



**MINUTES**  
**NEW YORK STATE THRUWAY AUTHORITY**  
**BOARD MEETING NO. 735**  
**September 24, 2018**

Meeting minutes of the New York Thruway Authority, held in the boardroom at 200 Southern Boulevard, Albany, New York.

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 11:06 a.m.

The following committee members were present:

- Robert Megna, Vice-Chair
- Don Rice, Board Member
- George Miranda, Board Member

Located in Syracuse Division:

- Joanne M. Mahoney, Chair

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

Board Members Jose Holguin-Veras, Ph.D., and Stephen Saland were excused.

Staff Present in Albany:

- Christopher O'Brien, Acting General Counsel
- Matt Howard, Treasurer and Chief Financial Officer
- Joseph Igoe, Deputy General Counsel
- Richard Lee, Chief Engineer
- Mark Hixson, Director of Maintenance & Operations
- Kim McKinney, Chief Information Officer
- Harry Lennon, Director of Internal Audit
- John Barr, Acting Director of Administrative Services
- Jennifer Givner, Director of Media Relations & Communications
- Major Doug Keyer, Troop T
- Sharon Tate, Director of Infrastructure
- Joseph Stahl, Albany Division Director
- James Konstalid, New York Division Director
- Kevin Allen, Director of Thruway Purchasing
- Karen Wilson, Information Technology Specialist
- Kathleen LeFave, Board Secretary

Staff Present in Syracuse:

Matthew J. Driscoll, Acting Executive Director  
Matthew Latko, Buffalo Division Director  
Jonathan Dougherty, Deputy Director of Media Relations  
Frank Macarilla, Information Technology Specialist

Also in attendance:

Jerry Olbrich, OGS Media Services Center  
Fred Abrahamson, OGS Media Services Center  
Justin Sayles, Communications Director, Onondaga County Executive

Vice-Chair Megna called the meeting of the Thruway Authority Board to order.

Ms. LeFave 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**

There were no comments made during the period.

**Director Driscoll – updated the Board on the following:**

Director Driscoll reported to the Board Members the development of an estimate review group that will oversee and analyze all costs for projects. The group consists of our Chief Engineer, Director of Construction Management as well as other experienced engineering staff who will be named per project.

All of our consultant designers will be required to submit all of their current recommendations and plans as well. The accuracy going forward of these engineering estimates by our consultants will be highlighted in future consultant evaluations. We have reached out to our industry partners like DOT, the MTA, Bridge Authority, and others again in an effort to strengthen that partnership on existing cost collaborations and coordination.

**Item 1 by Kevin Allen (Appendix A)**

**Report on Procurement Contracts and Other Agreements Up to \$200,000 Executed by the Acting Executive Director During the Period April 1, 2018 Through June 30, 2018**

Vice-Chair Megna invited Mr. Allen to present the report of 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 Acting Executive Director during the period April 1, 2018 through June 30, 2018.

**Item 2 by Vice-Chair (Appendix B)**  
**Approval of the Minutes of Meeting No 734**

Vice-Chair Megna 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. 734 held on June 12, 2018, which was made available to the Board Members as part of the Agenda.

**Item 3 by Matt Howard (Appendix C)**  
**Financial Report for May, June and July April 2018**

The financial reports were advanced to the Board at the recommendation of the Finance Committee.

Upon motion duly made and seconded, the Board accepted the Financial Reports for May, June and July 2018.

**Item 4 by Matt Howard (Appendix D)**  
**Review and approval of the Authority's Investment Transactions – Second Quarter**

The Authority's Investment Transactions item was advanced to the Board at the recommendation of the Finance Committee.

Upon motion duly made and seconded, without any objections, the Board accepted the Authority's Investment Transactions – Second Quarter report.

**Item 5 by Executive Director Driscoll (Appendix E)**  
**Consider and act upon the appointment of Mark Hixson to be the Director of Maintenance and Operations**

Director Driscoll presented the resolution seeking the authorization from the Board for the staff appointment of Mark Hixson to be the Director of Maintenance and Operations.

