



## **MINUTES**

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

#### **BOARD MEETING NO. 661**

**July 18, 2007**

Minutes of a meeting of the New York State Thruway Authority, held in the Board Room at Administrative Headquarters, 200 Southern Boulevard, Albany, New York, 12209 and via video conference from the Authority's New York Division Office at 4 Executive Boulevard, Suffern, New York 10901.

The meeting began at 9:50 a.m.

There were present:

**John L. Buono, Chairman**

**Nancy E. Carey Cassidy, Vice Chairman**

**E. Virgil Conway, Board Member**

**Erin M. Crotty, Board Member**

**Frederick M. Howard, Board Member**

**Jeffrey D. Williams, Board Member**

**Kevin J. Plunkett, Board Member via video conference from Suffern**

Constituting all of the members of the Thruway Authority Board.

In addition, there were present the following staff personnel:

**Michael R. Fleischer, Executive Director**

**John Bryan, Chief Financial Officer**

**Sharon O'Connor, General Counsel**

**William Rinaldi, Director, Albany Division**

**Christopher Waite, Chief Engineer**

**Jill Warner, Secretary and Board Administrator**

**Daniel Gilbert, Chief of Staff**

**Wendy Allen, Deputy Chief of Staff**

**John Barr, Director, Administrative Services**

**Donald Bell, Director, Operations and Maintenance**  
**Carmella Mantello, Director of Canal Corporation**  
**Joanne Riddett, Director, Information Technology**  
**Michael Flynn, Director, Audit & Management Services**  
**Kevin Allen, Unit Supervisor, Audit & Management Services**  
**Betsy Graham, Acting Director, Office of Public Affairs**  
**Tracie Sandell, Assistant Counsel**  
**Peter Casper, Assistant Counsel**  
**Liz Yanus, Office Manager, Office of the Deputy Chief of Staff**  
**Ramesh Mehta, Director, New York Division**  
**Thomas Pericak, Acting Director, Buffalo Division**  
**Richard Harris, Deputy Director of Canal Community Development & Land Management**  
**Kenneth Flood, Director, Real Property Management**  
**Lieutenant Gene Demczar, Troop T**  
**Patrick Hoehn, Deputy Division Director, Syracuse Division**  
**Also in Attendance:**  
**Karl Diehl, Production Coordinator, NYN**  
**Doron M. Bar-Levay, Member, Harris Beach PLLC**

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

**The Chairman called the meeting to order.**

**Ms. Warner recorded the minutes as contained herein.**

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

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**Item 1 Ms. Warner (Appendix A)**  
**Minutes of Meeting No. 660**

**On the motion of Mr. Howard, seconded by Mr. Conway, without any objections, the Board approved the minutes of Meeting No. 660 held on May 16, 2007, which were made available to the Board Members as part of the Agenda.**



**Item 2 by Mr. Bryan (Appendix B)**  
**Financial Reports – April and May 2007**

Mr. Bryan reported that the Authority collected \$223 million in revenue in the first five months of 2007, which was \$5.2 million below the level collected in the same period of 2006, representing a decrease of 2.3 percent. The main factors contributing to this decline include elimination of toll collections at the Black Rock and City Line Barriers in Buffalo, a decline in traffic due to the stormy winter weather conditions this past winter, and the negative impact high fuel prices have had on traffic, tolls and service area gasoline sales in recent months. However, a portion of this decline has been mitigated by strong investment income and higher rental income received from restaurant concessionaires.

Compared with the Authority's budget estimate, revenues are about \$6.3 million or 2.7 percent below what was estimated in the plan. A majority of this shortfall is attributable to lower than expected traffic growth due to the high gas prices.

On the expense side, total operating expenses reached \$97.4 million in the first five months of 2007, which was \$9.0 million or 6.0 percent above expenses for the same period in 2006. This growth was essentially due to two items: higher mandated costs (such as health insurance and other contractual costs) and higher snow and ice removal costs associated with a very stormy 2007 winter season. Despite these trends, total operating expenses came in only \$2.8 million or 1.7 percent below the budget estimate.

Chairman Buono observed that the numbers imply that people are driving less and eating more. Mr. Bryan advised that the increase in restaurant revenue is attributable to the new concessionaire agreements. Ms. Carey Cassidy inquired as to how long adjustments for the removal of the Black Rock and City Line Toll Barriers would be reflected in the financial reports, citing the opinion that this transaction was revenue neutral. Mr. Bryan advised that half of the funds have been received from the New York State Dormitory Authority and the other half, consisting of Senate discretionary funds, is expected from the New York State Department of Transportation in October. These amounts will show as federal funds in the end of year adjustments.

Mr. Waite briefed the Board on the status of the Contracts Program. Ms. Crotty inquired how many projects will be let in the next six months. Mr. Waite stated that he did not know the specific number of projects, but that the project value was approximately \$180 million. In response to a subsequent question, Ms. Crotty was



**Item 2 by Mr. Bryan (Appendix B)**  
**Financial Reports – April and May 2007 (Continued)**

advised that this figure was not an aggressive target. At Mr. Howard's request, Mr. Waite distributed copies of a list of projects let to date in 2007. Mr. Waite stated that 30 projects were originally scheduled to be let during the first half of 2007 and bids for 29 projects were opened from January through June. He noted that the list did not include: 10 projects that were delayed beyond June 2007; six projects that were not awarded, including four E85 contracts; six projects that were advanced to the first half of the year; and four new projects that were added, three of which are Canal contracts associated with damages caused by the flooding events in 2006. Mr. Plunkett asked if this report was similar to the Capital Program summary included in the May financial report. Mr. Bryan advised that the summary pertains to the status of the cash flow.

