

MINUTES OF THE REGULAR MEETING OF THE
NEW YORK STATE BRIDGE AUTHORITY

HELD AT HEADQUARTERS, HIGHLAND, N.Y. ON
NOVEMBER 19, 2009

Business agenda documents/reports are mailed to the Board Members and General Counsel one week prior to the meeting. Web casting of Board meetings is effective as of the July 19, 2007 meeting. A copy of the web cast will be kept as part of the Board meeting files.

IN ATTENDANCE:

BOARD MEMBERS:

Sproat, James P., Chairman
Vecellio, Francis N., Vice Chairman
Dressel, Roderick O., Commissioner
Gerentine, Richard A., Commissioner
Lashua, C. Vane, Commissioner
Ramaglia, Joseph, Commissioner

Carl G. Whitbeck, Jr., Counsel

OFFICERS:

Sinnott, George C., Secretary
Sewell, John R., Treasurer

Chairman Sproat called the meeting to order at 3:05 P.M. Chairman Sproat called for a motion to adopt the minutes of the regular meeting of October 15, 2009. On motion of Commissioner Gerentine, seconded by Commissioner Ramaglia, the minutes of the regular meeting of October 15, 2009 were adopted unanimously.

ENGINEERING AND MAINTENANCE:

1) Newburgh-Beacon Bridge North Span Superstructure Painting

Mr. Moreau indicated that on October 22, four (4) bidders provided bids in response to the project advertisement in the NYS Contract Reporter. The bids were well over the Authority's project budget so in order to proceed with this capital improvement project, the scope of work for the initial project had to be scaled back and performed in two phases. Mr. Moreau stated that on November 17th, four (4) bidders provided re-bids and Allied Painting, Inc. provided the lowest bid. Work will involve the contractor installing a Class 1A containment structure for lead paint removal and repainting activities. The deck truss spans and east approach girder spans between Pier 7 and the East Abutment will be lead abated along with the floor system. Mr. Moreau asked the Board to award this project to Allied Painting, Inc. at a not-to-exceed cost of \$17,607,200.00. A brief discussion followed relative to prices in bid proposals and Mr. Moreau indicated the reason for the high cost is due to barge usage vs. working on the road which has a potential to cause major traffic issues. Chairman Sproat called for motion. On motion of Commissioner Gerentine, seconded by Vice Chairman Vecellio, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-090
Resolution Date: November 19, 2009

WHEREAS, bids were solicited through the New York State Contract Reporter for the contract entitled Newburgh-Beacon Bridge, North Span "Superstructure Painting" and subsequently re-bid as (BA2009-RE-104R-CM) and four (4) re-bids were received on November 17, 2009, the low bidder being the firm of Allied Painting, Inc. at a bid of \$17,607,200.00, and

WHEREAS, an environmental review of this project has determined there is no significant negative impact, and

WHEREAS, Allied Painting, Inc. is SSPC QP1 and QP2 certified and after further review of the cost proposal by the Engineering Department, it is recommended that a contract be awarded to the firm of Allied Painting, Inc.; now therefore

BE IT RESOLVED that a contract be awarded to Allied Painting Contractors, Inc. of Franklinville, New Jersey in the amount of \$17,607,200.00 pending the filing of proper certifications, and the receipt of bonding and insurance requirements; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

2) Newburgh-Beacon Bridge Superstructure Painting Construction Inspection

Mr. Moreau indicated that six (6) firms submitted detailed proposals on October 27th and the firm providing the best qualified proposal for this construction inspection assignment was the firm of Berger Lehman Associates of Rye, New York. After a brief discussion relative to the experience and capability of Berger Lehman, Chairman Sproat called for motion. On motion of Commissioner Lashua, seconded by Vice Chairman Vecellio, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-091
Resolution Date: November 19, 2009

WHEREAS, the New York State Bridge Authority has determined that it is in the public interest to award a professional services agreement in connection with the “Newburgh-Beacon Bridge, North Span “Superstructure Painting” project to be designated (BA2009-RE-104-SU), and