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 authorized the staff appointment of Mark Hixson to be the Director of Maintenance and Operations and adopted the following resolution:

**RESOLUTION NO.6182**

**STAFF APPOINTMENT OF MARK A. HIXSON**  
**AS DIRECTOR OF MAINTENANCE AND OPERATIONS**

RESOLVED, that the Board hereby appoints Mark A. Hixson, as Director of Maintenance and Operations effective September 24, 2018, at salary grade 37 and an annual salary of \$182,454, for which funds are available in the 2018 Operating Budget and it be further

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

**Item 6 by Executive Director Driscoll (Appendix F)**

**Consider and act upon the appointments of James Konstalid to be the Thruway Division Director (New York Division); Joseph Stahl to be the Thruway Division Director (Albany Division) and Matthew Latko, Jr. to be the Thruway Division Director (Buffalo Division)**

Director Driscoll presented the resolution seeking the authorization from the Board for the staff appointments of the New York, Albany and Buffalo Division Directors.

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 authorized the staff appointments of New York Division Director James K. Konstalid, Albany Division Director Joseph Stahl and Buffalo Division Director Matthew Latko and adopted the following resolution:

**RESOLUTION NO. 6183**

**STAFF APPOINTMENTS OF NEW YORK, ALBANY  
AND BUFFALO DIVISION DIRECTORS**

RESOLVED, that the BOARD hereby appoints James K. Konstalid, as New York Division Director effective September 24, 2018, at a salary grade 35 and an annual salary of \$147,395 (which includes location pay), for which funds are available in the 2018 Operating Budget and be it further

RESOLVED, that the BOARD hereby appoints Joseph H. Stahl as Albany Division Director effective September 24, 2018, at a salary grade 35 and an annual salary of \$144,929, for which funds are available in the 2018 Operating Budget and be it further

RESOLVED, that the BOARD hereby appoints Matthew M. Latko, Jr. as Buffalo Division Director effective September 24, 2018, at a salary grade 35 and an annual salary of \$145,465 for with funds are available in the 2018 Operating Budget, and it be further

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

**Item 7 by Mark Hixson (Appendix G)**

**Authorizing Agreements with the New York State Department of Agriculture and Markets for the Operation of the Western New York Welcome Center Located in Grand Island and the Capital Region Welcome Center Located in New Baltimore at Milepost 187 NB, in Greene County**

Mr. Hixson presented the resolution seeking approval from the Board to enter into two agreements with the Department of Agriculture and Markets for the operation of a Taste New York market at the Western New York Welcome Center and the Erie County in the Capital Region Welcome Center in Greene County. The new welcome centers showcase the history of the regions in which they are located providing a visitor's center that includes A Taste New York market and tourism information.

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 authorized the execution of the two agreement and adopted the following resolution:

**RESOLUTION NO. 6184**

**AUTHORIZING AGREEMENTS WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR THE OPERATION OF THE WESTERN NEW YORK WELCOME CENTER LOCATED IN GRAND ISLAND AND THE CAPITAL REGION WELCOME CENTER LOCATED IN NEW BALTIMORE AT MILEPOST 187 NB, IN GREENE COUNTY**

RESOLVED, that Agreements with the New York State Department of Agriculture and Markets for the operation of a Taste NY Market at the Western New York and Capital Region Welcome Centers in accordance with the terms set forth in the agenda item, and such other terms as the Acting Executive Director, the Acting Director of Maintenance and Operations, the Chief Financial Officer and the General Counsel may deem to be in the best interests of the Authority and that are consistent with the substance and intent of the item; and be it further

RESOLVED, that the Acting Executive Director, or his designee, be, and same hereby is, authorized to execute such Agreements, along with all other documents necessary to effectuate such implementation of the Agreements in accordance with the terms authorized during this meeting; and be it further

RESOLVED, that the Acting Executive Director, or his designee, shall, relative to each of the Agreements, have the authority to: (1) exercise all powers reserved to the Authority under

the provisions of the Agreements, including, but not limited to, exercising any renewal and termination rights the Authority has; (2) manage and administer the Agreements; and (3) alter the provisions of the Agreements, consistent with the terms of this agenda item and other applicable Board authorizations; and be it further

RESOLVED, that the Chief Engineer, or his designee, be, and he hereby is, authorized to sign the SEQRA Environmental Assessments and issue the Negative Declarations, and to distribute any required notices on behalf of the Authority Board with relation to this action; and be it further

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

**Item 8 by Mark Hixson (Appendix H)**  
**Approving the SEQRA Determination for an Alternative Location for Solar Photovoltaic Development Pursuant to New York State Thruway Authority's Power Purchase Agreement with Monolith Solar Associates for Bundle 6**

Mr. Hixson presented the resolution requesting approval of the State Environmental Quality Review Act determination of non-significance for an alternative location for solar development pursuant to the Authority's existing agreement with Monolith Solar Associates.