Following discussion regarding the financial condition of the Authority, on the motion of Mr. Williams, seconded by Mr. Howard, without any objections, the Board accepted the Financial Reports for the months April and May of 2007.

**Item 3 by Mr. Bryan (Appendix C)**  
**Authorizing the Executive Director to Execute a Procurement Contract with TR Advisors, LLC to Provide Real Property Management Services to the Authority**

Mr. Williams asked why the Authority needs external real property management services, to which Mr. Bryan advised that the Authority and Corporation own 72,000 acres and there are known encroachments. The consultant is being retained to develop a program to identify the parcels with encroachments and to track the required transactions. Ms. Carey Cassidy asked if this process had already been completed for Canal land. Ms. O'Connor responded, stating that only the Adirondack Park had been inventoried and surveyed. As a result, several transfers of land to the New York State Office of Parks, Recreation and Historic Preservation and the Department of Environmental Conservation were authorized by the Board. Mr. Bryan added that there are varying types of encroachments, citing camps and sheds as examples. The selected consultant has completed this task for the Massachusetts Bay Transportation Authority, which included development of a database containing information relative to the parcel, encroachment type and associated transaction. Ms. Carey Cassidy expressed concern that only two responsive proposals were received. Mr. Bryan reported that the Request for Proposals was sent to many consultants; however, the varying components of the scope of work limited firms' ability to provide the combination of requested services. Mr. Williams asked if firms typically work together as subcontractors, to which Mr. Bryan provided a negative response.



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

**Authorizing the Executive Director to Execute a Procurement Contract with TR Advisors, LLC to Provide Real Property Management Services to the Authority (Continued)**

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

**RESOLUTION NO. 5614**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PROCUREMENT CONTRACT WITH TR ADVISORS, LLC TO PROVIDE REAL PROPERTY MANAGEMENT SERVICES TO THE AUTHORITY**

**RESOLVED**, that the Executive Director be, and hereby is, authorized to execute a non-engineering personal services contract (“Contract”) with TR Advisors, LLC (“TRA”) in accordance with the terms contained in TRA’s proposal submitted in response to the Authority’s Request for Proposals No. 6C030, and be it further

**RESOLVED**, that the Contract shall be for a period of five (5) years with no renewal period, shall have a maximum amount payable over such term not to exceed \$1,000,000, and shall contain other terms and conditions as the Executive Director and General Counsel deem 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 Contract, manage and administer the Contract, amend portions of the Contract consistent with the terms of this item and with other Board authorizations and suspend or terminate the Contract if in the best interests of the Authority, and be it further

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



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**

**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A, Approving the Form of and Authorizing Execution and Delivery of the Preliminary Official Statement and Authorizing the Execution and Distribution of the Final Official Statement, Approving the Form of the Bond Purchase Agreement for the Series 2007A Bonds and Authorizing the Execution of Such Agreements, One or More Escrow Deposit Agreements and of Any Additional Documents, Agreements, Consents or Certificates Deemed Necessary or Desirable in Connection with the Sale of State Personal Income Tax Revenue Bonds (Transportation), Series 2007A**

In advance of Ms. O’Conor’s presentation of the item and any associated discussion, Mr. Fleischer issued the following statement recusing Board Members Howard and Plunkett from any participation in this action. Mr. Plunkett left the room.

The Board members of the Thruway Authority and Canal Corporation have chosen to apply the highest possible standard to ensure that there is neither a conflict of interest, nor the appearance of a conflict of interest in any of the actions taken by the Board.

A matter is currently pending before the Board that involves the potential sale of the 2007A Personal Income Tax Revenue Bonds (“2007A PIT”). Kevin Plunkett and Frederick Howard, members of the Thruway Authority Board (the “Board”), have informed the Board and the Executive Director that they believe they should recuse themselves from any vote pertaining to the 2007A PIT transaction. Mr. Plunkett has a relative employed by one of the underwriting firms on the transaction. Mr. Howard is the Rensselaer County Engineer. From time to time, Rensselaer County receives PIT Bond proceeds. The Authority issues PIT Bonds solely at the request of the Division of the Budget, and the Authority does not make any decisions concerning the use of these proceeds by the State. However, Mr. Howard has directed counsel to seek an opinion of the Ethics Commission and has asked to recuse himself from any vote pertaining to the matter pending receipt of the Opinion of the Ethics Commission.

These Board members will not participate in any discussion and will not vote on the 2007A PIT transaction. Such recusal will also apply to any vote or any subsequent discussion concerning the 2007A PIT transaction. Additionally, no confidential information concerning that matter has been or will be shared with Mr. Plunkett and Mr. Howard.

