the meeting.

### **Item 1 by Chair Mahoney (Appendix A)** **Approval of the Minutes of Meeting No 750**

Chair Mahoney asked for a motion to approve the minutes of the previous meeting.

Upon motion duly made and seconded, the Board approved the minutes of Meeting No. 750 held September 20, 2021, which was made available to the Board Members as part of the Agenda.

### **Item 2 by Matt Howard (Appendix B)** **Financial Reports– August & September 2021**

The Item was advanced to the Board at the recommendation of the Finance Committee.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board accepted the Financial Reports for August & September 2021.

### **Item 3 by Matt Howard (Appendix C)** **Investment Transactions –Third Quarter 2021**

The Item was advanced to the Board at the recommendation of the Finance Committee.

Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board approved the Item.

**Item 4 by Matt Howard (Appendix D)**

**Approval of the 2021 Revised Budget and the 2022 Proposed Budget for the New York State Thruway Authority**

The Item was advanced to the Board at the recommendation of the Finance Committee.

Details of the presentation and discussion with Board Members are included in the video recording of the meeting.

Upon motion duly made and seconded, the Board approved the revised plan and adopted the following resolution:

**RESOLUTION NO. 6332**

**APPROVAL OF THE 2021 REVISED BUDGET AND THE  
2022 PROPOSED BUDGET FOR THE NEW YORK STATE  
THRUWAY AUTHORITY AND ADOPTION OF A  
DECLARATION OF OFFICIAL INTENT TO ISSUE TAX-  
EXEMPT AND/OR TAXABLE OBLIGATIONS**

RESOLVED, that the Report on the 2021 Revised Budget as presented in this item be, and the same hereby is, accepted by the Board, and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized to make any and all adjustments to the appropriate funds consistent with this 2021 Revised Budget, and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized to make any other adjustments based on actual results that are consistent with this projected plan, and report such actions to the Board, and be it further

RESOLVED, that the New York State Thruway Authority's (the "Authority") proposed Budget for the fiscal year 2022, submitted by the Executive Director and the Chief Financial Officer, be, and the same hereby is, approved and funded in accordance with the attached Exhibit II, and be it further

RESOLVED, that the Executive Director or his designee be, and he hereby is, authorized to make such expenditures as set forth in this Budget, subject to compliance with Authority policies and procedures, and to make such internal adjustments and transfers within the Authority Budget as are necessary and proper, and to make any other adjustment with the concurrence of the Board, and be it further

RESOLVED, that a copy of the Budget approved herein, when printed in final form, be attached to these minutes and made a part thereof, and be submitted to the New York State entities in accordance with Section 2801 of the Public Authorities Law, and be it further



RESOLVED, that (1) the Authority hereby expresses its intention to issue tax-exempt and/or taxable obligations in one or more series in a maximum principal amount not to exceed \$1,500,000,000 (collectively, the "Bonds") for the purpose of financing capital projects for the New York State Thruway sections and connections constituting roads or bridges as described in or contemplated by the Authority's 2022-2026 Capital Program , including any facilities and equipment used for or in support thereof (collectively, the "Project"); this Declaration of Official Intent (the "Declaration") shall constitute a declaration of the official intent on behalf of the Authority, under Section 1.150-2 of the Income Tax Regulations promulgated by the Department of the Treasury, to use proceeds of the Bonds to reimburse itself for certain acquisition, construction, equipping, planning, design, legal or other costs and expenses originally paid by the Authority in connection with the Project with funds other than proceeds of the Bonds prior to the issuance of the Bonds (the "Advanced Funds"); (2) all of the expenditures initially made or to be made with the Advanced Funds and then to be reimbursed to the Authority from proceeds of the applicable series of Bonds will be for (a) costs of a type properly chargeable to the capital account of the Project under general income tax principles, (b) extraordinary, non-recurring

working capital expenditures (of a type not customarily payable from current revenues) for which the Authority or a related party does not maintain a reserve for such items, or (c) costs of issuing the Bonds; (3) other than any preliminary expenditures for architectural, engineering, surveying, soil testing, costs of issuing the Bonds or similar purposes that may have been paid more than sixty days prior to the date of this Declaration, no expenditures to be reimbursed have been paid more than sixty days earlier than the date of this Declaration; and (4) the officers and employees of the Authority are hereby authorized to do all acts and things required of them by this Declaration for the full, punctual and complete performance of all the terms, covenants and agreements contained herein or necessary or convenient to the issuance of the Bonds as provided herein.

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

**Item 5 by Rich Lee (Appendix E)**  
**Approving the 2022 Thruway Contracts Program**

Rich presented the resolution for Approving the 2022 Thruway Contracts Program.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board approved the 2022 Contracts Program and adopted the following resolution:

RESOLUTION NO. 6333

APPROVING THE 2022 THRUWAY CONTRACTS PROGRAM

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RESOLVED, that the 2022 Thruway Contracts Program for Highway, Bridge, Intelligent Transportation Systems, Architectural and related facility projects, full copies of which have been provided to the Boards for review, be, and the same hereby are, approved, and be it further

RESOLVED, that the Chief Engineer or his designee be, and hereby is, authorized:

- A. to prepare and approve Official Proposals, Plans and Specifications, Engineer's/Architect's Estimates of Cost and Contract Documents for such projects as are tabulated in the 2022 Thruway Contracts Program;
- B. to hold the respective Engineer's/ Architect's Estimates of Cost for such contracts confidential until after contracts have been awarded;
- C. to advertise for receipt of bids and proposals for those projects which are tabulated in the 2022 Thruway Contracts Program using the following table regarding the approved budget allocation and current funding for the project:

Amount of Engineer's/Architect's Estimates of Cost (EE/AE) in Relation to Contracts Program Budget Allocation	Action Required to Advertise Project			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
EE/AE is equal to or less than the project's budget allocation;	Approval	No Action Required	No Action Required	No Action Required
EE/AE does not exceed the project's budget allocation by more than \$75,000 for projects with budget allocations of up to and including \$500,000, or by more than 15 percent for projects with budget allocations that exceed \$500,000;	Approval	Confirm Funding	No Action Required	No Action Required
EE/AE exceeds the limits listed above in this chart.	Concur	Confirm Funding	Approval	No Action Required

- D. to award any such contract to the lowest responsible bidder when it is deemed to be an acceptable bid, and further, the following table shall be used when determining the steps needed to award the contract:

Amount of the Low Bid in Relation to Contracts Program Budget Allocation	Action Required to Award Contract			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Low bid is equal to or less than the EE/AE;	Approval	No Action Required	No Action Required	No Action Required
Low bid exceeds the EE/AE by no more than \$75,000 on contracts up to and including \$500,000, or by no more than 15 percent on contracts over \$500,000;	Approval	Confirm Funding	No Action Required	No Action Required
Low bid exceeds the EE/AE by no more than \$100,000 on contracts up to and including \$500,000, or by no more than 20 percent on contracts over \$500,000;	Concur	Confirm Funding	Approval	No Action Required
Low bid exceeds the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

- E. to award any such best value and design-build contracts to the firm with the best combined technical and cost score, and further, the following table shall be used when determining the steps to award the contract:

Amount of the Cost in the Best Value/Design-Build Proposal in Relation to Contracts Program Budget Allocation	Action Required to Award Contract			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
The proposed cost is equal to or less than the EE/AE;	Approval	No Action Required	No Action Required	No Action Required
The proposed cost exceeds the EE/AE by no more than \$75,000 on contracts up to and including \$500,000, or by no more than 15 percent on contracts over \$500,000;	Approval	Confirm Funding	No Action Required	No Action Required
The proposed cost exceeds the EE/AE by no more than \$100,000 on contracts up to and including \$500,000, or by no more than 20 percent on contracts over \$500,000;	Concur	Confirm Funding	Approval	No Action Required
The proposed cost exceeds the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

F. to reject bids for any such contract which are determined to be not in accordance with bid documents and specifications thereof, or not in the Authority's best interest, or which are submitted by bidders determined to be not responsible. In these cases and where no bids are received, he may again advertise for receipt of bids pursuant to paragraph C;

G. to prepare and approve, for declared emergency work, Official Proposals, Plans and Specifications, Engineer's/Architect's Estimates of Cost and Contract Documents, including amendments and order-on-contracts, award (pursuant to

paragraph D) and reject bids (pursuant to paragraph F) for such work being progressed to address a declared emergency, provided that the total of the Engineer's/Architect's Estimate of Cost for any such contract, amendment or order-on-contract does not exceed \$2,000,000; the Board will receive contemporaneous notifications of those actions taken for emergency work;

- H. to approve contingent or extra work on construction and design-build contracts, when necessary, and to adjust and determine disputed contract claims in accordance with contract documents, using the following table for the additional funding:

Amount of the Additional Funds for Construction and Design-Build Contracts	Action Required for Additional Funding for Construction Contract			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Additional funds do not exceed the bid/proposal price by more than \$150,000 for contracts bid up to and including \$1,000,000, or 15 percent for contracts bid in excess of \$1,000,000;	Approval	Confirm Funding	No Action Required	No Action Required
Additional funds do not exceed the total bid/proposal price by more than \$300,000 for contracts bid up to and including \$1,000,000, or 20 percent for contracts bid in excess of \$1,000,000;	Concur	Confirm Funding	Approval	No Action Required
Additional funds exceed the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

- I. to enter into, extend, and modify project specific agreements or multi-project agreements with federal and state agencies, localities, utility companies, railroads, and/or others as may be necessary in order to facilitate the administration, award, progress and completion of such contracts;
- J. to acquire such real property interests (fee title, easements, etc.) in accordance with the provisions of the Authority's Real Property Management Policy, as may be necessary for implementation of the 2022 Thruway Contracts Program, provided that the total amount of acquisitions shall not exceed \$300,000 without Board authorization;
- K. to advertise for, and upon receiving approval by the Board, or where otherwise authorized by the Executive Director, to execute engineering agreements, including amendments thereto, for services relating to projects included in the 2022 Thruway Contracts Program;
- L. to execute a supplemental agreement for expenditure of additional funds of an engineering agreement, provided that such supplemental agreement be based upon a determination that the assignment of the additional tasks is in the best interest of the Authority when considering the proximity of the additional tasks to the ongoing tasks, or to expedite the additional tasks through such assignment, or that significant savings to the Authority will result through the assignment of



the additional tasks; and further, such approval of additional funds shall be based upon the following table:

Amount of the Additional Funds for the Supplemental Agreement	Action Required for Supplemental Agreement Funding			
	Chief Engineer	Chief Financial Officer	Executive Director	Board
Additional funds do not exceed the Board-approved Maximum Amount Payable (MAP) by more than \$150,000 for agreements with a Board-approved MAP up to and including \$1,000,000, or 15 percent for agreements with a Board-approved MAP that exceeds \$1,000,000;	Approval	Confirm Funding	No Action Required	No Action Required
Additional funds do not exceed the Board-approved MAP by more than \$300,000 for agreements with a Board-approved MAP up to and including \$1,000,000, or 20 percent for agreements with a Board-approved MAP that exceeds \$1,000,000;	Concur	Confirm Funding	Approval	No Action Required
Additional funds exceed the limits listed above in this chart.	Concur	Confirm Funding	Concur	Approval

M. To exercise all powers reserved to the Authority under the provisions of any contracts or agreements executed pursuant to these items, manage and administer any such contracts or agreements, amend the provisions of any such contracts or agreements consistent with the terms of this item and in accordance with other applicable Board authorizations, and suspend or terminate any such contracts or agreements in the best interests of the Authority, and be it further

RESOLVED, that any powers granted to the Executive Director by the Board to approve expenditures or to increase expenditures for contracts and agreements shall be in addition to those powers granted under these resolutions and any action taken pursuant thereto shall be deemed to be authorized under this resolution, and be it further