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 SEQRA Determination for an alternative location for Solar Photovoltaic Development pursuant to New York State Thruway Authority's power purchase agreement with Monolith Solar Associates for Bundle 6 and adopted the following resolution:

**RESOLUTION NO. 6185**

**APPROVING THE SEQRA DETERMINATION FOR AN ALTERNATIVE LOCATION FOR SOLAR PHOTOVOLTAIC DEVELOPMENT PURSUANT TO NYSTA'S POWER PURCHASE AGREEMENT WITH MONOLITH SOLAR ASSOCIATES FOR BUNDLE 6**

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RESOLVED, that Master Power Purchase Agreement with Monolith Solar Associates, LLC for Bundle 6 ("Monolith PPA) was executed in accordance with NYSTA Board Resolution No. 6107 adopted at Meeting No. 722 on September 12, 2016 (the "Resolution"); and be it further

RESOLVED, pursuant to the terms of the Monolith PPA, the alternative site listed in this agenda item will be provided for use because the first selected one cannot be progressed, an assessment of environmental significance of the project at such alternative location has been carried out and is hereby submitted to the Board for its consideration; and be it further

RESOLVED, that the recommendation regarding the environmental significance of this Board action (Recommendation) pursuant to the State Environmental Quality Review Act (SEQRA) be, and the same here by is, approved; and be it further

RESOLVED, that the Chief Engineer, or his designee, be, and the same here by is, authorized to execute the SEQRA Environmental Assessment Form and Determinations of Non-Significance (Negative Declaration) in accordance with the Recommendation, 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.

**Item 9 by Rich Lee (Appendix I)**

**Authorizing the Execution of Eight Agreements (D214656, D214671, D214672, D214686, D214688, D214689, D214690 and D214695) with Eight Firms**

Mr. Lee presented this resolution seeking authorization for the execution of eight Engineering Agreements (D214656, D214671, D214672, D214686, D214688, D214689, D214690 and D214695) with eight firms.

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 authorized the execution of the eight agreements and adopted the following resolution:

**RESOLUTION NO. 6186**

**AUTHORIZING THE EXECUTION OF EIGHT AGREEMENTS (D214656, D214671, D214672, D214686, D214688, D214689, D214690 and D214695) WITH EIGHT FIRMS**

RESOLVED, that the Chief Engineer be, and he hereby is, authorized to execute eight agreements (D214656, D214671, D214672, D214686, D214688, D214689, D214690 and D214695) with the eight firms listed in Exhibit A, attached hereto, provided that sufficient

funding has been identified to complete services for the projects through these agreements, with the Maximum Amount Payable of each agreement not to exceed the amount shown in the attached Exhibit A, and such agreements 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 agreements, manage and administer the agreements, amend the provisions of the agreements consistent with the terms of this Item and in accordance with the 2018 Contracts Program Resolution and other Board authorizations, and suspend or terminate the agreements in the best interests of the Authority, and be it further

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

**Item 10 by Rich Lee (Appendix J)**  
**Amending Right-of-Way Acquisition Authorization for TANE 18-7, Reconstruction of I-95 (New England Thruway) from Port Chester to Connecticut State Line**

Mr. Lee presented this resolution amending Right-of-Way Acquisition Authorization for TANE 18-7, Reconstruction of I-95 (New England Thruway) from Port Chester to Connecticut State Line.

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 authorized the execution of the eight agreements and adopted the following resolution:

RESOLUTION NO.6187

AMENDING RIGHT-OF-WAY ACQUISITION  
AUTHORIZATION FOR TANE 18-7, RECONSTRUCTION OF  
I-95 (NEW ENGLAND THRUWAY) FROM PORT CHESTER  
TO CONNECTICUT STATE LINE

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RESOLVED, that the authorization in the 2018 Contracts Program Board Resolution (No. 6157, Meeting No. 731) for the Chief Engineer to acquire right-of-way for projects in the 2018 Contracts Program for up to \$150,000 per project be amended to \$600,000 for TANE 18-7, Reconstruction of I-95 (New England Thruway) from Port Chester to Connecticut State Line only, and be it further

RESOLVED, that the Chief Engineer be, and he hereby is, authorized to acquire properties for TANE 18-7, Reconstruction of I-

95 (New England Thruway) from Port Chester to Connecticut State Line, for a value up to \$600,000 project, and be it further

RESOLVED, that a sum of \$600,000 be, and the same hereby is, allocated toward TANE 18-7 (Item H14.1) from bid savings and other adjustments made to the 2018 Contracts Program, and be it further

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

**Item 11 by Matt Howard (Appendix K)**

**Approving the Selection of an Insurance Broker for the Authority's Insurance Program**

Mr. Howard presented this resolution approving the selection of an Insurance Broker for the Authority's Insurance Program.