WHEREAS, the Authority advertised for Construction Inspection Services, BA2009-RE-104-SU, in the New York State Contract Reporter, and

WHEREAS, six (6) firms submitted their technical and cost proposals, and

WHEREAS, the Authority’s Engineering Department has determined that Berger Lehman Associates of Rye, NY, is best qualified to provide the required professional services for 5 years, 2010–2014, and

WHEREAS, the Authority’s Engineering Department has reviewed and approved the cost proposal for Phase I, 2010-2011; now therefore

BE IT RESOLVED that an agreement be awarded to Berger Lehman Associates of Rye, New York in an amount not-to-exceed \$1,052,261.00 for Phase I; and

BE IT FURTHER RESOLVED that the Engineer Department shall request authorization to precede with Phase II contract extension, 2012-2014, pending the Consultant’s successful completion of Phase I and providing an acceptable cost proposal for Phase II activities.

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

3) Winter Ice Materials

Mr. Moreau stated that the NYS Office of General Services (NYSOGS) awarded procurement contracts for snow/ice control agents, the venue the Authority uses to purchase the treated salt and corrosion inhibited magnesium chloride. Mr. Moreau indicated that these are estimated quantities and that the Authority will only purchase what is needed throughout the winter season. The magnesium chloride will be purchased off the OGS contract from IMUS Corporation under one purchase order that will cover all five bridges and allows the Authority to utilize the 4000 gallon minimum price as well as scheduling deliveries to more than one bridge at a time. Rip Van Winkle Bridge (RVWB) will use 3500 gallons at the OGS Zone 1 price and Kingston-Rhinecliff Bridge (KRB) and Mid-Hudson Bridge (MHB) will each use 3500 gallons; Newburgh-Beacon Bridge (NBB) will use 5000 gallons and Bear Mountain Bridge (BMB) will use 2000 gallons, all at the OGS Zone 8 price. A purchase order will be prepared for: 3,500 gallons at \$0.840/gallon = \$2,940.00; 14,000 gallons at \$0.880/gallon = \$12,320.00 for a grand total \$15,260.00. The treated salt will be purchased off the OGS contract from IMUS Corporation, the low bidder for Type II treated salt. The treated salt for BMB will be added to the quantity for NBB and delivered to NBB. RVWB 200 tons @ \$82.50= \$16,500.00; KRB 375 tons@ \$79.50 = \$29,812.50; MHB 350 tons @ \$79.50= \$27,825.00; NBB and BMB 750 tons @ \$84.50 = \$63,375.00, which totals \$137,512.50. Chairman Sproat called for a motion if there were no questions or comments. On motion of Vice Chairman Vecellio, seconded by Commissioner Lashua, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-092
Resolution Date: November 19, 2009

WHEREAS, the Board has established that it is necessary to procure winter ice control products to maintain its facilities, and

WHEREAS, the Authority has the opportunity to participate in the use of contracts negotiated by the NYS Office of General Services (OGS) for the procurement of treated salt and magnesium chloride at bulk quantity rates for all agencies and authorities; now therefore

BE IT RESOLVED that the Authority hereby adopts the NYS OGS Magnesium Chloride and Treated Salt contracts with IMUS Corporation, utilizing the terms and conditions defined therein for the procurement of such materials in the following amounts; magnesium chloride - \$15,260.00 and treated salt at Rip Van Winkle Bridge - \$16,500.00, Kingston-Rhinecliff Bridge - \$29,812.50, Mid-Hudson Bridge - \$27,825.00 and Newburgh-Beacon/Bear Mountain Bridges - \$63,375.00 for a total cost of \$137,512.50.

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th of November 2009.