RESOLVED, that in accordance with the other powers delegated herein, the Chief Engineer shall be, and hereby is, authorized to make all necessary decisions pursuant to the State Environmental Quality Review Act (SEQRA) with relation to the 2022 Thruway Contracts Program, and be it further

RESOLVED, that quarterly reports shall be submitted to the Board by the Chief Engineer on: all awarded construction contracts; approved additional funds for construction contracts over and above the contingency funds; and all engineering agreements and supplemental engineering agreements, approved pursuant to the provisions of these resolutions, and be it further

RESOLVED, that the Chief Financial Officer be, and he hereby is, authorized:

- A. upon award of such contracts to return such funds budgeted for such projects in the 2022 Budget which are otherwise not required for expenditure during 2022 to the proper fund in accordance with acceptable budgeting and accounting procedures;
- B. to monitor total cash expenditures for the 2022 Contracts Program to ensure that they do not exceed \$338,282,614 for the Thruway Authority during the 2022 Fiscal Year;
- C. to return bid checks submitted for such contracts to unsuccessful bidders, and to make necessary adjustments in the respective 2022 approved Budget as required by implementation of any part of this Resolution;
- D. to consummate transfers of jurisdiction of real property with other State agencies or authorities, and to dispose of real property interests (fee title, easements, etc.) in accordance with the provisions of the Authority's Real Property Management Policy, as may be necessary for implementation of the 2022 Thruway Contracts Program; and be it further

RESOLVED, that the provisions of this resolution shall be deemed to supersede all other inconsistent Authority policies and procedures to the extent necessary to implement the approved 2022 Thruway Contracts Program and for no other purposes, and be it further

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

**Item 6 by Josh Klemm (Appendix F)**

**Authorizing the Executive Director to extend a Non-Engineering Personal Services Contract With I-Site, Inc to provide software development and maintenance support services for the Governor Mario M. Cuomo Bridge web site**

Josh presented the resolution for Authorizing the Executive Director to extend a Non-Engineering Personal Services Contract With I-Site, Inc to provide software development and maintenance support services for the Governor Mario M. Cuomo Bridge web site.

Details of the presentation and discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board approved the Contract with I-Site and adopted the following resolution:

**RESOLUTION NO. 6334**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXTEND A  
NON-ENGINEERING PERSONAL SERVICES CONTRACT WITH  
I-SITE, INC. TO PROVIDE SOFTWARE DEVELOPMENT AND  
MAINTENANCE SUPPORT SERVICES FOR THE GOVERNOR  
MARIO M. CUOMO BRIDGE WEB SITE**

RESOLVED, that the Executive Director or his designee be, and hereby is, authorized to execute an amendment to extend a Non-Engineering Personal Services Contract with I-Site, Inc. for a maximum amount payable of \$49,500 through December 31, 2022 for the purpose of providing personal services related to the Governor Mario M. Cuomo Bridge web site; and be it further

RESOLVED, that such amendment shall be on terms and conditions deemed to be in the best interest of the Authority and consistent with all Authority policies; 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 7 by Jim Konstalid (Appendix G)**

**Authorizing the Executive Director to Execute an Agreement with EarthCam, Inc. for Image Hosting and Camera and Maintenance Services for the Operation of One High-Resolution Camera to Monitor the Aesthetic Lighting Displays on the Governor Mario M Cuomo Bridge**

Mr. Konstalid presented the resolution to Authorize the Executive Director to Execute an Agreement with EarthCam, Inc. for Image Hosting and Camera and Maintenance Services for the Operation of One High-Resolution Camera to Monitor the Aesthetic Lighting Displays on the Governor Mario M Cuomo Bridge.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board authorized the execution of the Executive Director to Execute an Agreement with EarthCam, Inc. and adopted the following resolution:

**RESOLUTION NO. 6335**

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH EARTHCAM, INC. FOR IMAGE HOSTING AND CAMERA AND MAINTENANCE SERVICES FOR THE OPERATION OF ONE HIGH-RESOLUTION CAMERA TO MONITOR THE AESTHETIC LIGHTING DISPLAYS ON THE GOVERNOR MARIO M. CUOMO BRIDGE

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RESOLVED, that the competitive procedures required by the Thruway Authority Procurement Contracts Policy are waived and the Executive Director or his designee be, and hereby is, authorized to negotiate and execute an Agreement with EarthCam, Inc. for image hosting and camera and maintenance services for the operation of one high-resolution camera to monitor the aesthetic lighting displays on the Governor Mario M. Cuomo Bridge; and be it further

RESOLVED, that such Agreement will be for a term of five (5) years, shall have a maximum amount payable not to exceed

\$63,975.00, and shall be on such other terms and conditions as the Executive Director, Acting Director of Maintenance and Operations, and General Counsel determine to be in the best interest of the Authority; and be it further

RESOLVED, that Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement to the Department of Maintenance and Operations Budget; and be it further

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

**Item 8 by Jim Konstalid (Appendix H)**

**Authorizing the Executive Director to Exercise a Five-Year Renewal Option with the New York State Department of Agriculture and Markets for the Operation of a Taste NY Market at the Mohawk Valley Welcome Center**

Mr. Konstalid presented the resolution to Authorizing the Executive Director to Exercise a Five-Year Renewal Option with the New York State Department of Agriculture and Markets for the Operation of a Taste NY Market at the Mohawk Valley Welcome Center.

Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board authorized the Executive Director to Exercise a Five-Year Renewal Option with the New York State Department of Agriculture and Markets for a Taste NY Market at the Mohawk Valley Welcome Center and adopted the following resolution:

**RESOLUTION NO. 6336**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXERCISE A FIVE-YEAR RENEWAL OPTION WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE OPERATION OF A TASTE NY MARKET AT THE MOHAWK VALLEY WELCOME CENTER**

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RESOLVED, that the Executive Director or designee be,  
and he hereby is, authorized to exercise a five-year renewal  
option on Agreement C010381 with the New York State  
Department of Agriculture and Markets for the operation of a  
TasteNY Market at the Mohawk Valley Welcome Center; and  
be it further

RESOLVED, that the Executive Director or designee,  
shall, relative to such agreement, have the authority to:

- (1) exercise all powers reserved to the Authority under the  
provisions of the agreement, including, but not limited to,  
exercising any renewal and termination rights the Authority  
has;
- (2) manage and administer the agreement; and
- (3) alter the provisions of the agreement, consistent with terms  
of this agenda item and other applicable Board authorizations;

and be it further

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

**Item 9 by Jim Konstalid (Appendix I)**  
**Authorizing Work Zone Speed Violation Monitoring System Demonstration**  
**Program**

Mr. Konstalid presented the resolution to Authorize Work Zone Speed Violation Monitoring System Demonstration Program.

Details of the discussion with Board Members are included in the audio recording of the meeting.



Upon motion duly made and seconded, the Board authorized the Work Zone Speed Violation Monitoring System Demonstration Program and adopted the following resolution:

RESOLUTION NO. 6337

AUTHORIZING WORK ZONE SPEED VIOLATION  
MONITORING SYSTEM DEMONSTRATION PROGRAM

RESOLVED, that a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices (“Work Zone Demonstration Program”) be established in accordance with Chapter 421 of the Laws of 2021 (“Law”); and be it further

RESOLVED, that Authority staff is authorized to issue a request for proposals seeking a contractor for elements related to the operation of the Work Zone Demonstration Program or authorized to participate with the New York State Department of Transportation in the issuance of a request for proposals seeking a contractor for elements related to the operation of the Work Zone Demonstration Program; and be it further

RESOLVED, that Authority staff and/or its selected contractor is authorized to send notices of liability to alleged violators of work zone speed limits and collect monetary penalties in accordance with the Law; and be it further

RESOLVED, that Authority staff and/or its selected contractor is authorized to send records to traffic violations bureaus, courts, administrative tribunals and the Office of State Comptroller in accordance with the Law; and be it further

RESOLVED, that Authority staff is authorized to collect and allocate any funds received from penalties in accordance with the Law; and be it further

RESOLVED, that the Chair or Executive Director, or their designees, be and hereby are authorized to take all other actions necessary for the implementation and operation of the Work Zone Demonstration Program in accordance with the Law; and be it further

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

**Item 10 by Director Driscoll (Appendix J)**

**Authorization of a Limited Waiver for the Use of Non-Domestic Structural Steel for the Construction of Ten Service Areas**

Director Driscoll presented the resolution for Authorization of a Limited Waiver for the Use of Non-Domestic Structural Steel for the Construction of Ten Service Areas.

Board Member Heather Briccetti obtained from voting on this item. Details of the discussion with Board Members are included in the audio recording of the meeting.

Upon motion duly made and seconded, the Board authorized a Limited Waiver for the Use of Non-Domestic Structural Steel for the Construction of Ten Service Areas and adopted the following resolution:

**RESOLUTION NO. 6338**

**AUTHORIZATION OF A LIMITED WAIVER FOR THE USE OF  
NON-DOMESTIC STRUCTURAL STEEL FOR THE  
CONSTRUCTION OF TEN SERVICE AREAS**

RESOLVED, that the Thruway Authority Board hereby determines that as it relates to the structural steel necessary for the construction of ten service areas located at Chittenango, Junius Ponds, Indian Castle, Ardsley, Iroquois, Clarence, Clifton Springs, Plattekill, New Baltimore, and Pembroke, that non-domestic structural steel may be used by Empire State Thruway Partners, LLC (“Empire”) at such locations because: (i) domestic structural steel “cannot be produced or made in the U.S. in sufficient and reasonably available quantities” to meet the Project’s necessary schedule and (ii) “such iron, steel products or steel components is necessary for the operation of or repairs of critical infrastructure that is necessary to avoid a delay in the delivery of critical services that could compromise the public welfare”; and be it further

RESOLVED, that the Executive Director or his designee, be and hereby is, authorized to negotiate and enter into a change order with Empire to effectuate the use of non-domestic structural at such ten service areas, and on other terms and conditions that the Executive Director, General Counsel, Director of Maintenance and Operations, Chief Engineer and Chief Financial Officer determine are in the best interests of the Authority; and be it further

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

**Item 11 by Andrew Trombley (Appendix K) Report on Procurement Contracts and Other Agreements Up to \$300,000 Executed by the Executive Director During the Period July 1, 2021 through September 30, 2021**

Mr. Trombley presented the report on Procurement Contracts to the Board.

Upon motion duly made and seconded, without any objections, the Board accepted the Report on Procurement Contracts and other Agreements Executed by the Executive Director during the period July 1, 2021 through September 30, 2021.

**GENERAL PUBLIC COMMENT PERIOD**

Chair Mahoney asked Ms. Morris if there was any public comment regarding the Board Meeting and Ms. Morris said no.

**OTHER BUSINESS**

**Item 12 by Chair Mahoney (Appendix L)**  
**Proposed 2022 Board Meeting Dates**

Chair Mahoney presented Proposed 2022 Board Meeting Dates

January 31, 2022  
March 28, 2022  
June 13, 2022  
September 12, 2022  
December 5, 2022

Upon motion duly made and seconded, without any objections, the Board accepted the Proposed 2022 Board Meeting Dates

Director Driscoll had a few updates he presented to the Board:

Snow & Ice Preparation – Jim Konstalid  
Elonda Mackey becoming the new Chief Compliance Officer & she received a M/WBE Champion Award for the 2021 NYS MWBE Forum  
Procurement Office  
Snow & Ice Preparation  
Real Property Office  
Drones

## **ADJOURNMENT**

There being no other business, upon motion duly made and seconded, the board voted to adjourn the meeting at 12:32 p.m.