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 authorized the selection of an Insurance Broker for the Authority's Insurance Program.

**RESOLUTION NO. 6188**

**APPROVING THE SELECTION OF AN INSURANCE BROKER FOR THE AUTHORITY'S INSURANCE PROGRAM**

RESOLVED, that the Acting Executive Director be, and hereby is, authorized to execute an agreement with Rose & Kiernan, Inc. to provide insurance brokerage services for Thruway Authority ("Agreement"), and be it further

RESOLVED, that the Agreement shall be for a term of four years. The cost of these services will be \$125,000 for each year of the contract term, for a maximum amount payable of \$500,000 for the four-year term, exclusive of the insurance premiums for the purchased policies, and be it further

RESOLVED, that the Agreement shall be on such other terms and conditions as the Acting Executive Director, in consultation with the General Counsel and Chief Financial Officer, determines to be in the best interests of the Authority, and be it further

RESOLVED, that the Acting Executive Director or his designee shall have the authority to exercise all powers reserved to the

Authority under the provisions of the Agreement, to 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 Chief Financial Officer be, and hereby is, authorized to charge expenditures for services rendered under such Agreement to the appropriate funds provided therefore, subject to reallocation and adjustment as determined by final audit of charges, and be it further

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

**Item 12 by Kim McKinney (Appendix L)**

**Authorizing Amendment No. 5 to the Agreement Between the Authority and Adesta, LLC for the Design, Construction, Marketing and Maintenance/Operation of a Fiber Optic Infrastructure Along the New York State Thruway Authority Rights of Way**

Ms. McKinney presented this resolution authorizing amendment No. 5 to the agreement between the Authority and Adesta, LLC for the Design, Construction, Marketing and Maintenance/Operation of a Fiber Optic Infrastructure along the New York State Thruway Authority Rights of Way.

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 authorized the amendment between the New York State Thruway Authority and Adesta, LLC.

**RESOLUTION NO. 6189**

**AUTHORIZING AMENDMENT NO. 5 TO THE AGREEMENT  
BETWEEN THE AUTHORITY AND ADESTA, LLC FOR THE  
DESIGN, CONSTRUCTION, MARKETING AND  
MAINTENANCE/OPERATION OF A FIBER OPTIC  
INFRASTRUCTURE ALONG THE NEW YORK STATE THRUWAY  
AUTHORITY RIGHTS OF WAY**

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RESOLVED, that an Amendment No. 5 to the Authority's present agreement with Adesta, LLC, consistent with the terms and conditions set forth in the agenda item and on such other terms as may be deemed, upon the advice of the Chief Information Officer, the General Counsel, the Chief Engineer and the Chief Financial Officer to be in the best interests of the Authority, be, and hereby is, authorized; and be it further

RESOLVED, that the Acting Executive Director or his designee, be, and hereby is, authorized to execute such Amendment No. 5 and to take all actions and execute all documents necessary to implement it; and be it further;

RESOLVED, that the Acting Executive Director, or his designee, shall have the authority to exercise all powers reserved to the Authority under the provisions of the existing agreement, as amended by Amendment No. 5, to manage and administer such agreement, amend the provisions of the agreement consistent with the terms of this item and other Board authorizations and suspend or terminate such agreement in the best interests of the Authority; and be it further

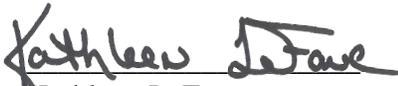
RESOLVED, that this resolution be incorporated in full in the minutes of this meeting.

### **GENERAL PUBLIC COMMENT PERIOD**

There were no comments made during this period

### **ADJOURNMENT**

There being no other business, upon motion duly made and seconded, the board voted to adjourn the meeting at 11:30 a.m.

  
Kathleen LeFave  
Board Secretary