George C. Sinnott, Secretary

4) Security Fencing for Mid-Hudson Bridge and Newburgh-Beacon Bridge

Mr. Moreau met with the Newburgh Police Department about the vagrant living below the 9W overpass. All parties agreed the best mitigation measure will be to install a chain link fence to secure the area. Engineering collected three prices from local vendors and recommends award to Adams Fences, Inc. as the low bidder. With the opening of the Walkway Over the Hudson and public use of the new parking lot on Haviland Road, the Authority has experienced traffic moving between Haviland Road and Route 44-55 creating a dangerous condition. Mr. Moreau also met with the Highway Superintendent from Lloyd and they both agreed the perimeter fence would be the best solution. Engineering has similarly collected three prices from local vendors and again recommends an award to Adams Fences, Inc., the low bidder. After a brief discussion relative to the potential liability to the Authority, Chairman Sproat called for a motion. On motion of Vice Chairman Vecellio, seconded by Commissioner Ramaglia, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-093

Resolution Date: November 19, 2009

WHEREAS, the New York State Bridge Authority has determined that it is in the public interest to issue a purchase order to Adams Fences, Inc., of Poughkeepsie, New York for providing chain link fencing along the Authority's property line bordering the Walkway Over the Hudson's parking lot on Haviland Road in Highland, New York, and

WHEREAS, the Authority solicited three estimates from qualified vendors with Adams Fences, Inc., providing the lowest cost proposal, and

WHEREAS, the Authority's Engineering Department has reviewed and approved the proposal; now therefore

BE IT RESOLVED that a purchase order be issued to Adams Fences, Inc., for the purchase of 620 linear feet of six foot high chain link fence with concrete footings and schedule 40 framework, in the amount of \$14,745.00; and

BE IT FURTHER RESOLVED that the Executive director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-094

Resolution Date: November 19, 2009

WHEREAS, the New York State Bridge Authority has determined that it is in the public interest to issue a purchase order to Adams Fences, Inc., of Poughkeepsie, New York, to provide chain link fencing at the Newburgh-Beacon Bridge at the Barrier adjacent to Route 9W and adjacent to the overpass abutments along with a quantity of two 8' high x 5' wide gates; and

WHEREAS, the Authority solicited three estimates from qualified vendors with Adams Fences, Inc., providing the lowest cost proposal; and

WHEREAS, the Authority's Engineering Department has reviewed and approved the proposal; now therefore

BE IT RESOLVED that a purchase order be issued to Adams Fences, Inc., for the purchase of a total of 379 linear feet of chain link fence and two (2) 8' high x 5' wide gates, in the amount of \$14,830.00; and

BE IT FURTHER RESOLVED that the Executive director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

5) Monthly Engineering Jobs in Progress Report

Mr. Moreau presented the Engineering Jobs in Progress Report and indicated that the VMS Signs at the Newburgh-Beacon Bridge will be finished on-time. Mr. Moreau further indicated that all other ongoing projects were on schedule and would be completed by the end of next month. Chairman Sproat called for a motion. On motion of Commissioner Lashua, seconded by Vice Chairman Vecellio, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-095

Resolution Date: November 19, 2009

WHEREAS, the Board has reviewed the monthly Engineering Progress Report on Capital Project Status; now therefore

BE IT RESOLVED that the Engineering Progress Report is accepted as an instrument documenting the Board's briefing of Capital Construction activities; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

FINANCIAL:

1) Investment Transaction Report

Mr. Sewell reviewed the Investment Transaction Report for the month of October with the Board. After a brief discussion relative to the stability of interest rates, Chairman Sproat called for a motion. On motion of Vice Chairman Vecellio, seconded by Commissioner Lashua, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-096
Resolution Date: November 19, 2009

WHEREAS, the investment control procedures for the New York State Bridge Authority provide that the Board shall review and approve the report of investment transactions completed since the meeting of the Board on October 15, 2009; now therefore

BE IT RESOLVED the New York State Bridge Authority does hereby concur with and approve the investment report as filed with this body on this date for the purpose noted; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

2) Budget and Financial Plan 2010-2013

Mr. Sewell stated that, pursuant to State Law, the State Comptroller adopted regulations requiring public authorities to submit an annual Budget and Financial Plan. The Authority's 2010-2013 Budget and Financial Plan was prepared in compliance with these regulations. Mr. Sewell said he previously provided the Plan documents to the Board for review with his October 23rd cover memorandum. Mr. Sewell summarized the following documents included in the Authority Plan:

- Budget and Financial Plan 2010-2013 including text
- Condensed budgeted revenues, expenditures and changes in current net assets 2010-2013
- Actual financial performance for 2008 and the change in estimates for the previously approved 2009 budget
- Debt Schedule 2010–2013
- Capital Improvement Program 2010–2014

Mr. Sewell indicated the Authority Plan had been available for public inspection and comment at all facilities for the thirty days required by the regulation. It was also available to the public on the Authority's website and, to date, the Authority has not received any comments from the public. After a brief discussion of the Plan and the Authority's bond rating, Chairman Sproat called for a motion. On motion of Commissioner Ramaglia, seconded by Vice Chairman Vecellio, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-097
Resolution Date: November 19, 2009

WHEREAS, Office of the State Comptroller Regulation 2 NYCRR Part 203 requires that the Bridge Authority budget and financial plan information for fiscal years 2010 through 2013 be prepared, approved, and forwarded in report form to the Comptroller; now therefore

BE IT RESOLVED that the Authority hereby approves the proposed budget and financial plan information; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

3) Department of Civil Service Annual Payment

Mr. Sewell indicated that Civil Service Law allows the Civil Service Department to charge public authorities, among other entities, for their fractional share of the expenses for the administration of the Department. The Bridge Authority's expense for these services is \$34,964.56 for the year ended March 31, 2009 and is based on a rate of \$230.03 per position multiplied by the 152 permanently filled positions reported by the Authority on its October 29, 2008 payroll. Mr. Sewell further indicated that this is a 4.7% reduction from last year's billing of \$36,662.15 due to three fewer Authority positions and a 2.7% decrease in the Civil Service Department's overall expenses. Chairman Sproat called for a motion. On motion of Commissioner Ramaglia, seconded by Vice Chairman Vecellio, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-098

Resolution Date: November 19, 2009

WHEREAS the Board has reviewed the report relative to the payment of the Authority's share of the charges for the administration of the Department of Civil Service as mandated by Civil Service Law; now therefore

BE IT RESOLVED the New York State Bridge Authority does hereby approve the payment of \$34,964.56 to the Department of Civil Service for the Bridge Authority's share of these costs for the year ending March 31, 2009; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

4) Accident Review Committee Report – 3Q09

Mr. Sewell stated there were 69 accidents on Authority facilities in the third quarter of this year. In the first nine months of 2009, the Authority has experienced a total of 151 accidents as compared with 152 for the same period last year. During the third quarter, he indicated the Accident Review Committee investigated three accidents which either involved Authority personnel or in which there could have been liability on the part of the Authority. A brief discussion followed relative to these incidents, as well as the number of accidents at the Mid-Hudson Bridge. This report was provided to the Board for their information and did not require any action on their part.

5) NYS Employees' Retirement System Annual Billing

Mr. Sewell indicated that annually, as a participating employer, the Bridge Authority is billed, by the State Employees' Retirement System, for its share of the yearly expense for the future pension benefits of its employees. The cost for the fiscal year ending March 31, 2010 is \$678,262 for the Authority's 166 employees currently in the System. Mr. Sewell further indicated that the individual employers' costs vary from year-to-year based upon salaries, as well as contribution rates which rise and fall predicated upon investment results of the Retirement Fund. This year's cost is a decrease of \$200,902, or 22.9%. This was due to significant investment income prior to the market collapse that began in late 2007. The Authority has been advised that retirement billings will be much higher beginning next year. After a brief discussion relative to preliminary estimates and a moving average, Chairman Sproat called for a motion. On a motion of Vice Chairman Vecellio, seconded by Commissioner Lashua, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-099

Resolution Date: November 19, 2009

WHEREAS, the Board has reviewed the report relative to the payment of the annual invoice to the New York State Employees' Retirement System; now therefore