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



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**

**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A (Continued)**

**RESOLUTION NO. 5615**

**APPROVING AND ADOPTING THE SIXTH SUPPLEMENTAL BOND RESOLUTION AUTHORIZING THE ISSUANCE OF STATE PERSONAL INCOME TAX REVENUE BONDS (TRANSPORTATION) SERIES 2007A, APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF THE PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DISTRIBUTION OF THE FINAL OFFICIAL STATEMENT, APPROVING THE FORM OF THE BOND PURCHASE AGREEMENT FOR THE SERIES 2007A BONDS AND AUTHORIZING THE EXECUTION OF SUCH AGREEMENTS, ONE OR MORE ESCROW DEPOSIT AGREEMENTS AND OF ANY ADDITIONAL DOCUMENTS, AGREEMENTS, CONSENTS OR CERTIFICATES DEEMED NECESSARY OR DESIRABLE IN CONNECTION WITH THE SALE OF STATE PERSONAL INCOME TAX REVENUE BONDS (TRANSPORTATION), SERIES 2007A**

**RESOLVED, that Part I of Chapter 383 of the Laws of New York of 2001 (“Chapter 383”) authorized the Authority, solely upon the determination of the Director of the Budget, to issue State Personal Income Tax Revenue Bonds (exclusive of certain costs) to finance the cost of various projects which meet the statutory definition of Authorized Purposes, and be it further**

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



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**  
**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the**  
**Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A**  
**(Continued)**

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

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

RESOLVED, that on May 1, 2002, the Authority executed the Master Continuing Disclosure Agreement, since State Personal Income Tax Bonds are issued by the Authority and four other State authorities (collectively, the “Authorized Issuers”) under disclosure documents containing significant amounts of common information, the Division of the Budget developed a Master Continuing Disclosure Agreement to which it and all of the Authorized Issuers became signatories (the Authority on May 1, 2002). Upon the issuance of a series of State Personal Income Tax Bonds by an Authorized Issuer, such series of State Personal Income Tax Bonds is added to the master list of bond issues covered by the Master Continuing Disclosure Agreement, and it is intended that the Series 2007A Bonds will be so added to such master list, and be it further

RESOLVED, that upon the request of the Director of the Budget, the Authority intends to issue in one or more series or sub-series up to \$650,000,000 of State Personal Income Tax Bonds (Transportation) Series 2007A (the “Series 2007A Bonds”), in order to finance the costs of various Authorized Purposes, and to refund bonds previously issued (“Prior Bonds”), defined as prior PIT Bonds issued by the Authority, provided that present value savings



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**  
**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the**  
**Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A**  
**(Continued)**

would result therefrom satisfactory to the Authority and the State, and be it further

**RESOLVED**, that upon the request of the Director of the Budget, the Authority intends to issue such Series 2007A Bonds, in one or more series or sub-series in order to finance the costs of Authorized Purposes in an amount not to exceed \$400,000,000 and, if the foregoing conditions are satisfied, to refund, in an amount not to exceed \$250,000,000 of State Personal Income Tax Revenue Bonds (Transportation) Prior Bonds, and be it further

**RESOLVED**, that the refunding bonds authorized hereby may be issued simultaneously with, or subsequent to, the issuance of Series 2007A Bonds that are issued to finance the costs of Authorized Purposes, but not later than December 31, 2007, and be it further

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

**RESOLVED**, that Sections 201 and A-201, A-202, A-204 of the Resolution require that the issuance of State Personal Income Tax Revenue Bonds by the Authority shall be authorized by a supplemental resolution or resolutions of



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**

**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A (Continued)**

the Authority adopted at or prior to the time of issuance, and be it further

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

**RESOLVED**, that there has been prepared and submitted to the Board a form of the Sixth Supplemental Bond Resolution Authorizing an Amount Not To Exceed \$650,000,000 of State Personal Income Tax Revenue Bonds (Transportation), Series 2007A (the “Sixth Supplemental Resolution”) amending and supplementing the Resolution, and be it further

**RESOLVED**, that the Authority intends to sell, solely upon the request of the Director of the Budget, pursuant to the Resolution and the Sixth Supplemental Resolution in one or more series or sub-series its State Personal Income Tax Revenue Bonds (Transportation) Series 2007A to the Underwriters pursuant to the Bond Purchase Agreement (the “Bond Purchase Agreement”), the form of which Bond Purchase Agreement has been set before the Board, and be it further

**RESOLVED**, that the Board approves and adopts the form of the Sixth Supplemental Resolution as submitted at this meeting and made a part of this resolution as though set forth in full herein, and authorizes an Authorized Officer to approve and execute such changes to the Supplemental Resolution through a certificate or certificates of determination as may be deemed necessary or convenient to effectuate the purposes thereof, and be it further



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**

**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A (Continued)**

**RESOLVED**, that in connection with the sale of the Series 2007A Bonds, the Board approves the form of the Preliminary Official Statement for its Series 2007A Bonds as submitted to this meeting and made a part of this resolution as though set forth in full herein, and authorizes an Authorized Officer to approve and execute such changes as may be deemed necessary or convenient to effectuate the purposes thereof, and be it further

**RESOLVED**, that the Board authorizes the distribution and use of the Preliminary Official Statement relating to the Series 2007A Bonds by an Authorized Officer, in substantially the form submitted to this meeting with such changes, insertions and omissions to the Preliminary Official Statement as may be approved by such Authorized Officer said delivery being conclusive evidence of such approval, and any amendments or supplements thereto which may be necessary or desirable, and be it further

**RESOLVED**, that the Board authorizes an Authorized Officer to confirm that the Preliminary Official Statement relating to the issuance of Series 2007A Bonds to finance the costs of Authorized Purposes or for the issuance of refunding bonds is deemed final for purposes of Rule 15c2-12, except for certain omissions relating to certain State information and information not required under said Rule to be included therein, and be it further