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Tanya M. Morris  
Board Secretary

DRAFT

Meeting No.	752
Item	2
Appendix	A

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Matthew A. Howard  
Chief Financial Officer

SUBJECT: Financial Report – October and November 2021

The Chief Financial Officer is formally submitting a copy of the Financial Report for the months of October and November 2021.

The Finance Committee considered this item at its January 31, 2022 meeting and recommended that this item be presented to the full Board for consideration.

SUBMISSION:

This report is submitted for inclusion as part of the official records for this meeting.



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Chief Financial Officer

APPROVED:



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Executive Director

**Please refer to Item 2 in the  
Finance Committee Meeting  
Book**

Meeting No. 752  
Item 3  
Appendix C

TO: The Thruway Authority Board  
FROM: Matthew A. Howard  
Chief Financial Officer

DATE: January 31, 2022

SUBJECT: Investment Transactions – Fourth Quarter Investments 2021

The Chief Financial Officer or designated representative has engaged in numerous financial transactions investing funds not immediately required for the fiscal management of the New York State Thruway Authority or for the Local Highway and Bridge Service Contract Bond Program or the Second General Highway and Bridge Trust Fund Bond Program or the State Personal Income Tax Revenue Bond (Transportation) Program. These transactions include the purchase of authorized securities, repurchase agreements and certificates of deposit.

The attached Exhibit A presents the details of all investments purchased during the Quarter ending December 31, 2021. The attached Exhibit B details the investments held as of December 31, 2021. These Exhibits are submitted in accordance with the Authority's Investment Policy as approved by the Board on March 29, 2021.

The Finance Committee considered this item at its January 31, 2022 meeting and recommended that this item be presented to the full Board for consideration.

RECOMMENDATION:

It is recommended that the Board accept these reports and that this item be included in the minutes of this meeting.



Chief Financial Officer

RECOMMENDATION APPROVED:



Executive Director



**Please refer to Item 3 in the  
Finance Committee Meeting  
Book**

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Matthew J. Driscoll  
Executive Director

SUBJECT: Staff Appointment of Joshua S. Klemm as Director of Information Technology

Under the direction of the Executive Director, the Director of Information Technology is responsible for the information technology functions for the Thruway Authority and serves as its Chief Information Officer. The Director of Information Technology manages the technology infrastructure, provides technology-based direction for new systems development, and develops and maintains an enterprise-wide technology architecture to define and meet future technology needs. The Director of Information Technology manages the Department of Information Technology handling staffing, planning, and budget functions. This Staff position is critical to the efficient and effective operation of the organization.

I recommend Joshua S. Klemm be appointed to the position effective January 31, 2022 at salary grade 36, with an annual salary of \$165,887.

**RECOMMENDATION:**

It is recommended the Board adopt the following resolution:

**RESOLUTION NO. \_\_\_\_\_**

**STAFF APPOINTMENT OF JOSHUA S. KLEMM AS  
DIRECTOR OF INFORMATION TECHNOLOGY**

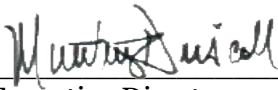
RESOLVED, that the Board hereby appoints  
Joshua S. Klemm as Director of Information  
Technology

Meeting No. 752  
Item 4  
Appendix D

effective January 31, 2022, at salary grade 36, with an annual salary of \$165,887, for which funds are available in the 2022 Operating Budget, and it be further

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

RECOMMENDATION APPROVED:

  
\_\_\_\_\_  
Executive Director

Meeting No. 752  
Item 5  
Appendix E

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Matthew J. Driscoll  
Executive Director

SUBJECT: Staff Appointment of Patrick K. Hoehn as Syracuse Division Director

A Division Director has responsibility for direction, management, oversight, and administration of all Authority programs within a Division. The Division Director ensures the effective, efficient, and economical operation of maintenance of the Thruway consistent with policy, procedure, standards, and organizational priorities.

Mr. Hoehn has been serving as Acting Syracuse Division Director since December 14, 2010.

I recommend Mr. Patrick K. Hoehn be appointed to the position of Syracuse Division Director effective January 31, 2022, at salary grade 35, with an annual salary of \$159,486.

**RECOMMENDATION:**

It is recommended the Board adopt the following resolution:

RESOLUTION NO. \_\_\_\_\_

STAFF APPOINTMENT OF PATRICK K. HOEHN SYRACUSE  
DIVISION DIRECTOR

Meeting No. 752  
Item 5  
Appendix E

RESOLVED, that the Board hereby appoints  
Patrick K. Hoehn, as Syracuse Division Director  
effective January 31, 2022, at a salary grade 35, with an  
annual salary of \$159,486, for which funds are available  
in the 2022 Operating Budget and be it further

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

RECOMMENDATION APPROVED:



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Executive Director

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: James K. Konstalid  
Director of Maintenance and Operations

SUBJECT: Authorizing the Executive Director to Execute a Memorandum of Agreement with the Triborough Bridge and Tunnel Authority for Project Management Services to Oversee the New York Customer Service Center Transition Project

The Board authorized agreements with Conduent State & Local Solutions, Inc., Faneuil, Inc. and TransCore LP on June 7, 2021 which collectively will operate the New York Customer Service Center which supports E-ZPass and Tolls by Mail processing. The Triborough Bridge and Tunnel Authority ("TBTA") and the Port Authority of NY & NJ ("PANYNJ") and the Thruway Authority ("AUTHORITY") each executed similar agreements. The contractor has specified a two-year system development, testing and transition. The agencies have determined the need to procure a consultant to assist the agencies in this process. As a result, TBTA issued a Request for Proposal ("RFP") on September 13, 2021 to contract for consulting services to provide project management services to assist the agencies. There were two proposals received and evaluated and Gannett Fleming ("Gannett") was selected as the best value. Gannett will provide a qualified project manager and an assistant project manager that have experience with electronic toll collection systems and call centers. This staff will work directly with the three contractors and the agency's project managers to ensure an on-time transition that meets all the requirements of the RFP. The total maximum amount payable to Gannett is \$1,867,505.25 and the Authority's one-third share will be \$622,501.75.

This item seeks Board authorization to enter into a Memorandum of Agreement with TBTA to reimburse TBTA for the Authority's share. The maximum amount payable will be \$622,501.75

and the term will be for 2 years. Funding will be provided in the 2022 operating budget, as well as subsequent years to continue funding pursuant to the MOA.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO  
EXECUTE A MEMORANDUM OF AGREEMENT WITH  
THE TRIBOROUGH BRIDGE AND TUNNEL  
AUTHORITY FOR PROJECT MANAGEMENT SERVICES  
TO OVERSEE THE NEW YORK CUSTOMER SERVICE  
CENTER TRANSITION PROJECT

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RESOLVED, that the Executive Director, or his  
designee, be, and hereby is, authorized to execute  
Memorandum of Agreement with the Triborough Bridge and  
Tunnel Authority consistent with the terms of this item; and be  
it further

RESOLVED, that the term of the Agreement shall be  
for two-years; and be it further

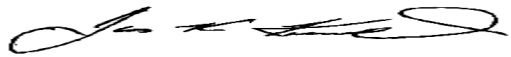
RESOLVED, that the maximum amount payable for  
this Agreement is \$622,501.75 and shall be on such other  
terms and conditions as the Executive Director, Director of  
Maintenance and Operations and General Counsel determine  
to be in the best interests of the Authority; and be it further

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 the Authority's Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement to the appropriate Budget; and be it further

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



Director of Maintenance and Operations

RECOMMENDATION APPROVED:



Executive Director



TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Frank Hoare  
General Counsel

SUBJECT: Declaring Real Property Reference No. 490, Located in the City of Rye and County of Westchester, and Permanent Easement in Adjoining Land, Real Property Reference No. TN15-4, Land as Not Necessary for the Authority's Corporate Purposes and Authorizing the Sale Thereof

TRANSACTION:

Proposed is the sale of Real Property Reference No. 490 (hereinafter, "Subject Property") and the grant of the Subject Permanent Easement, Real Property Reference No. TN15-4, to Rye Country Day School (hereinafter, "Applicant").

SUBJECT PROPERTY & SUBJECT PERMENENT EASEMENT DESCRIPTION:

The Subject Property is situated adjacent and west of the Thruway (Interstate 95) on-ramp from the Cross Westchester Expressway (exits 11 & 12, eastbound and Exit 11 westbound), adjacent and east of Boston Post Road and north of the New England Thruway (I-95, Exit 21 northbound) near mile post 13.8 in the City of Rye, Westchester County; consists of a vacant irregularly configured parcel at road grade with lawn and mature trees; and has an area of 8.971± acres.

The Subject Permanent Easement is situated adjacent and west of the Subject Property and comprises 0.983± acres. The easement contains an improved section of Boston Post Road owned by the Authority. The easement is required to provide access to the Subject Property from Boston Post Road.

The Subject Property and Subject Permanent Easement are shown on the attached aerial site sketch and survey map attached hereto, respectively as Exhibits I and II.

INTENDED USE:

The sale of the Subject Property to Rye Country Day School for fair market value is authorized by legislation adopted by the New York State Legislature and signed by the Governor in 2017 and amended in 2019 attached hereto as Exhibit III, which requires the land to be used for recreational and educational purposes, including the construction of a recreational playing field, track, and fieldhouse. Such authorization is contingent upon the inclusion of a covenant providing that the Rye Country Day School make the athletic field and track available for rental to public recreation groups for no less than twenty-nine percent of usable hours in the course of each calendar year and provide opportunity for public rental of any recreation buildings that may be constructed on the parcel. The parcel is zoned B-4 (Office Building District), is independently developable under zoning and all utilities are available. The grant of the Subject Permanent Easement was determined to be necessary for the Applicant to have access to the Subject Property from Boston Post Road.

VALUATION:

In accordance with the Authority's Real Property Management Policy, the value of the Subject Property and the Subject Permanent Easement was independently appraised by two appraisal consultants. Both consultants considered the present market value (PMV) of the Subject Property as a stand-alone parcel and the PMV of the Subject Permanent Easement to access the Subject Property over an Authority remanent parcel from Boston Post Road. The total PMV, was determined by adding the PMVs of the Subject Property and the Subject Permanent Easement.

In a review appraisal conducted by staff from the Office of Real Property Management (ORPM), the value of the Subject Property and the Subject Permanent Easement was estimated to be \$5,160,000 as it was found to be most justified, defensible, and soundly reasoned.

APPROVAL PROCESS:

The Subject Property was deemed to be appropriate for disposal to the Applicant based upon, and in accordance with, the legislation, and the Subject Permanent Easement was determined to be necessary for Applicant to have access to the Subject Property from Boston Post Road. The Authority has no need present or future need for the Subject Property and has no operational issues with granting the Subject Permanent Easement.

Based upon the aforementioned valuation, ORPM staff has recommended that the Subject Property and the Subject Permanent Easement be conveyed to the Applicant for consideration in the amount of \$5,160,000.

If the foregoing terms are acceptable to the Applicant, it is further recommended that the Executive Director be authorized to execute an agreement for the sale of the Subject Property and grant of the Subject Permanent Easement. Due to the location of the Subject Property relative to the interstate system, Federal Highway Administration review and approval is required. In accordance with the Thruway Real Property Management Policy, such agreement would be subject to approval by the Office of the Attorney General and by the State Comptroller. Following an approval of any agreement, a deed would be prepared by the Office of the Attorney General.

CONTRACTING OFFICER’S CERTIFICATION:

In my capacity as Contracting Officer, I concur with the foregoing recommendations and advice by ORPM staff, and attest that the proposed sale complies with all applicable provisions of law relating to such transactions and with the Thruway Real Property Management Policy.

