



## **MINUTES**

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

#### **BOARD MEETING NO. 667**

**May 21, 2008**

**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.**

**The meeting began at 10:50 a.m.**

**There were present:**

**John L. Buono, Chairman**

**Erin M. Crotty, Vice Chair**

**Frederick M. Howard, Board Member**

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

**Jeffrey D. Williams, Board Member**

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

**Mr. Conway was not present at this meeting and did not vote on any of the Items.**

**In addition, there were present the following staff personnel:**

**Michael R. Fleischer, Executive Director**

**Sharon O'Connor, General Counsel**

**Christopher Waite, Chief Engineer**

**John Bryan, Chief Financial Officer**

**Jill Warner, Secretary and Board Administrator**

**William Rinaldi, Director, Albany Division**

**Ramesh Mehta, Division Director, New York Division**

**Patrick Hoehn, Deputy Division Director, Syracuse Division**

**Thomas Pericak, Division Director, Buffalo Division**

**Kevin Allen, Acting Director, Audit and Management Services**  
**John Barr, Director, Administrative Services**  
**Donald Bell, Director, Operations and Maintenance**  
**Carmella Mantello, Director of Canal Corporation**  
**Betsy Graham, Acting Director, Office of Public Affairs**  
**Captain Joe Flagler, Troop T**  
**Daniel Gilbert, Chief of Staff**  
**Kenneth Flood, Director, Office of Real Property Management**  
**Richard Harris, Deputy Director, Office of Community Development & Land Management**  
**Douglas Elson, Department of Information Technology**  
**Susan Young, Director, Systems Management Team**  
**Also in attendance:**  
**John Armstrong, NYN**

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

The Chairman called the meeting to order.

Ms. Warner recorded the minutes as contained herein.

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

**Item 1 Ms. Warner (Appendix A)**  
**Minutes of Meeting No. 666**

On the motion of Ms. Crotty, seconded by Mr. Plunkett, without any objections, the Board approved the minutes of Meeting No. 666 held on April 25, 2008, which were made available to the Board Members as part of the Agenda.

**Item 2 by Ms.O'Conor (Appendix B)**  
**Authorizing the Executive Director to Execute a First Amendment to the Agreement (C100840) with Whiteman, Osterman and Hanna for Legal Services to Increase the Monetary Cap**

After full discussion, on the motion of Mr. Plunkett, seconded by Mr. Williams, the Board adopted the following resolution:



**Item 2 by Ms.O’Conor (Appendix B)**

**Authorizing the Executive Director to Execute a First Amendment to the Agreement (C100840) with Whiteman, Osterman and Hanna for Legal Services to Increase the Monetary Cap (Continued)**

**RESOLUTION NO. 5686**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH WHITEMAN, OSTERMAN AND HANNA FOR LEGAL SERVICES (C100840) TO INCREASE THE MONETARY CAP**

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**RESOLVED, that the Executive Director be, and he hereby is, authorized to execute a First Amendment to the Agreement with Whiteman, Osterman and Hanna for legal services (C100840) (“Agreement”), and be it further**

**RESOLVED, that such First Amendment shall increase the maximum amount payable under such Agreement by \$150,000, from the current monetary cap of \$150,000 to a new monetary cap of \$300,000, and be on such other terms and conditions as the Executive Director and General Counsel determined to be in the best interests of the Authority, and be it further**

**RESOLVED, that the Authority’s Chief Financial Officer be, and he hereby is, authorized to charge expenditures for services rendered pursuant to such Agreement 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 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 3 by Mr. Waite (Appendix C)**

**Authorizing Negotiation and Execution of Engineering Term Agreement D213766 with Tectonic Engineering & Surveying Consultants, P.C. for Construction Inspection Support Services for the New York Division**

After full discussion, on the motion of Mr. Howard, seconded by Ms. Crotty, the Board adopted the following resolution:

**RESOLUTION NO. 5687**

**AUTHORIZING NEGOTIATION AND EXECUTION OF  
ENGINEERING TERM AGREEMENT D213766 WITH  
TECTONIC ENGINEERING & SURVEYING  
CONSULTANTS, P.C. FOR CONSTRUCTION  
INSPECTION SUPPORT SERVICES FOR NEW YORK  
DIVISION**

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**RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering term agreement D213766 with Tectonic Engineering & Surveying Consultants, P.C., 70 Pleasant Hill Road, Mountainville, New York, 10953, for construction inspection support services for New York Division, provided that the Maximum Amount Payable does not exceed \$500,000 which is currently provided through the 2008 Contracts Program (Item HS578.1), 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 2008 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreement in the best interests of the Authority, and be it further**



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

**Authorizing Negotiation and Execution of Engineering Term Agreement D213766 with Tectonic Engineering & Surveying Consultants, P.C. for Construction Inspection Support Services for the New York Division (Continued)**

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 4 by Mr. Waite (Appendix D)**

**Authorizing Negotiation and Execution of Engineering Agreement D213775 with Urban Engineers of New York, P.C. for Construction Inspection Services Relative to TAN 08-38, Highway Resurfacing between M.P. N14.99 and M.P. 20.20 in the Buffalo Division**

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

**RESOLUTION NO. 5688**

**AUTHORIZING NEGOTIATION AND EXECUTION OF ENGINEERING AGREEMENT D213775 WITH URBAN ENGINEERS OF NEW YORK, P.C. FOR CONSTRUCTION INSPECTION SERVICES RELATIVE TO TAN 08-38, HIGHWAY RESURFACING BETWEEN M.P. N14.99 AND M.P. 20.20 IN THE BUFFALO DIVISION**