BE IT RESOLVED the New York State Bridge Authority does hereby approve the payment of \$678,262 to the New York State and Local Retirement System for pension costs incurred for the year ending March 31, 2010; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

INFORMATION TECHNOLOGY:

1) **Systemwide Toll System Touch Screen Replacement**

Mr. Herd advised the Board that the Authority's current toll collection touch screens, purchased in 2003, have reached the stage where they are failing and/or beyond repair. Mr. Herd indicated that after a year of analysis, there is only one manufacturer that provides a type of unit that works with the Authority's current Operating System. The Authority will be making this procurement through GCF, Inc. who is the sole source supplier of the Phoenix Contact touch screen. Mr. Herd further indicated it is anticipated that the Information Technology Department will purchase twenty-five of these units and the new screens will be procured on a bridge-by-bridge basis allowing the current touch screens to be used as spares at the remaining facilities until the majority of the touch screens have reached the end of their useful life. Mr. Herd stated the cost associated with the systemwide toll system touch screen replacement program will not exceed \$70,000.00 and each incremental purchase will be below the \$10,000.00 threshold requiring Board approval. A discussion took place concerning the interruption of collecting tolls while replacing each touch screen. No action was required by the Board.

OPERATIONS:

1) **Titan Armored Courier Service Contract Renewal**

Mr. Ferguson indicated funds collected at the Authority's five facilities are transported to a central depository via armored car. In 2007, the Authority signed a three-year contract with Titan Armored Car to provide these services with the option of renewing for two additional one-year periods. Mr. Ferguson further indicated that Titan has been the provider of this service to the Authority for over ten years and was the only company to respond to the 2007 Request for Proposal. Titan has offered to renew the 2010 contract with the Authority at the same rate offered in 2007. The cost is \$24.50 per trip plus applicable fuel or insurance surcharges. After a brief discussion relative to the amount of money being transported by each bridge on a daily basis, Chairman Sproat called for a motion. On motion of Commissioner Gerentine, seconded by Ramaglia, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-100

Resolution Date: November 19, 2009

WHEREAS, the Board has reviewed the report relative to renewing, for one year, a contract with Titan Armored Car & Courier, Inc; now therefore

BE IT RESOLVED that the contract BA-2006-OA-012-OT is now renewed at a cost not-to-exceed \$26,754.00 per year together with any extraordinary fuel or insurance surcharges; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

PUBLIC RELATIONS AND PLANNING:

Mr. Bellucci made available a report to the Board of events which represents the Authority's involvement. No action was required by the Board.

REPORTS TO BOARD:

1) **Monthly Activity Report of the Executive Director**

The Monthly Activity Report was submitted by the Executive Director. Mr. Sinnott indicated there were no expenditures for the month of October.

2) **Internal Audit Plan Approval**

Vice Chairman Vecellio, as Chairman of the Audit Committee, stated that the plan was reviewed and approved by the Committee prior to being presented at the regular meeting. For questions about the specifics of the plan, Chairman Vecellio deferred to Mr. Mickle, the Authority's Internal Auditor. Following an overview, a brief discussion followed relative to the procedure the internal auditor follows and how often the audits are performed throughout the year. Chairman Sproat called for a motion. On motion of Commissioner Lashua, seconded by Commissioner Ramaglia, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 009-101

Resolution Date: November 19, 2009

WHEREAS the Board has previously reviewed the Annual Internal Audit Reports with respect to the audits performed in 2008, and

WHEREAS, the Audit Committee has recommended the approval of the 2009 Internal Audit Work Plan; now therefore

BE IT RESOLVED that the 2009 Internal Audit Work Plan is approved; and

BE IT FURTHER RESOLVED that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of November 2009.

George C. Sinnott, Secretary

Chairman Sproat motioned to adjourn the regular meeting at 3:50P.M. This concluded the agenda of the regular meeting,

The next regular meeting is scheduled for December 17, 2009 at 3:00 P.M. at Headquarters.