For the purpose of satisfying the Authority’s obligations pursuant to the State Environmental Quality Review Act (hereinafter, “SEQRA”), a SEQRA Short Environmental Assessment form was completed for the proposed transaction. The Chief Engineer has recommended execution of a SEQRA Negative Declaration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. \_\_\_\_\_

DECLARING REAL PROPERTY REFERENCE NO. 490, LOCATED IN THE CITY OF RYE, COUNTY OF WESTCHESTER, AND PERMANENT EASEMENT IN ADJOINING LAND, REAL PROPERTY REFERENCE NO. TN15-4, AS NOT NECESSARY FOR THE AUTHORITY’S CORPORATE PURPOSES AND AUTHORIZING THE SALE THEREOF

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RESOLVED, that the Board hereby finds, determines, and declares that all remaining right, title and interest in and to Real Property Reference No. 490 (hereinafter, “Subject Property”), and in the Subject Permanent Easement, Real Property Reference No. TN15-4, as shown and delineated on Exhibits I and II, attached hereto and made a part hereof, are not necessary for the Authority’s

corporate purposes and, therefore, available for disposal, and be it further

RESOLVED, that the Subject Property be, and the same hereby is, authorized for conveyance to Rye Country Day School (hereinafter, "Applicant") pursuant to, and in accordance with, legislation adopted by New York State Legislature and signed by the Governor ("Legislation"), and be it further

RESOLVED, that the Subject Permanent Easement, as described in this agenda item and Exhibits I and II, be, and the same hereby is, authorized for conveyance to the Applicant and be it further

RESOLVED, that such conveyance of the Subject Property and the Subject Permanent Easement to the Applicant be predicated upon Applicant's payment of consideration in the amount of \$5,160,000, and be it further

RESOLVED, that the Executive Director, or his designee, be, and the same hereby is, authorized to execute an agreement for the sale of the Subject Property and conveyance of the Subject Permanent Easement with the Applicant on the terms and conditions specified herein and in the Legislation and other terms and conditions deemed by General Counsel to be in the Authority's best interest, and to take all necessary actions necessary to convey the

Subject Property and the Subject Permanent Easement to the Applicant, and be it further

RESOLVED, that the recommendation regarding the environmental significance of this Board action (hereinafter, “recommendation”), pursuant to the State Environmental Quality Review Act (hereinafter, “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 Short Environmental Assessment Form and SEQRA Negative Declaration, and to distribute any required documents on behalf of the Board relative to such adoption, and be it further

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



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General Counsel

RECOMMENDATION APPROVED:



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Executive Director

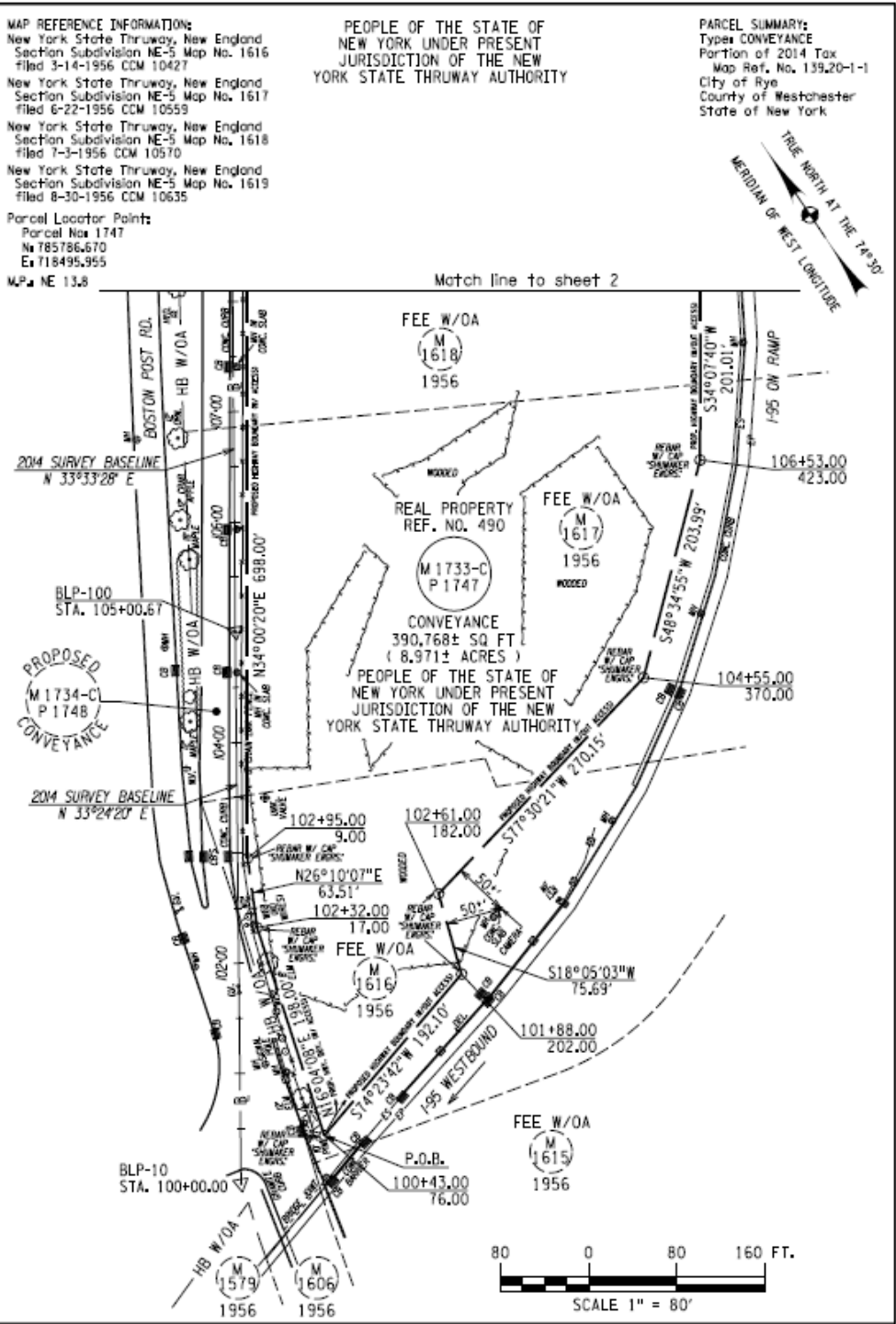
Exhibit I

Draft 12/9/2021

NEW YORK STATE THRUWAY  
NEW ENGLAND SECTION  
SUBDIVISION NO. NE 5

NEW YORK STATE  
THRUWAY AUTHORITY  
CONVEYANCE MAP

MAP NO. 1733-C  
PARCEL NO. 1747  
SHEET 1 OF 5 SHEETS

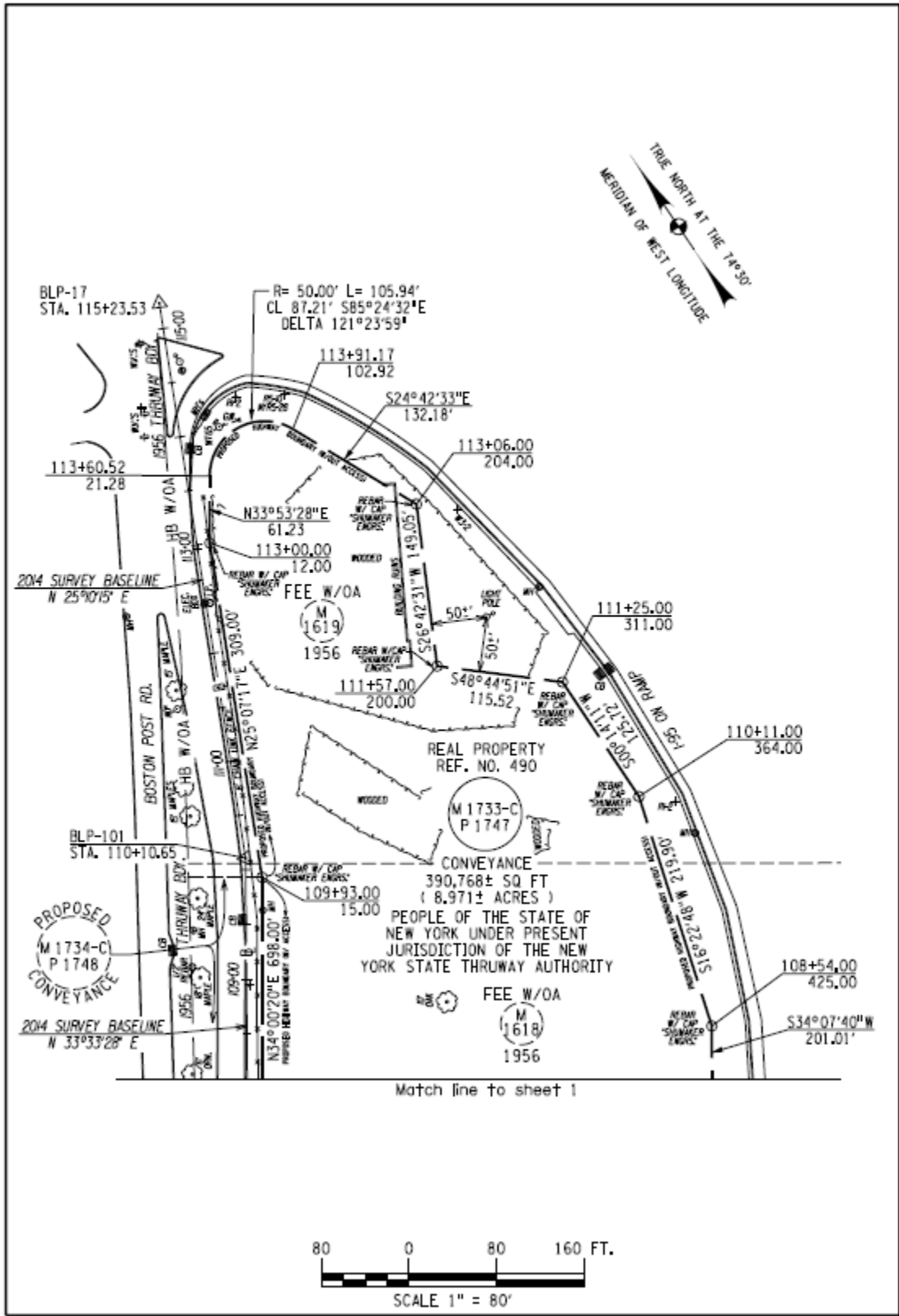


Draft 12/9/2021

NEW YORK STATE THRUWAY  
NEW ENGLAND SECTION  
SUBDIVISION NO. NE 5

NEW YORK STATE  
THRUWAY AUTHORITY  
CONVEYANCE MAP

MAP NO. 1733-C  
PARCEL NO. 1747  
SHEET 2 OF 5 SHEETS







Draft 12/9/2021

NEW YORK STATE THRUWAY  
NEW ENGLAND SECTION  
SUBDIVISION NO. NE 5

NEW YORK STATE  
THRUWAY AUTHORITY  
CONVEYANCE MAP

MAP NO. 1734-C  
PARCEL NO. 1748  
SHEET 2 OF 4 SHEETS

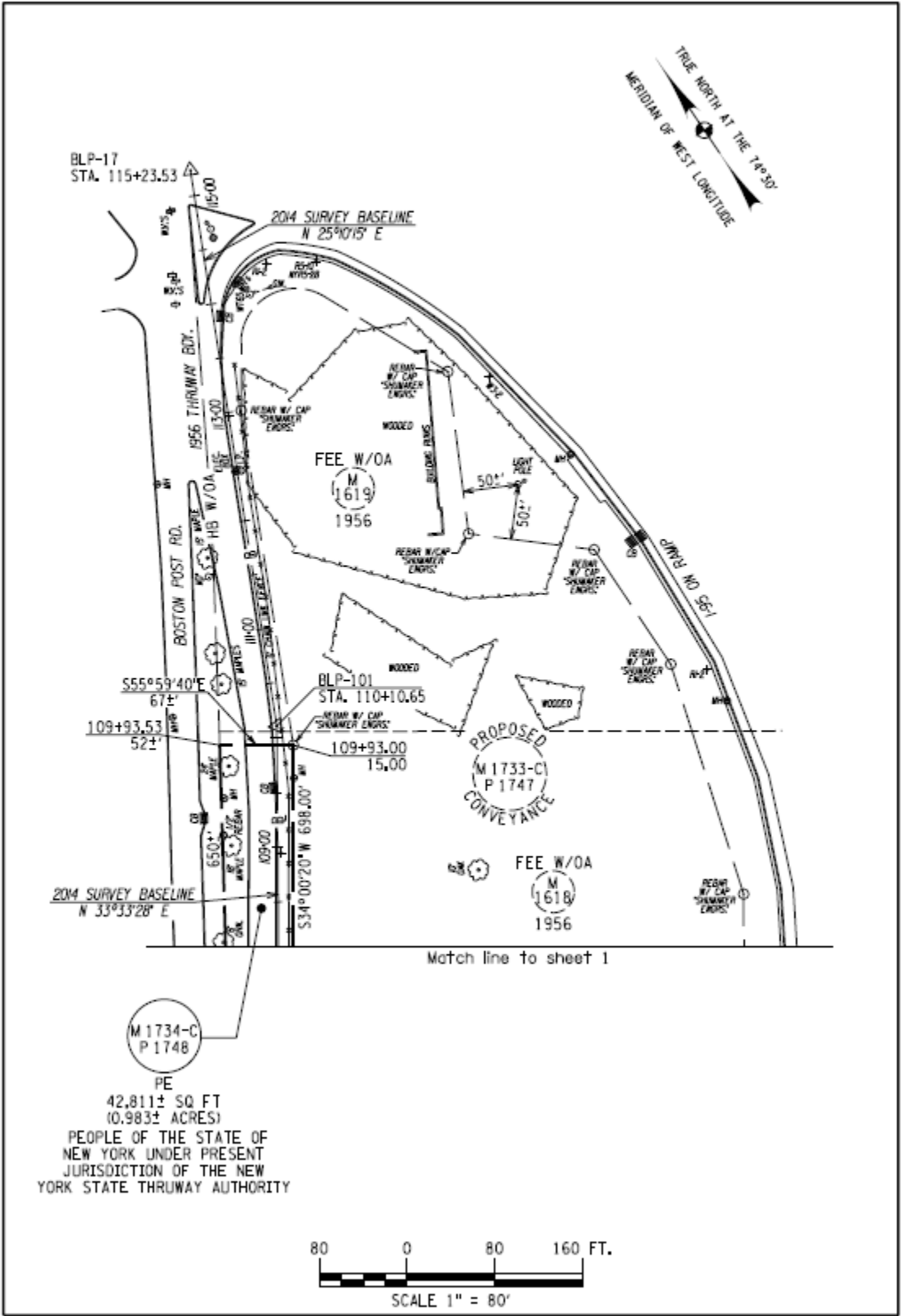
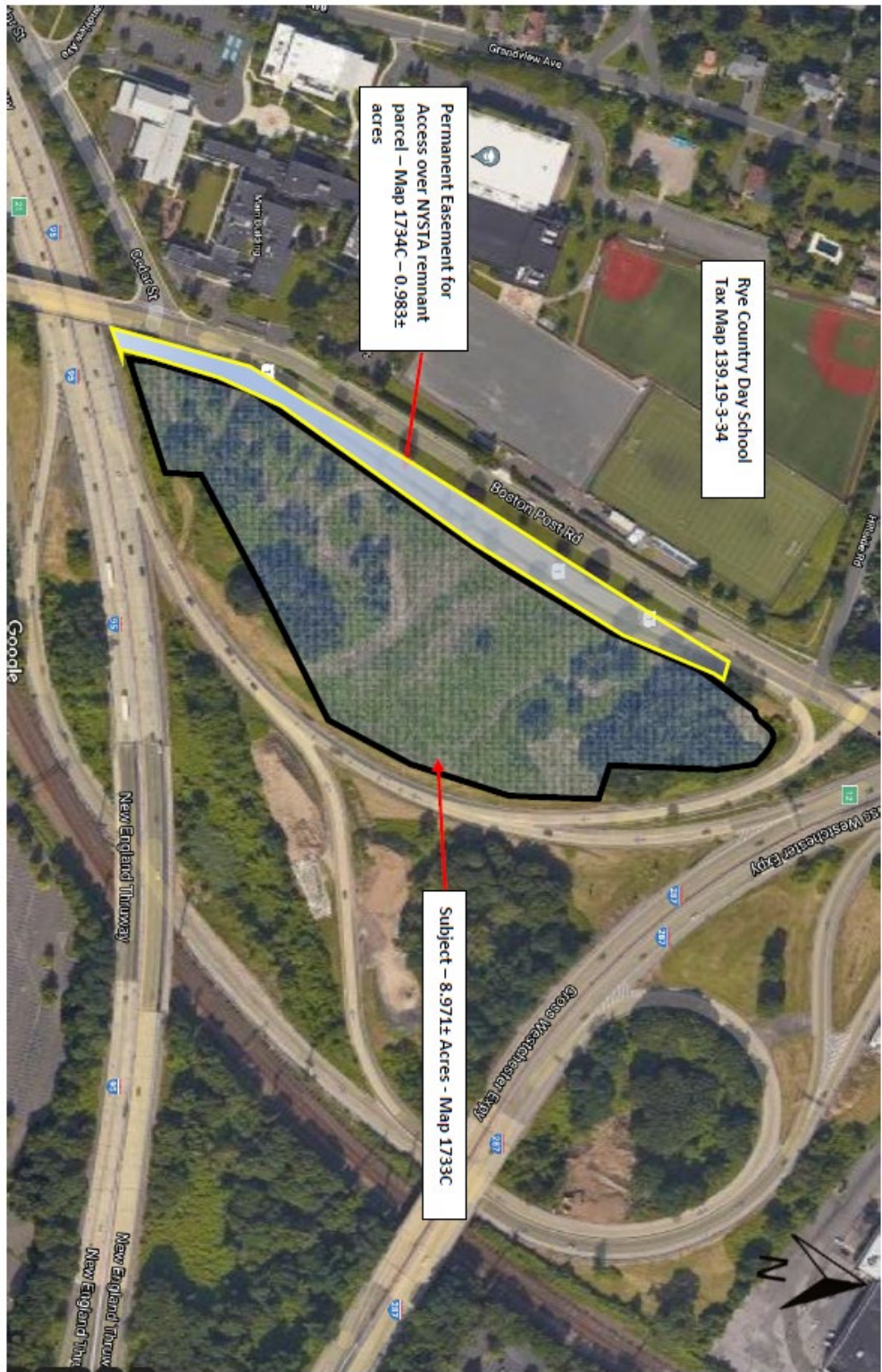


Exhibit II



RPR #490 – Rye Country Day School  
Boston Post Road  
City of Rye, Westchester County

Exhibit III

# STATE OF NEW YORK

8183

2017-2018 Regular Sessions

## IN ASSEMBLY

June 2, 2017

Introduced by M. of A. OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT authorizing the New York state thruway authority to convey real property to Rye Country Day School

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative declaration. The state of New York desires to use underutilized land to improve the recreational and educational lives of its residents. A parcel of such certain land has been identified, which under its present jurisdiction is owned by the people of the state of New York, which may be utilized by the Rye Country Day School to allow realization of such opportunities for recreation and education for the school and the public. The school and the city of Rye have sought to promote uses on the parcel consistent with community needs since the late 1980's, and have pursued shared partnership use of the property for recreational purposes in various forms since the 1990's.

§ 2. Notwithstanding any provision of section 2897 of the public authorities law to the contrary, the New York state thruway authority is authorized to transfer and convey to the Rye Country Day School, a not-for-profit corporation chartered by the Board of Regents of the University of the State of New York, those parcels of certain lands referenced and described in section four of this act provided that such lands shall be used for recreational and educational purposes including the construction of a recreational playing field, track and fieldhouse. Such transfer and conveyance shall be for fair market value established by an appraisal conducted by the thruway authority and upon such terms and conditions as the New York state thruway authority and the Rye Country Day School may determine.

§ 3. The authorization to transfer and convey the lands described in section four of this act shall only be effective upon the condition that the city of Rye and the Rye Country Day School enter into an agreement, *EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.*

LBD10856-04-7

A. 8183 2

which shall provide for the shared use of such lands and improvements between the Rye Country Day School and the public. Such an agreement may be amended from time to time as may be agreed to by the City of Rye and the Rye Country Day School.

§ 4. The lands authorized to be conveyed pursuant to section two of this act are generally described as follows:

Beginning at a point demarcated by a rebar within the lands of the People of the State of New York under present jurisdiction of the New York State Thruway Authority, said point being 76.00 feet distant southeasterly as measured at right angles from station 1 00+43.00 of the hereinafter described survey baseline; thence through the said lands of The People of the State of New York under present Jurisdiction of the New York State Thruway Authority the following courses and distances:

1) North 16° 04' 08" East, a distance of 198.00 feet to a point demarcated by a rebar, said point being 17.00 feet distant southeasterly as measured at right angles from station 102+32.00 of said survey baseline; thence

2) North 26° 10' 07" East, a distance 63.51 feet to a point demarcated by a rebar, said point being 9.00 feet distant southeasterly as measured at right angles from station 1 02+95.00 of said survey baseline; thence

3) North 34° 00' 20" East, a distance of 698.00 feet to a point demarcated by a rebar, said point being 15.00 feet distant southeasterly as measured at right angles from station 1 09+93.00 of said survey baseline; thence

4) North 25° 07' 17" East, a distance of 309.00 feet to a point demarcated by a rebar, said point being 12.00 feet distant southeasterly as measured at right angles from station 113+00.00 of said survey baseline; thence

North 33° 53' 28" East, a distance of 61.23 feet to a point, said point being 21.28 feet distant southeasterly as measured at right angles from station 113+60.52 of said survey baseline; thence

6) Easterly along an arc to the right a distance of 105.94 feet, having a radius of 50.00 feet, the chord of which is South 85° 24' 32" East for a distance of 87.21 feet to a point, said point being 102.92 feet distant southeasterly as measured at right angles from station 113+91.17 of said survey baseline; thence

7) South 24° 42' 33" East, a distance of 132.18 feet to a point demarcated by a rebar, said point being 204.00 feet distant southeasterly as measured at right angles from station 113+06.00 of said survey baseline; thence

8) South 26° 42' 31" West, a distance of 149.05 feet to a point demarcated by a rebar, said point being 200.00 feet distant southeasterly as measured at right angles from station 111 +57.00 of said survey baseline; thence

9) South 48° 44' 51" East, a distance of 115.52 feet to a point demarcated by a rebar, said point being 311.00 feet distant southeasterly as measured at right angles from station 111 +25.00 of said survey baseline; thence

10) South 00° 14' 11" West, a distance of 125.72 feet to a point demarcated by a rebar, said point being 364.00 feet distant southeasterly as measured at right angles from station 110+11.00 of said survey baseline; thence

11) South 16° 22' 48" West, a distance of 219.90 feet to a point demarcated by a rebar, said point being 425.00 feet distant southeasterly as measured at right angles from station 1 08+54.00 of said survey baseline; thence



A. 8183 3

12) South 34° 07' 40" West, a distance of 201.01 feet to a point demarcated by a rebar, said point being 423.00 feet distant southeasterly as measured at right angles from station 1 06+53.00 of said survey baseline; thence

13) South 48° 34' 55" West, a distance of 203.99 feet to a point demarcated by a rebar, said point being 370.00 feet distant southeasterly as measured at right angles from station 1 04+55.00 of said survey baseline; thence

14) South 77° 30' 21" West, a distance of 270.15 feet to a point demarcated by a rebar, said point being 182.00 feet distant southeasterly as measured at right angles from station 1 02+61.00 of said survey baseline; thence

15) South 18° 05' 03" West, a distance of 75.69 feet to a point demarcated by a rebar, said point being 202.00 feet distant southeasterly as measured at right angles from station 1 01+88.00 of said survey baseline; thence

16) South 74° 23' 42" West, a distance of 192.10 feet to the point of beginning; containing 390,768 square feet or 8.971± acres.