**RESOLVED**, that the Board authorizes an Authorized Officer to execute and deliver, on behalf of the Authority, one or more final Official Statements relating to the Series 2007A Bonds with such changes, insertions and omissions to the Preliminary Official Statement as may be approved by such Authorized Officer, said execution being



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**

**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A (Continued)**

conclusive evidence of such approval, and any amendments or supplements thereto which may be necessary or desirable. Any material changes from the form of the Preliminary Official Statement (excluding information provided by or certified as to accuracy by the State of New York) approved pursuant to this resolution to be made in a final Official Statement relating to the Series 2007A Bonds issued to finance Authorized Purposes for refunding bonds, which are not made pursuant to matters which are authorized to be determined by an Authorized Officer pursuant to this resolution, the Sixth Supplemental Resolution or a Certificate of Determination (as defined in the Resolution) shall be distributed to members of the Authority for comments, if any, from such members prior to final printing. After execution, such Authorized Officer or their designee is hereby authorized to deliver to the purchasers of the Series 2007A Bonds an executed copy or copies of such Official Statement and any amendments or supplements thereto, and be it further

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

**RESOLVED**, that an Authorized Officer is authorized to execute (i) one or more schedules or supplements to the Master Continuing Disclosure Agreement; and (ii) one or more Escrow Deposit Agreements



**Item 4 by Mr. Bryan and Ms. O’Conor (Appendix D)**

**Approving and Adopting the Sixth Supplemental Bond Resolution Authorizing the Issuance of State Personal Income Tax Revenue Bonds (Transportation) Series 2007A (Continued)**

in connection with any refunding of any Prior Bonds, and be it further

**RESOLVED**, that an Authorized Officer, is authorized to execute, upon such terms and conditions as are determined to be in the best interests of the Authority and are consistent with the provisions of the Sixth Supplemental Resolution any additional agreements including, but not limited to, consents and any other documents or certificates, and to appoint any other agents or appropriate parties necessary or desirable to facilitate the sale of the State Personal Income Tax Revenue Bonds (Transportation) Series 2007A issued by the Authority, determined by such Authorized Officer to be necessary or desirable to implement the transactions described in this resolution and to be consistent with existing statutes, Authority guidelines, policies, procedures and other existing obligations and covenants and to do and cause to be done any and all acts and things necessary or convenient for carrying out the transactions contemplated by this resolution, and be it further

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

**Item 5 by Mr. Bell (Appendix E)**

**Authorizing the Executive Director to Accept an Irrevocable Offer Extending the Authority’s Existing Contract with Mark IV Industries, Inc.**

Mr. Williams expressed concern that the Authority might potentially have to replace E-ZPass technology with an alternate toll collection technology going forward. Mr. Bell advised that the new contract will be a performance-based contract and as such, is not limited to a particular technology. While there are several technologies currently being marketed, thereby creating the potential for alteration, it does not necessarily mean that the E-ZPass configuration, including high speed E-ZPass, will not be compatible with another system. Transition issues will be included in the



**Item 5 by Mr. Bell (Appendix E)**

**Authorizing the Executive Director to Accept an Irrevocable Offer Extending the Authority's Existing Contract with Mark IV Industries, Inc. (Continued)**

Request for Proposals. Mr. Howard asked how many responsive bidders are expected. Mr. Bell responded that two major companies currently employ the technology; however there are several small companies that might respond. He could not predict the probability that E-ZPass technology would need to be changed, but speculated that future vehicles might be manufactured with toll collection technology pre-equipped. Mr. Williams inquired whether or not a maintenance reserve would be required if a change were instituted, to which Mr. Bryan provided a negative response. Chairman Buono asked if the other states utilizing E-ZPass technology would be compatible with whatever technology is selected. Mr. Bell stated that it is ultimate goal that all states will use complementary technology.

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

**RESOLUTION NO. 5616**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AN IRREVOCABLE OFFER EXTENDING THE AUTHORITY'S EXISTING CONTRACT WITH MARK IV INDUSTRIES, INC.**

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**RESOLVED**, that the Executive Director be, and he hereby is, authorized to accept an Irrevocable Offer from Mark IV Industries, Inc. ("Mark IV") extending the Authority's existing contract with Mark IV for the purchase of tags, readers and other equipment integral to the E-ZPass system ("Extension"); and be it further

**RESOLVED**, that such Extension shall be for a term of three years, with the option for the Authority to extend for one additional one-year period, and shall be on such other terms and conditions as the Executive Director, in consultation with the General Counsel, determine to be 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



**Item 5 by Mr. Bell (Appendix E)**

**Authorizing the Executive Director to Accept an Irrevocable Offer Extending the Authority's Existing Contract with Mark IV Industries, Inc. (Continued)**

expenditures for goods and services provided pursuant to such Extension to the Operating Budget; 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 Extension, manage and administer the Extension, amend the provisions of the Extension consistent with the terms of this item and other Board authorizations and suspend or terminate the Extension 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 6 by Mr. Waite (Appendix F)**

**Authorizing the Executive Director, or His Designee, to Amend the 2007 Contracts Program to Include Payment of \$750,000 to the Yonkers Industrial Development Agency ("YIDA") for the Removal of the Old Ridge Hill Bridge, and Authorizing the Executive Director, or His Designee, to Enter Into an Agreement with YIDA and the City of Yonkers in Connection with the Ridge Hill Development Project's Transportation Improvements Connected to the Reconstruction of the I-87 Interchange 6A Area, Including the Roads, Bridges and Related Transportation Appurtenances Within the City of Yonkers, Westchester County, New York and Authorizing Acquisition of Certain Real Property**

In advance of Mr. Waite's presentation of the item and any associated discussion, Mr. Fleischer issued the following statement relative to Chairman Buono, Vice-Chair Carey Cassidy and Board Member Plunkett in this action. Vice-Chair Carey Cassidy and Mr. Plunkett left the room.