RESOLVED, that the Chief Engineer be, and hereby is, authorized to negotiate and execute engineering agreement D213775 with Urban Engineers of New York, P.C., 403 Main Street, Suite 530, Buffalo, New York 14203, for construction inspection services relative to TAN 08-38, Highway Resurfacing between M.P. N14.99 and M.P. 20.20 in the Buffalo Division, provided that the Maximum Amount Payable does not exceed \$300,000 which is



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

**Authorizing Negotiation and Execution of Engineering Agreement D213775 with Urban Engineers of New York, P.C. for Construction Inspection Services Relative to TAN 08-38, Highway Resurfacing between M.P. N14.99 and M.P. 20.20 in the Buffalo Division (Continued)**

currently provided through the 2008 Contracts Program (Item H1015.1), 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 2008 Contracts Program Resolution No. 5563 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 5 by Mr. Waite (Appendix E)**

**Authorizing Additional Funding for D259737, Rehabilitation of Seven Bridges on NY Route 198 and I-190, City of Buffalo in the Buffalo Division**

Mr. Howard inquired as to whether the need for additional funding was the result of overruns or undiscovered conditions. Mr. Waite responded that it was not the result of overruns but rather of a need for sub-structure repairs that were more complicated than originally anticipated.

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



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

**Authorizing Additional Funding for D259737, Rehabilitation of Seven Bridges on NY Route 198 and I-190, City of Buffalo in the Buffalo Division (Continued)**

**RESOLUTION NO. 5689**

**AUTHORIZING ADDITIONAL FUNDING FOR D259737,  
REHABILITATION OF SEVEN BRIDGES ON NY  
ROUTE 198 and I-190, CITY OF BUFFALO IN THE  
BUFFALO DIVISION**

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**RESOLVED**, that an additional sum of \$180,000 be, and the same hereby is, allocated toward contract D259737, Rehabilitation of Seven Bridges on NY ROUTE 198 and I-190, City of Buffalo in the Buffalo Division, from bid savings and other adjustments made to the 2008 Contracts Program, and be it further

**RESOLVED**, that the revised Authority share of New York State Department of Transportation's contract D259737 be \$3,865,197.77, and be it further

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

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

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

**Authorizing an Amendment to the 2008 Contracts Program for One Project**

Mr. Howard requested clarification as to whether this work was solely for the driving lane miles or if there was any shoulder work planned. Mr. Pericak responded affirmatively, stating that only the driving lane was involved in this project.



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

**Authorizing an Amendment to the 2008 Contracts Program for One Project  
(Continued)**

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

**RESOLUTION NO. 5690**

**AUTHORIZING AN AMENDMENT TO THE 2008  
CONTRACTS PROGRAM FOR ONE PROJECT**

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RESOLVED, that the 2008 Contracts Program be amended to include the following project: Resurfacing (mill/inlay) of the eastbound driving lane only from M.P. 483.0 to M.P. 496.0 in the Buffalo Division, May 2008 letting, with a total construction and construction inspection cost of \$1,510,000, be approved, and be it further

RESOLVED, that the 2008 Contracts Program be amended to account for the additional \$1,510,000 in Thruway funds, and that a sum of \$1,510,000 in 2008 Thruway cash flow be, and the same hereby is, allocated toward the project from savings and deferrals in the 2008 Contracts Program, and be it further

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

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



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## **Report to the Board by Mr. Fleischer**

Chairman Buono requested that Mr. Fleischer summarize the staff's budget revision memo that was sent out in response to the request from Governor Paterson. Mr. Fleischer stated that significant reductions have been made. The Governor requested state agencies to cut their budgets by 3.5 percent (\$8 million), the Authority exceeded that request and cut the budget by \$9 million. Travel expenses and equipment costs have been cut, there have been adjustments made to the staffing of cash toll lanes and expenses related to aesthetics (ie. litter removal) have been reduced. No cuts were made that would have an effect on highway safety. There are certain uncontrolled costs such as fuel, which cannot necessarily be cut.

Mr. Williams inquired as to whether or not the Authority had discussed cross-training employees with the Unions. Mr. Fleischer stated that negotiations are scheduled for June so now would be the right time to begin that discussion, the key will be finding a balance and providing the Authority with more flexibility while lowering costs.

Ms. Crotty asked for clarification as to how the Authority purchases its fuel for Authority vehicles. Mr. Bell responded that the Authority uses annual low-bid state contracts to fill the above-ground tanks at the maintenance areas. Ms. Crotty suggested considering longer term contracts in order to lock-in better deals on fuel prices. Mr. Bryan responded that because the Authority does not pay taxes on its fuel the suppliers are unwilling to enter into longer contracts, but that the Authority does currently have access to fuel 60 cents cheaper than at the pumps. Ms. Crotty and Chairman Buono requested that Mr. Bryan look into long term contracts again related to this issue. Mr. Williams inquired as to a previous act by the legislature to lower the price of gas on the Thruway. Mr. Fleischer stated that at that time the Thruway allowed the vendors a surcharge for every gallon of gas sold at its service areas. It was the Board, rather than the legislature, that voted to eliminate the surcharge as a discount to Thruway customers.

## **Adjournment**

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

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**Jill B. Warner**  
Secretary