§ 5. The authorization to transfer and convey the lands described in section four of this act shall be subject to the requirement that the use of such lands shall comply with the provisions of sections two and three of this act. In the event that the use of such land fails to comply with the requirements described in sections two or three of this act, title to such lands and any improvements thereon shall revert to the people of the state of New York under the jurisdiction of the New York state thruway authority and, upon such reversion, the New York state thruway authority is authorized to convey to the Rye Country Day School a sum up to the amount paid by the Rye Country Day School pursuant to section two of this act and the value of improvements made to the property based upon an appraisal conducted by the thruway authority.

§ 6. This act shall take effect immediately.

# STATE OF NEW YORK

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8339

2019-2020 Regular Sessions

## IN ASSEMBLY

June 14, 2019

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Introduced by M. of A. OTIS -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 498 of the laws of 2017 authorizing the New York state thruway authority to convey real property to Rye Country Day School, in relation to requiring the Rye Country Day School to make the athletic field and track available for rental to public recreation

groups for a certain amount of time per year

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3 of chapter 498 of the laws of 2017 authorizing the New York state thruway authority to convey real property to Rye Country Day School is amended to read as follows:

§ 3. The authorization to transfer and convey the lands described in section four of this act shall [only be effective upon the condition that the city of Rye and the Rye Country Day School enter into an agreement, which shall provide for the shared use of such lands and improvements between the Rye Country Day School and the public. Such an agreement may be amended from time to time as may be agreed to by the City of Rye and the Rye Country Day School] be contingent upon the inclusion of a covenant providing that Rye Country Day School shall make the athletic field and track available for rental to public recreation groups for no less than twenty-nine percent of usable hours in the course of each calendar year and to provide opportunity for public rental of any recreation buildings that may be constructed on the parcel.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD13361-01-9

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Frank Hoare  
General Counsel

SUBJECT: Declaring Real Property Reference No. TN20-3 - Subject Property A & Subject Property B, Located in the Town of Clarkstown and County of Rockland, as Not Necessary for Authority Corporate Purposes and Authorizing the Auctions Thereof

TRANSACTION:

Proposed is the sale of Real Property Reference No. TN20-3 - Subject Property A & Subject Property B (hereinafter, "Subject Property A" and "Subject Property B"), via two public auctions.

PROPERTY DESCRIPTION:

The Subject Properties are two parcels of land which are situated off Demarest Mill Road, west of the on-ramp for the Palisades Interstate Parkway southbound from Thruway Interchange 13S southbound, near mile post 21.2± (Subject Property A being situated on the north side comprising of 0.135± acres and Subject Property B being situated to the south comprising of 0.176± acres). The Subject Properties are shown on the attached aerial site sketch and survey map attached hereto, respectively, as Exhibits I and II.

FORMER USE AND PRESUMED INTENDED USE:

The Subject Properties are currently used as a buffer between the Palisades Interstate Parkway southbound from Thruway Interchange 13S. Subject Property A is adjacent to Schultz Ford, addressed as 80 Route 304, Nanuet, NY 10954 owned by 304 Nanuet Realty LLC (hereinafter, "Applicant"). Subject Property B is adjacent to Rockland Chrysler Dodge Jeep Ram, addressed as 60 Route 304, Nanuet, NY 10954 owned by GSI Realty, LLC. The Applicant has



submitted an application and has indicated its intent to assemble the Subject Property A with their adjoining property and plans to use the area for parking of new and used vehicles. GSI Realty, LLC (Chrysler) indicated its interest in assembling Subject Parcel B with their adjoining property for parking new and used vehicles. The Authority does not have a present or anticipated future need for either Subject Property A or Subject Property B.

#### VALUATION:

In accordance with the Authority's Standard Operating Procedures, the value of Subject Property A and Subject Property B were independently appraised separately by one appraisal consultant. The value of each parcel of the Subject Properties were independently estimated by GAR Associates, LLC (hereinafter, "Consultant"), at \$150,000 for Subject Property A and \$170,000 for Subject Property B. The Consultant considered the value of each parcel as a single estimate of the present value, and under the assumption that each of the Subject Properties were assembled to their respective Neighboring Parcel.

In a review appraisal conducted by staff from the Office of Real Property Management (hereinafter, "ORPM"), the Consultant's estimate of value for each parcel was found to be justified, defensible and soundly reasoned.

#### APPROVAL PROCESS:

The Subject Properties were deemed to be appropriate for disposal via auction under a transactional analysis and recommendation that I affirmed. Based upon the aforementioned valuation, ORPM staff has recommended that Subject Property A and Subject Property B be auctioned separately and that a minimum auction bid of \$150,000 for Subject Property A and a minimum auction bid of \$170,000 for Subject Property B be approved.

It is further recommended that for each property, the Executive Director be authorized to accept the highest bid that meets or exceeds the minimum bid, and to execute an agreement for the sale of real property with the highest bidder. In accordance with the Thruway Real Property Management Policy, such purchase agreement would be subject to approval by the Office of Attorney General and by the State Comptroller. The Office of Attorney General would prepare a deed that would be delivered to the purchaser of each property.

CONTRACTING OFFICER’S CERTIFICATION:

In my capacity as Contracting Officer, I concur with the foregoing recommendations and advice by ORPM staff, and attest that the proposed sale complies with all applicable provisions of law relating to such transactions and with the Thruway Real Property Management Policy.

For the purpose of satisfying the Authority’s obligations pursuant to the State Environmental Quality Review Act (hereinafter, “SEQRA”), a SEQRA Short Environmental Assessment form was completed for the proposed transaction. The Chief Engineer has recommended execution of a SEQRA Negative Declaration.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO. \_\_\_\_\_

DECLARING REAL PROPERTY REFERENCE NO. TN20-3 –  
SUBJECT PROPERTY A & SUBJECT PROPERTY B,  
LOCATED IN THE TOWN OF CLARKSTOWN AND COUNTY  
OF ROCKLAND, AS NOT NECESSARY FOR THE  
AUTHORITY’S CORPORATE PURPOSES AND  
AUTHORIZING THE AUCTIONS THEREOF

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RESOLVED, that the Board hereby finds, determines and declares that all remaining right, title and interest in and to Real Property Reference No. TN20-3 (hereinafter, “Subject Property A” and “Subject Property B”), as shown and delineated on Exhibits I and II attached hereto and made a part hereof, are not necessary for the Authority’s corporate purposes and, therefore, available for auction; and be it further

RESOLVED, that the Executive Director, or his designees, be and the same hereby is/are, authorized to conduct public auctions of the Properties at a minimum-bid amount of \$150,000 for Subject Property A and at a minimum-bid amount of \$170,000 for Subject Property B ; and be it further

RESOLVED, that the Executive Director, or his designees be, and the same hereby is/are, authorized to accept the highest bids that meets or exceeds each auction’s minimum bid, to memorialize such acceptance via the execution of the agreements for the sale of real property with the highest bidders on terms and conditions deemed by General Counsel to be in the Authority’s best interest, and to convey the Subject Properties to such highest bidders; and be it further

RESOLVED, that the Chief Engineer, or his designee, be and the same hereby is, authorized to execute the SEQRA Short Environmental Assessment form and SEQRA Negative Declaration, and to distribute any required documents on behalf of the Board relative to such adoption; and be it further

RESOLVED, that the Executive Director, Chief Engineer, Chief Financial Officer, and 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 this resolution be incorporated in the minutes of this meeting.



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General Counsel

RECOMMENDATION APPROVED:

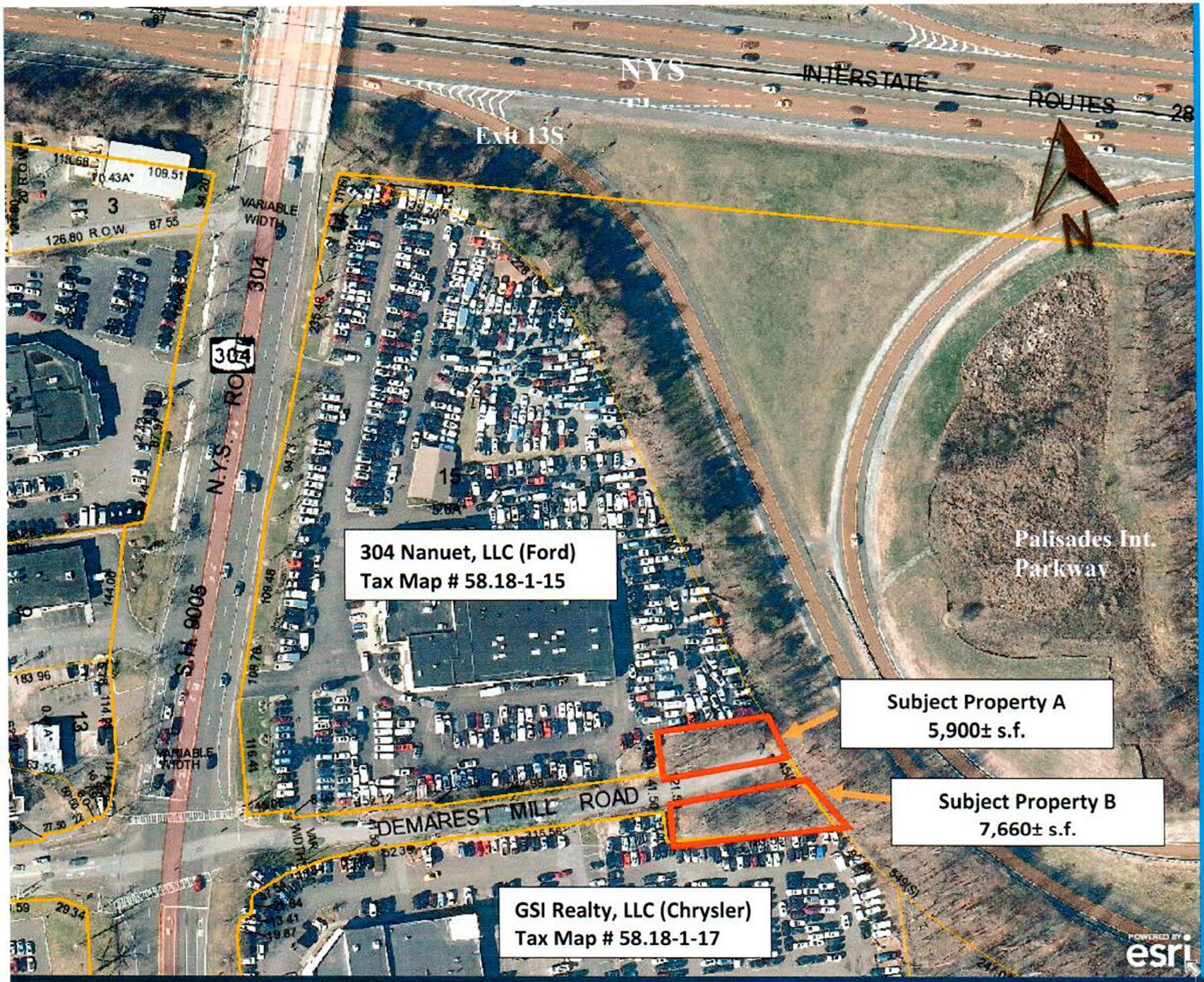


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Executive Director

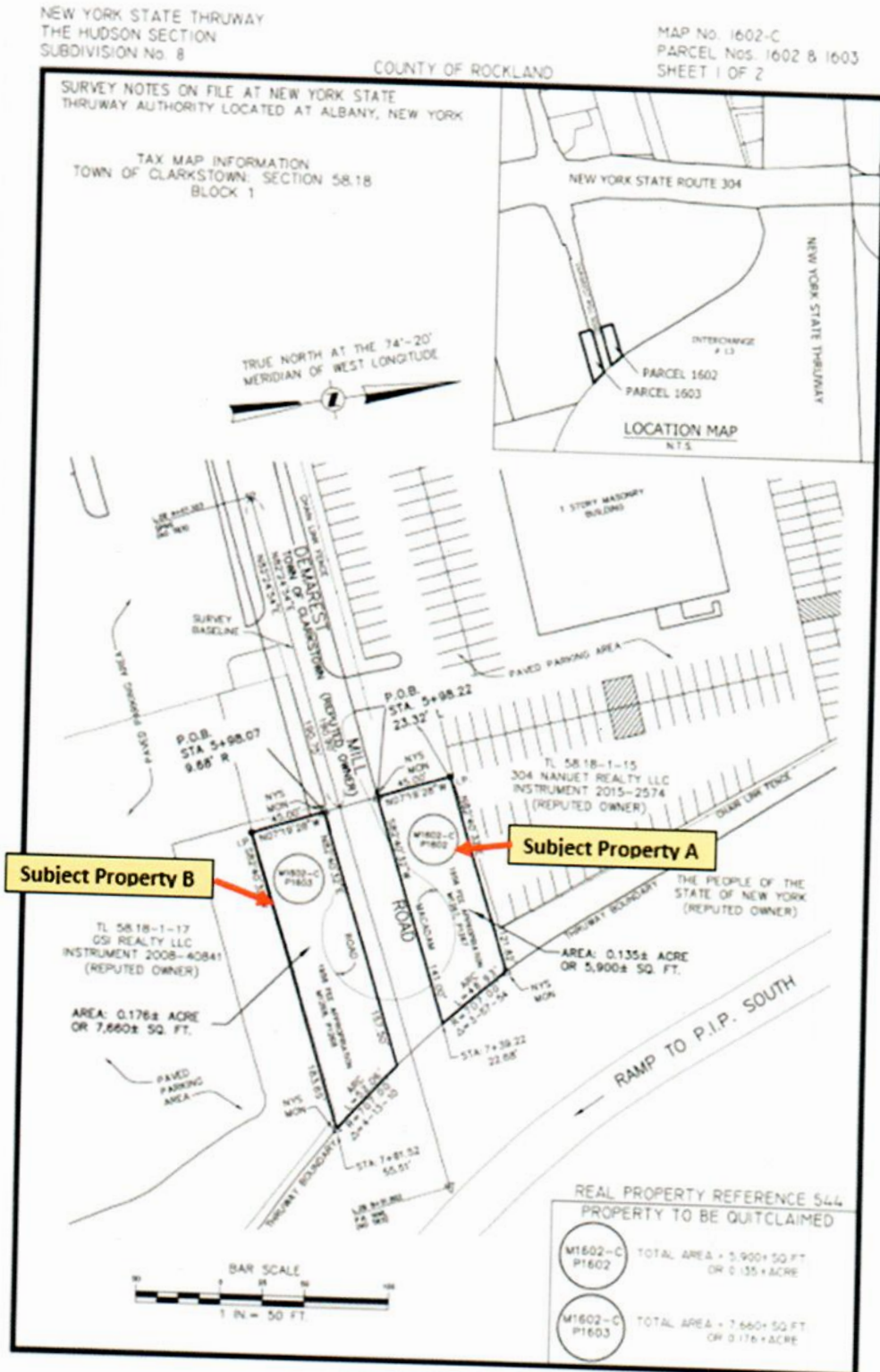


Exhibit I





## Exhibit II



TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Richard W. Lee, P.E.  
Chief Engineer

SUBJECT: Authorizing the Execution of Agreement D214866 with JMT of New York, Inc.

In accordance with Authority policy, JMT of New York, Inc. has been designated to provide services through agreements D214866; as presented in Exhibit A. Board authorization is requested to execute an agreement with JMT of New York, Inc. for Bridge Design Support Professional Services in the New York and Albany Divisions. Sufficient funding for agreement D214866 is provided for in the 2022- 2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:


## RESOLUTION NO.

AUTHORIZING THE EXECUTION OF AGREEMENT D214866  
WITH JMT OF NEW YORK, INC.

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement (D214866) with JMT of New York, Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the Authority, and be it further

RESOLVED, that the Chief Engineer or his 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 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

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

  
\_\_\_\_\_  
Chief Engineer

RECOMMENDATION APPROVED:

  
\_\_\_\_\_  
Executive Director



Meeting No. 752

Item 9

Appendix I

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214866, Term Agreement for Bridge Design Support Services – New York and Albany Divisions	JMT of New York, Inc. 19 British American Blvd., Latham New York 12110	\$3,500,000	Four years, with an option for the Authority to extend for 1 additional 1- year term	<ul style="list-style-type: none"><li>• KC Engineering and Land Surveying, PC (MBE)</li><li>• Shumaker Consulting Engineering and Land Surveying, D.P.C. (WBE)</li><li>• Paul James Olszewski, PLS, PLLC (SDVOB)</li><li>• Atlantic Testing Laboratories, Limited (WBE)</li></ul> <p>Goals: 30% M/WBE and 6% SDVOB</p>

MAP = Maximum Amount Payable

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Richard W. Lee, P.E.  
Chief Engineer

SUBJECT: Authorizing the Execution of Agreement D214867 with Erdman Anthony and Associates, Inc.

In accordance with Authority policy, Erdman Anthony and Associates, Inc. has been designated to provide services through agreements D214867; as presented in Exhibit A. Board authorization is requested to execute an agreement with Erdman Anthony and Associates, Inc. for Bridge Design Support Professional Services in the Syracuse and Buffalo Divisions. Sufficient funding for agreement D214867 is provided for in the 2022- 2026 Contracts Program.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.


AUTHORIZING THE EXECUTION OF AGREEMENT D214867  
WITH ERDMAN ANTHONY AND ASSOCIATES, INC.

RESOLVED, that the Chief Engineer or his designee, be, and he hereby is, authorized to execute agreement (D214867) with Erdman Anthony Inc., as listed in Exhibit A, attached hereto, provided that sufficient funding has been identified to complete services for the projects through this agreement, with the Maximum Amount Payable of the agreement not to exceed the amount shown in the attached Exhibit A, and such agreement shall be on such other terms and conditions as the Chief Engineer, in consultation with the General Counsel, determines to be in the best interest of the

Authority, and be it further

RESOLVED, that the Chief Engineer or his 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 2022 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interest of the Authority, and be it further

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

  
\_\_\_\_\_  
Chief Engineer

RECOMMENDATION APPROVED:

  
\_\_\_\_\_  
Executive Director

Meeting No. 752

Item 10

Appendix J

EXHIBIT A  
Agreements for Engineering Services

<b>D No./Agreement/ Designation Date</b>	<b>Firm/Address</b>	<b>MAP/ Contracts Program Item No.</b>	<b>Term of Agreement</b>	<b>M/WBE and SDVOB Firms/Goals</b>
D214867, Term Agreement for Bridge Design Support Services – Syracuse and Buffalo Divisions	Erdman and Anthony Associates, Inc. 145 Culver Road, Suite 200, Rochester, New York 14620	\$2,500,000	Four years, with an option for the Authority to extend for 1 additional 1- year term	<ul style="list-style-type: none"><li>• Ravi Engineering and Land Surveying, P.C. (MBE)</li><li>• Shumaker Consulting Engineering and Land Surveying, D.P.C. (WBE)</li><li>• Tolman Engineering, Architecture &amp; Land Surveying, PLLC (SDVOB)</li></ul> Goals: 30% M/WBE and 6% SDVOB

MAP = Maximum Amount Payable



RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING ADDITIONAL FUNDING FOR TAB 21-22/ D214858,  
BUFFALO AND SYRACUSE DIVISION PAVEMENT STRIPING AT  
VARIOUS LOCATIONS

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RESOLVED, that an additional \$248,151.10 (revising the total contract value to \$998,151.10) for TAB 21-22/D214858, Buffalo and Syracuse Division Pavement Striping- Various Locations be, and the same hereby is authorized, and be it further

RESOLVED, that the additional funding be allocated to TAB 21-22/D214858 from anticipated project deferments and bid savings from the 2022 Contracts Program, and be it further

RESOLVED, that the Chief Engineer 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

Meeting No. 752  
Item 11  
Appendix K

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.

  
\_\_\_\_\_  
Chief Engineer

RECOMMENDATION APPROVED:

  
\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date



Exhibit A

**Memorandum**

**TO:** Richard Lee, P.E.                      **DATE:** December 9, 2021

**FROM:** Al Mastroianni, P.E.              **SUBJECT:** Buffalo and Syracuse Division  
Pavement Striping - 2021  
Various Locations  
H752.4; B53055  
D214858; TAB 21-22  
Federal Project No. TWSW.20.321

Letting Date: November 17, 2021 Advertising Period: 3 weeks	Number of General Contractor Plan Buyers: 2 Bids received: 2
Engineer's Estimate: \$735,350.00 Low Bid: \$998,151.10 Difference: + \$262,801.10 (+35.7%)	Items in Contract: 15 Amendments Issued: 1
Items bid 25% or more over EE: 7 Items bid 75% or more below EE: 2	

Contract TAB 21-22 was let on November 17, 2021. There were 2 bids received and Accent Stripe, Inc. submitted the low bid of \$998,151.10 which is 35.7% above the Engineer's Estimate (EE) of \$735,350.00

There are 15 items in this contract and there was a three-week advertising period with one (1) Amendment issued prior to the letting.

The bid analysis for the low bidder is attached. There were seven items bid 25% or more over the EE and two items bid 75% or more below the EE. These items and quantities were checked and appear reasonable.

Approximately 116% of the contractor's overbid is accounted for in four items. These items are epoxy based products:

Item 685.0106—25 White Epoxy Reflectorized Pavement Stripes (LF): (\$107,907.60)  
449,615 Linear Feet  
EE: \$107,853.70 (\$0.38/LF)  
BID: \$278,761.30 (\$0.62/LF)



Item 685.0206—25 Yellow Epoxy Reflectorized Pavement Stripes (LF):(\$54,496.80)

227,070 Linear Feet

EE: \$82,286.60 (\$0.38/LF)

BID: \$140,783.40 (\$0.62/LF)

Item 685.1707—25 White Highly Reflectorized Triple Drop Epoxy Pavement Stripes (LF):(\$79,906.50)

295,950 Linear Feet

EE: \$145,015.50 (\$0.49/LF)

BID: \$224,922.00 (\$0.76/LF)

Item 685.1708—25 Yellow Highly Reflectorized Triple Drop Epoxy Pavement Stripes (LF):(\$62,016.30)

229,690 Linear Feet

EE: \$112,548.10 (\$0.49/LF)

BID: \$174,564.40 (\$0.76/LF)

All large quantity epoxy items were higher priced then the EE accounted for. In discussion with the low bidder, Accent Stripe, Inc.; stated that the cost of Epoxy has already increased over 30% and is continuing to rise. Additional concerns of supply chain issues, rising fuel cost, labor shortages and increases in labor wages were expressed as well. Accent Stripe, Inc. has placed bids on similar projects and increases are seen throughout when compared to unit cost on previous contracts. Based on these finding, the unit costs were underestimated for the current economic trends and the bid prices are reasonable.