The Board Members of the Thruway Authority and Canal Corporation have chosen to apply the highest possible standard to ensure that there is neither a conflict of interest, nor the appearance of a conflict of interest in any of the actions taken by the Board.



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

**Authorizing the Executive Director, or His Designee, to Amend the 2007 Contracts Program to Include Payment of \$750,000 to the Yonkers Industrial Development Agency (“YIDA”) for the Removal of the Old Ridge Hill Bridge... (Continued)**

A matter is currently pending before the Board that involves the proposed Ridge Hill development in the City of Yonkers, New York (“Ridge Hill Matter”). Chairman Buono, Vice-Chair Nancy Carey Cassidy and Kevin Plunkett, all members of the Thruway Authority Board (“the Board”) have informed the Board and the Executive Director that they believe they should recuse themselves from any vote pertaining to the Ridge Hill Matter.

The Board members will not participate in any discussion and will not vote. Such recusal will also apply to any subsequent vote or any subsequent discussion concerning the Ridge Hill Matter. Additionally, no confidential information concerning that matter has been or will be shared with Chairman Buono, Vice-Chair Nancy Carey Cassidy and Kevin Plunkett.

Ms. Crotty asked who will perform the work on the Authority’s property. Mr. Waite responded that the developer will hire a contractor. In a subsequent question Ms. Crotty asked if this was standard operating procedure. Mr. Waite stated that it was. Mr. Waite advised that the Authority will still be responsible for snow and ice removal.

After full discussion, on the motion of Mr. Williams, seconded by Mr. Howard, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5617**

**AUTHORIZING THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, TO AMEND THE 2007 CONTRACTS PROGRAM TO INCLUDE PAYMENT OF \$750,000 TO THE YONKERS INDUSTRIAL DEVELOPMENT AGENCY (“YIDA”) FOR THE REMOVAL OF THE OLD RIDGE HILL BRIDGE, AND AUTHORIZING THE EXECUTIVE DIRECTOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH YIDA AND THE CITY OF YONKERS IN CONNECTION WITH THE RIDGE HILL DEVELOPMENT PROJECT’S TRANSPORTATION IMPROVEMENTS CONNECTED TO THE RECONSTRUCTION OF THE I-87 INTERCHANGE 6A AREA, INCLUDING THE ROADS,**



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

**Authorizing the Executive Director, or His Designee, to Amend the 2007 Contracts Program to Include Payment of \$750,000 to the Yonkers Industrial Development Agency ("YIDA") for the Removal of the Old Ridge Hill Bridge... (Continued)**

**BRIDGES, AND RELATED TRANSPORTATION APPURTENANCES WITHIN THE CITY OF YONKERS, WESTCHESTER COUNTY, NEW YORK, AND AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY**

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**RESOLVED**, that the Board hereby approves the State Environmental Quality Review Act findings statement attached hereto as Exhibit A, and authorizes the Chief Engineer or his designee to execute said findings statement, and be it further

**RESOLVED**, that the amendment to the 2007 Contracts Program, authorizing payment of \$750,000 to the Yonkers Industrial Development Agency ("YIDA") for removal of the old Ridge Hill Bridge, is hereby approved, and be it further

**RESOLVED**, that such payment be funded from savings in the Operating Budget and reflected in the 2007 Revised Financial Plan, and be it further

**RESOLVED**, that the Executive Director, or his designee, shall have the authority to enter into an agreement with the City of Yonkers and the YIDA to effectuate the transportation improvements connected to the reconstruction of the I-87 Interchange 6A area associated with the Ridge Hill Project, located in the City of Yonkers, Westchester County, New York, including, but not limited to, issuing all necessary permits to effectuate the transportation improvements, and be it further

**RESOLVED**, that the Executive Director, or his designee, shall have the authority to acquire, consistent with the Thruway Authority's Real Property Policies and Standard Operating Procedures, and all other applicable laws, the



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

**Authorizing the Executive Director, or His Designee, to Amend the 2007 Contracts Program to Include Payment of \$750,000 to the Yonkers Industrial Development Agency (“YIDA”) for the Removal of the Old Ridge Hill Bridge... (Continued)**

approximately 4.34 acres from the City of Yonkers, the County of Westchester, NYS Office of General Services, Westchester County Industrial Development Agency and FC Yonkers Commercial, LLC, consistent with the acquisition chart attached hereto as Exhibit B, and be it further

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

**Item 7 by Mr. Waite(Appendix G)**

**Approving Engineering Agreement D213654 with Greenman-Pedersen, Inc. for Design Services Relative to the Rehabilitation of I-90, M.P. 378.2 to M.P. 393.7 in the Buffalo Division, and Allocating Funds Therefor**

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

**RESOLUTION NO. 5618**

**APPROVING ENGINEERING AGREEMENT D213654 WITH GREENMAN-PEDERSEN, INC. FOR DESIGN SERVICES RELATIVE TO THE REHABILITATION OF I-90, M.P. 378.2 to M.P. 393.7 IN THE BUFFALO DIVISION, AND ALLOCATING FUNDS THEREFOR**

RESOLVED, that the proposed engineering agreement D213654 with Greenman-Pedersen, Inc., 43 Fuller Road, Albany, New York 12205 for design services relative to rehabilitation of I-90, M.P. 378.2 to M.P. 393.7 in the Buffalo Division, for a Maximum Amount Payable of \$3,300,000, of which \$3,000,000 is provided through the 2007 Contracts Program (Items H508.1 and H508.2), be, and the same hereby is, approved, and be it further



**Item 7 by Mr. Waite(Appendix G)**

**Approving Engineering Agreement D213654 with Greenman-Pedersen, Inc. for Design Services Relative to the Rehabilitation of I-90, M.P. 378.2 to M.P. 393.7 in the Buffalo Division, and Allocating Funds Therefor**

RESOLVED, that an additional \$300,000 be allocated to this agreement from bid savings and other adjustments made to the 2007 Contracts Program, 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 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

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

**Item 8 by Mr. Waite (Appendix H)**

**Authorizing Negotiation and Execution of Five Term Agreements (D213675, D213676, D213677, D213678 and D213679) with Five Engineering Firms for Design Support Services for a Period of Three Years**

Ms. Carey Cassidy asked Mr. Waite what the multiplier is. He stated that it may differ for each firm, but the standard is generally about 125 percent (100 percent of cost plus a 25 percent markup). Ms. Crotty commented that this figure seemed high. Chairman Buono asked Mr. Howard for his opinion based on his experience. Mr. Howard stated the standard range is typically between 125 and 150 percent.

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

**RESOLUTION NO. 5619**

**AUTHORIZING NEGOTIATION AND EXECUTION OF FIVE TERM AGREEMENTS (D213675, D213676, D213677, D213678, AND D213679) WITH FIVE**



**Item 8 by Mr. Waite (Appendix H)**

**Authorizing Negotiation and Execution of Five Term Agreements (D213675, D213676, D213677, D213678 and D213679) with Five Engineering Firms for Design Support Services for a Period of Three Years (Continued)**

**ENGINEERING FIRMS FOR DESIGN SUPPORT SERVICES FOR A PERIOD OF THREE YEARS**

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**RESOLVED**, that the Chief Engineer be, and he hereby is, authorized to negotiate and execute term agreements (D213675, D213676, D213677, D213678, and D213679) with the five (5) engineering firms listed in Exhibit A, attached hereto, for design support services with the Maximum Amount Payable of each of these agreements not to exceed the amount shown in the attached Exhibit A, and be it further

**RESOLVED**, that the Chief Engineer, or his designees, shall have the authority to exercise all powers reserved to the Authority under the provisions of the agreements, manage and administer the agreements, amend the provisions of the agreements consistent with the terms of this item and in accordance with the 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreements in the best interests of the Authority, and be it further

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

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



**Item 9 by Mr. Waite (Appendix I)**

**Authorizing Negotiation and Execution of Engineering Agreement D213696 with Barton & Loguidice, P.C. for Construction Inspection Services Relative to TAS 07-28, Highway Resurfacing between M.P. 210.3 and M.P. 220.0 in the Syracuse Division, and Allocating Funds Therefor**

Ms. Carey Cassidy questioned why it takes one year to resurface ten miles. Mr. Waite advised that the one-year term is written in the contract and construction cannot begin until Spring.

After full discussion, on the motion of Mr. Conway, seconded by Mr. Plunkett, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5620**

**AUTHORIZING NEGOTIATION AND EXECUTION OF ENGINEERING AGREEMENT D213696 WITH BARTON & LOGUIDICE, P.C. FOR CONSTRUCTION INSPECTION SERVICES RELATIVE TO TAS 07-28, HIGHWAY RESURFACING BETWEEN M.P. 210.3 AND M.P. 220.0 IN THE SYRACUSE DIVISION, AND ALLOCATING FUNDS THEREFOR**

**RESOLVED**, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213696 with Barton & Loguidice, P.C., 290 Elwood Davis Road, Syracuse, New York 13220, for construction inspection services relative to TAS 07-28, Highway Resurfacing between M.P. 210.3 and M.P. 220.0 in the Syracuse Division, provided that the Maximum Amount Payable does not exceed \$900,000, of which \$600,000 is provided through the 2007 Contracts Program (Item H810.1), and be it further

**RESOLVED**, that an additional \$300,000 be allocated to this agreement through the 2008 Contracts Program, 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



**Item 9 by Mr. Waite (Appendix I)**

**Authorizing Negotiation and Execution of Engineering Agreement D213696 with Barton & Loguidice, P.C. for Construction Inspection Services Relative to TAS 07-28, Highway Resurfacing between M.P. 210.3 and M.P. 220.0 in the Syracuse Division, and Allocating Funds Therefor (Continued)**

agreement, manage and administer the agreement, amend the provisions of the agreement consistent with the terms of this item and in accordance with the 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

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

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

**Item 10 by Mr. Waite (Appendix J)**

**Authorizing Negotiation and Execution of Engineering Agreement D213715 with Erdman, Anthony and Associates, Inc. for Construction Inspection Services Relative to TAS 07-37, Highway Resurfacing between M.P. 320.7 and M.P. 327.5 in the Syracuse Division**

Ms. Carey Cassidy asked for clarification as to why it would take six months to resurface seven miles. Mr. Waite advised that six months is the term written in the inspection agreement, not the actual period of time it will take to resurface the pavement. Ms. Carey Cassidy noted the \$9 million cost of pavement resurfacing for ten miles in the previous item to the \$4 million cost of pavement resurfacing for seven miles in this item. She inquired as to the difference in the scope, noting that the two projects are in the same Division. Mr. Waite cited a difference in the pavement conditions at the two locations.