Another roughly 8% of the contractors overbid is accounted for in Night-Time Operations and Work Zone Traffic Control

Item 619.24 Night-Time Operations: (LS) (\$5,000.00)

Lump Sum

EE: \$5,000.00

BID: \$10,000.00

Item 619.0101 Basic Work Zone Traffic Control (Daily Operations) (LS): (\$15,000.00)

Lump Sum

EE: \$10,000.00

BID: \$25,000.00

These items were estimated based on previous similar projects in the area and appeared to be reasonable, based on the scope of the work. However, after speaking with the contractor, Labor shortages, Wage Increases as well as the rising fuel cost. Based on these unseen economic factors, the unit costs were underestimated, and the bid prices are reasonable.

The unit prices used for the Engineer's Estimate were based on a previous similar project in the area. Further, the nature of this work involves equipment that is specific to a limited availability of contractors and as such, these contractors have a limited geographic area for which they typically perform this work. Although there were only two bidders, the bids received appear to represent the true cost of the work to be done and reflect price increases due to increased material cost, supply chain and labor concerns as well as rising fuel cost. The Authority would not receive a more competitive or lower bid if the project was relet and therefore, we recommend the contract be awarded to Accent Stripe, Inc.



Reviewed by Director of Capital & Contracts Management \_\_\_AJT\_\_\_ (Initials)

I Approve:

\_\_\_\_\_  
Richard Lee, Chief Engineer

\_\_\_\_\_  
Date

Funds Allocated:

\_\_\_\_\_  
Chief Financial Officer

\_\_\_\_\_  
Date

Attachment

Cc: Division Director –**Pat Hoehn, Matt Latko**  
Div. Capital Plan Manager - **Jerrin George and Leslie Wright, Scott Helser**  
Division ADDES –**Remo Radicchi, Charles Whetstone**  
Director, Maintenance and Operations – **James Konstalid**  
Director of Capital Program Delivery – **(Vacant) Forward to Rich Lee**  
Deputy Chief Engineer & Design Bureau Director – **Bob Cournoyer**  
Director, Capital and Contracts Management – **Andrew Trombley**  
Contracts Unit - **Mike Doyle**  
OCM Secretary – **Jill Carkner**

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Richard W. Lee, P.E.  
Chief Engineer

SUBJECT: Authorizing the Executive Director to Execute a Contract with New York State Department of Transportation for the Transfer of Variable Message System Boards for Less Than Fair Market Value

This Board item seeks authorization for the Executive Director to enter into a contract with the New York State Department of Transportation (“NYSDOT”) for the transfer of 57 variable message sign boards (“Property”) installed on NYSDOT right-of-way pursuant to the Cashless Tolling Project design-build contract (D800002). The Property is specifically described as 57 ADDCO BRICK® Modular Message Sign System (“VMS”) components, that are installed or to be installed at locations identified in Exhibit A.

With the removal of all toll booths as part of the cashless tolling project in 2020, the Authority lost the ability to notify motorists of roadway closures, incidents and delays on the Thruway prior to entering the system Thruway. As a result, the Authority included the installation of VMS boards on approach roadways prior to the Thruway in order to provide advance warning to motorists. During the cashless tolling project, it was determined that it would be more efficient for NYSDOT to operate the VMS boards installed on their roadways since the boards would mostly be used for incident management on their roadways. The transfer of the VMS boards will save the Authority costs related to maintaining, repairing and operating the VMS boards.

The total estimated fair market value of the property proposed to be transferred is \$2,717,726.16. This amounts to \$47,505.86 per message board, which is the per unit cost of each message board that the Authority paid to Cashless Tolling Constructors, LLC for such.

To promote cost effective partnering in traffic management across the State, it is proposed that the Property be transferred to NYSDOT for \$1.

Pursuant to the Public Authorities Law (“PAL”) and the Authority’s Personal Property Disposal Policy (“Policy”), in order for the Authority to dispose of personal property in excess of \$5,000 for less than fair market value, either of the following requirements must be met: (i) the transferee is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity; or (ii) the purpose of the transfer is within the purpose, mission or governing statute of the Authority. In this instance, NYSDOT is a government or public entity and has affirmed that the ownership and use of the asset will remain with the government or any other public entity. Such requirement will be included in the contract for the transfer of the Property.

In the event a below fair market value asset transfer is proposed, the following information must be provided to the Board and the public: (1) a full description of the asset; (2) an appraisal of the fair market value of the asset and any other information establishing the fair market value sought by the board; (3) a description of the purpose of the transfer, and a reasonable statement of the kind and amount of the benefit to the public resulting from the transfer, including but not limited to the kind, number, location, wages or salaries of jobs created or preserved as required by the transfer, the benefits, if any, to the communities in which the asset is situated as are required by the transfer; (4) a statement of the value to be received compared to the fair market value; (5) the names of any private parties participating in the transfer and a statement of the value to the private party; and (6) the names of other private parties who have made an offer for such asset, the value offered, and the purpose for which the asset was sought to be used.

After this information is considered by the Board, the Board must make a written determination that there is no reasonable alternative to the proposed below market transfer that would achieve the same purpose of such transfer.

The Contracting Officer determined that the proposed disposal of the Property fulfills the requirements of Section 2897(6)(c)(v) and Section 2897(7)(a)(i); and transfer on the terms stated herein also complies in all other respects with applicable law, including Article 9, Title 5-A of the PAL, and with the Policy as it applies to disposal of personal property.

The proposed disposal is in compliance with the Policy, which provides that a disposal of personal property in excess of \$5,000 may be negotiated and disposed of for less than fair market value when the disposal is to a transferee that is a government or other public entity, and the terms and conditions of the transfer require that the ownership and use of the asset will remain with the government or any other public entity.

PAL Article 9, Title 5-A and the Policy require that 90 days before this type of transaction, an explanatory statement describing the transfer shall be transmitted to the Comptroller, Director of Budget, the Commissioner of General Services and the Legislature. An explanatory statement will be prepared and distributed to those aforementioned parties.

The Contracting Officer recommends conveyance of the Property to NYSDOT for \$1 and without public advertising for bids. Although the transfer of the Property would not directly lead to new or retained jobs, the presence of the Property on NYSDOT right-of-way leads to efficient traffic management and all of its accompanying benefits, including efficient incident management, improved trip times, improved air quality from reducing air pollution generated by slow-moving traffic, and traffic speed control. No private parties are participating in the transfer, nor have any private parties made an offer for the Property.

The Contracting Officer recommends that the Board determine that there is no reasonable alternative to the proposed less than fair market value transfers to NYSDOT that would achieve the same purposes of the transfers.

RECOMMENDATION:

It is recommended that the Board adopt the following resolution:

RESOLUTION NO.

AUTHORIZING THE EXECUTIVE DIRECTOR TO  
EXECUTE A CONTRACT WITH NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION FOR THE  
TRANSFER OF VARIABLE MESSAGE SYSTEM  
BOARDS FOR LESS THAN FAIR MARKET VALUE

RESOLVED, that the transfer of variable message system boards as more particularly described in the agenda item and in Exhibit A (“Property”), to the New York State Department of Transportation (“NYSDOT”) for one dollar consideration, on the terms described and recommended in this agenda item, be and hereby is, approved, subject to such other legal, financial, engineering, and other terms as may be deemed by the Executive Director, the Chief Engineer, Director of Maintenance and Operations or the General Counsel, to be in the best interest of the New York State Thruway Authority (“Authority”) and consistent with the intent of this agenda item; and be it further

RESOLVED, that the Authority’s Contracting Officer determined the transfer of the Property to NYSDOT may be by negotiation without public advertising because such disposal falls under Section 2897(6)(c)(v) and Section 2897(7) of the Public Authorities Law, and Section IV.E. of the Personal Property Disposal Policy, and that the transfer of the Property on the terms recommended in the agenda item complies with all applicable provisions of law, including Article 9,

Title 5-A of the Public Authorities Law, and with the Personal Property Disposal Policy; and be it further

RESOLVED, that, no reasonable alternative to the proposed below-market transfer to NYSDOT would achieve the same purposes of such transfer; and be it further

RESOLVED, that the Executive Director, or his designee, be authorized to execute all documents necessary to effectuate the transfer of the Property to NYSDOT; and be it further

RESOLVED, that the Executive Director, the Chief Financial Officer, the Chief Engineer, Director of Maintenance and Operations, and the General Counsel be, and the same hereby are, authorized to take all actions necessary to effectuate the transfer of the Property to NYSDOT; and be it further

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



Chief Engineer

RECOMMENDATION APPROVED:



Executive Director

Meeting No. 752  
Item 13  
Appendix M

TO: The Thruway Authority Board

DATE: January 31, 2022

FROM: Matthew J. Driscoll  
Executive Director

SUBJECT: Report on Procurement Contracts and Other Agreements Up to \$300,000  
Executed by the Executive Director During the Period October 1, 2021  
Through December 31, 2021

Pursuant to Resolution No. 6224 adopted at Meeting No. 740 held on November 18, 2019, the Board adopted the Procurement Contracts Policy which authorizes the Executive Director to: execute any procurement contract, including amendments thereto, in an amount not to exceed \$300,000 provided that a Procurement Contract for professional services has a term of one year or less; increase by up to \$300,000 any procurement contract previously approved by the Board; extend any procurement contract for a period in excess of one year provided such contract or extension does not exceed \$300,000 provided that a Procurement Contract for professional services has a term of one year or less; and waive the use of a competitive procedure for certain procurement contracts. The Procurement Contracts Policy requires that the Executive Director report to the Board quarterly on all Procurement Contracts or Amendments thereto that have been executed pursuant to such authority.

Pursuant to this Resolution, attached hereto as Exhibit I is a list of the Procurement Contracts and or Amendments thereto executed by the Executive Director pursuant to the Authority in such Resolutions during the time period October 1, 2021 through December 31, 2021.



Meeting No.	752
Item	13
Appendix	M

RECOMMENDATION:

It is recommended that the Boards receive these Procurement Contracts and Other Agreements Report and file them for the public record.



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Executive Director

Meeting No. 752  
Item 13  
Appendix M

EXHIBIT I

THRUWAY PERSONAL SERVICE CONTRACTS UP TO \$300,000  
FOR THE PERIOD OCTOBER 1, 2021 THROUGH DECEMBER 31, 2021

DATE	AMOUNT	CONTRACTOR	Amendment No.	MWBE Goals	SDVOBE Goals	PURPOSE
10/07/21	\$95,000.00	NYS Office of General Services – Media Services Center	N/A	0	0	One year contract provides media buying services. (P.O. issued)
10/13/21	\$0.00	Paymentech, LLC	1	0	0	Amendment to renew the first 1, 1-year term option.
10/13/21	\$29,400.00	Mission Critical Partners, LLC	N/A	0	0	One year contract provides CAD/RMS System Support.
10/19/21	\$19,796.00	Ask Reply, Inc. dba B2GNow	1	0	0	Amendment added maintenance for MWBE modules.
11/03/21	\$0.00	NYS OGS – Media Services Center	1	0	0	Amendment to renew the 1, 1-year term option.
11/19/21	\$0.00	NYS Information Technology	1	0	0	Amended start date of term. The agreement is for web hosting related to the GMMCB.
12/08/21	\$10,000.00	Blackburn Group Inc.	N/A	0	0	One year contract for mandatory Medicare Reporting Service (P.O. issued)
12/20/21	\$26,400.00	CPR & Safety Training & Consulting, LLC/ dba Compliance Training (WBE)	N/A	Focused Procurement	0	Chainsaw Safety Training (P.O. issued)