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



**Item 10 by Mr. Waite (Appendix J)**

**Authorizing Negotiation and Execution of Engineering Agreement D213715 with Erdman, Anthony and Associates, Inc. for Construction Inspection Services Relative to TAS 07-37, Highway Resurfacing between M.P. 320.7 and M.P. 327.5 in the Syracuse Division (Continued)**

**RESOLUTION NO. 5621**

**AUTHORIZING NEGOTIATION AND EXECUTION OF  
ENGINEERING AGREEMENT D213715 WITH  
ERDMAN, ANTHONY AND ASSOCIATES, INC. FOR  
CONSTRUCTION INSPECTION SERVICES RELATIVE  
TO TAS 07-37, HIGHWAY RESURFACING BETWEEN  
M.P. 320.7 AND M.P. 327.5 IN THE SYRACUSE  
DIVISION**

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**RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213715 with Erdman, Anthony and Associates, Inc., 2165 Brighton Henrietta Town Line Road, Rochester, New York 14623, for construction inspection services relative to TAS 07-37, Highway Resurfacing between M.P. 320.7 and M.P. 327.5 in the Syracuse Division, provided that the Maximum Amount Payable does not exceed \$500,000 which is currently provided through the 2007 Contracts Program (Item H886.1), 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 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further**

**RESOLVED, that the information relating to this agreement be included in the Chief Engineer's Quarterly Report to the Board on Contracts Program activities, such**



**Item 10 by Mr. Waite (Appendix J)**

**Authorizing Negotiation and Execution of Engineering Agreement D213715 with Erdman, Anthony and Associates, Inc. for Construction Inspection Services Relative to TAS 07-37, Highway Resurfacing between M.P. 320.7 and M.P. 327.5 in the Syracuse Division (Continued)**

information to include the exact Maximum Amount Payable and date of execution of the agreement, and be it further

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

**Item 11 by Mr. Waite (Appendix K)**

**Authorizing Negotiation and Execution of Engineering Agreement D213716 with Prudent Engineering, LLP for Construction Inspection Services Relative to TAS 07-40, Highway Resurfacing between M.P. 268.0 and M.P. 279.3 in the Syracuse Division**

Ms. Carey Cassidy noted that this project is 40 miles apart from the project described in Item 9 and asked if it made sense to hire two different firms to perform the construction inspection services. Mr. Waite acknowledged Ms. Carey Cassidy's point, adding that a savings would likely be realized in having the same project manager perform both inspections. However, although firms usually supply letters of intent, they do not necessarily respond to every solicitation/advertisement. Mr. Howard inquired as to the possibility of the two projects being included in the same advertisement. Mr. Waite advised that typically the projects would be advertised together. In some instances they are not, however, as appropriate planning time is not available due to project acceleration.

After full discussion, on the motion of Mr. Howard, seconded by Mr. Plunkett, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5622**

**AUTHORIZING NEGOTIATION AND EXECUTION OF  
ENGINEERING AGREEMENT D213716 WITH  
PRUDENT ENGINEERING, LLP FOR CONSTRUCTION  
INSPECTION SERVICES RELATIVE TO TAS 07-40,  
HIGHWAY RESURFACING BETWEEN M.P. 268.0 AND  
M.P. 279.3 IN THE SYRACUSE DIVISION**

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**Item 11 by Mr. Waite (Appendix K)**

**Authorizing Negotiation and Execution of Engineering Agreement D213716 with Prudent Engineering, LLP for Construction Inspection Services Relative to TAS 07-40, Highway Resurfacing between M.P. 268.0 and M.P. 279.3 in the Syracuse Division (Continued)**

**RESOLVED**, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213716 with Prudent Engineering, LLP, 6390 Fly Road, East Syracuse, New York 13057, for construction inspection services relative to TAS 07-40, Highway Resurfacing between M.P. 268.0 and M.P. 279.3 in the Syracuse Division, provided that the Maximum Amount Payable does not exceed \$590,000 which is currently provided through the 2007 Contracts Program (Item H403.1), 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 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

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

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



**Item 12 by Mr. Waite (Appendix L)**

**Authorizing Negotiation and Execution of Engineering Agreement D213717 with Howard L. Boswell, Engineer and Land Surveyor, P.C. for Construction Inspection Services Relative to TANY 07-38, Highway Resurfacing between M.P. 38.7 and M.P. 43.5 in the New York Division**

Ms. Carey Cassidy noted that this project location is only five miles from the one described in Item No. 13. Mr. Waite stated that the ad did not specify one firm for both projects and the firm selected for item #13 did not make the short list for this project. Ms. Carey Cassidy commented that more coordination is necessary, particularly relative to traffic patterns, given the close proximity of the sites, and asked if the selection could be re-evaluated. Mr. Waite responded negatively, explaining that the project would not be able to be completed in time. Chairman Buono questioned whether or not one of the contracts could be amended. Mr. Howard expressed the opinion that a significant savings would not likely be obtained as staffing requirements would be similar and the costs of delay would likely exceed any savings that would be noted from combining the services. The Board Members concurred that greater coordination should be employed in the selection process of consultants for construction projects and inspection services. Mr. Fleischer assured the Board that greater coordination of services will be implemented as part of the 2008 Capital Program.

After full discussion, on the motion of Mr. Williams, seconded by Mr. Conway, without any objections, the Board adopted the following resolution:

**RESOLUTION NO. 5623**

**AUTHORIZING NEGOTIATION AND EXECUTION OF  
ENGINEERING AGREEMENT D213717 WITH  
HOWARD L. BOSWELL, ENGINEER AND LAND  
SURVEYOR, P.C. FOR CONSTRUCTION INSPECTION  
SERVICES RELATIVE TO TANY 07-38, HIGHWAY  
RESURFACING BETWEEN M.P. 38.7 AND M.P. 43.5 IN  
THE NEW YORK DIVISION**

**RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213717 with Howard L. Boswell, Engineer and Land Surveyor, P.C., 330 Philips Avenue, Hackensack, New Jersey 07606, for construction inspection services relative to TANY 07-38, Highway Resurfacing between M.P. 38.7 and M.P. 43.5 in the New York Division, provided that the**



**Item 12 by Mr. Waite (Appendix L)**

**Authorizing Negotiation and Execution of Engineering Agreement D213717 with Howard L. Boswell, Engineer and Land Surveyor, P.C. for Construction Inspection Services Relative to TANY 07-38, Highway Resurfacing between M.P. 38.7 and M.P. 43.5 in the New York Division (Continued)**

Maximum Amount Payable does not exceed \$640,000 which is currently provided through the 2007 Contracts Program (Item H37.1), 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 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

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

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

**Item 13 by Mr. Waite (Appendix M)**

**Authorizing Negotiation and Execution of Engineering Agreement D213718 with Urban Engineers of New York, P.C. for Construction Inspection Services Relative to TANY 07-32, Highway Resurfacing between M.P. 46.0 and M.P. 60.1 in the New York Division**

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



**Item 13 by Mr. Waite (Appendix M)**

**Authorizing Negotiation and Execution of Engineering Agreement D213718 with Urban Engineers of New York, P.C. for Construction Inspection Services Relative to TANY 07-32, Highway Resurfacing between M.P. 46.0 and M.P. 60.1 in the New York Division (Continued)**

**RESOLUTION NO. 5624**

**AUTHORIZING NEGOTIATION AND EXECUTION OF ENGINEERING AGREEMENT D213718 WITH URBAN ENGINEERS OF NEW YORK, P.C. FOR CONSTRUCTION INSPECTION SERVICES RELATIVE TO TANY 07-32, HIGHWAY RESURFACING BETWEEN M.P. 46.0 AND M.P. 60.1 IN THE NEW YORK DIVISION**

RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213718 with Urban Engineers of New York, P.C., 350 Fifth Avenue, Suite 6024, New York, New York 10580, for construction inspection services relative to TANY 07-32, Highway Resurfacing between M.P. 46.0 and M.P. 60.1 in the New York Division, provided that the Maximum Amount Payable does not exceed \$1,320,000 which is currently provided through the 2007 Contracts Program (Item H1006.1), 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 2007 Contracts Program Resolution No. 5553 and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further

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



**Item 13 by Mr. Waite (Appendix M)**

**Authorizing Negotiation and Execution of Engineering Agreement D213718 with Urban Engineers of New York, P.C. for Construction Inspection Services Relative to TANY 07-32, Highway Resurfacing between M.P. 46.0 and M.P. 60.1 in the New York Division (Continued)**

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

**Item 14 by Mr. Waite (Appendix N)**

**Authorizing Additional Funding for TAS 06-35B (D213521) Rehabilitation of the Interchange 29A and Horatio Street Bridges in the Syracuse Division**

In response to Mr. William's question of whether or not this was a change order, Mr. Waite responded affirmatively; he then asked about Vector Construction Corporation's experience with change orders. Mr. Waite reported that this consultant rarely performs work for the Authority, so there is no precedent. Mr. Howard inquired whether the supplementary amount was determined based on quotes or agreed upon prices. Mr. Waite advised it was based on agreed upon prices. Ms. Crotty asked who was responsible for the initial flawed design, to which Mr. Waite stated that it was done internally by Authority staff.

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

**RESOLUTION NO. 5625**

**AUTHORIZING ADDITIONAL FUNDING FOR TAS 06-35B (D213521), REHABILITATION OF THE INTERCHANGE 29A AND HORATIO STREET BRIDGES IN THE SYRACUSE DIVISION**

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**RESOLVED**, that an additional sum of \$150,000 be, and the same hereby is, allocated toward contract TAS 06-35B (D213521), Rehabilitation of the Interchange 29A and Horatio Street Bridges in the Syracuse Division, from bid savings and other adjustments made to the 2007 Contracts Program, and be it further

**RESOLVED**, that the revised contract value for TAS 06-35B (D213521) be \$1,152,901.20, and be it further



**Item 14 by Mr. Waite (Appendix N)**

**Authorizing Additional Funding for TAS 06-35B (D213521) Rehabilitation of the Interchange 29A and Horatio Street Bridges in the Syracuse Division (Continued)**

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

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

**Adjournment**

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

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**Jill B. Warner**  
Secretary

