

**TOMPKINS CONSOLIDATED AREA TRANSIT, INC.
BOARD OF DIRECTORS MEETING**

Thursday, January 28, 2010
4:00 PM TCAT Conference Room
737 Willow Avenue, Ithaca, NY

Attendees: D. Cogan, H. Dullea, K. Luz Herrera, P. Mackesey,
F. Proto, N. Schuler, B. Wendt, Kyu-Jung Whang, J. Turcotte

S. Brock, M. Albanese, R. Andrascik, J. Basile, A. Eccleston, N. Oltz,
P. Poist, D. Swartz, N. Tedesco, D. Tome, S. Persons/Recording Secretary

Also Attended: Molly Shoemaker, Suzanne VanDeMark, Fred Dewolf, Vincent Lukas, Aaron Wagner, Allan VanDeMark, Peter Salton, John Gaunt, Bridget Duthie, Michele Kiefer, Kevin O'Conner, Nishi Rassnick

Agenda

I. Call to Order

F. Proto called the meeting to order at 4:04 PM, and welcomed everyone to the January 28, 2010 TCAT, Inc. Board of Directors Meeting.

II. Board Member Items

There were no Board Member items.

III. Public Comment

Molly Shoemaker of 104 Northway Road stated in regards to moving the bus Route 30 from East Upland to Northway stated it caught her by surprise and the other residents on Northway and stretches of the Parkway near Cayuga Heights Elementary School. She feels that the safety issue is overwhelming, and that technical advantages should not override the safety issues. At the very least, moving a bus route closer to a school crossing increases the risk of accidents to children, she stated she thinks this is a moral issue and it is also a liability issue for TCAT and the Village of Cayuga Heights. She stated TCAT did hold public meetings in early 2009 but to her knowledge the proposed change was not indicated in writing. M. Shoemaker stated she remains firmly opposed to rerouting Route 30 to Northway Road from East Upland Road. She feels that the technical advantages to rerouting TCAT Bus 30 from Upland Road to Northway Road are far outweighed by the safety issues.

Suzanne VanDeMark of 107 Northway Road stated that M. Shoemaker covered a lot of the issues that she wanted to cover; she included a few pictures of what they are concerned about with Cayuga Heights Elementary School. She stated she wanted to talk about her discussion with Patrick Jensen the principal of Cayuga Heights Elementary School about his concerns with the traffic, and that she would like to make sure the Board understands these concerns as well. Mr. Jensen was very surprised by the change of Route 30 in coming down Northway Road, he had no prior notification. He has been trying to address already existing problems at this intersection. The school district has funded money into widening the driveway, added parking and tried to simplify the traffic flow. Although the traffic problem has improved it is not fully resolved and adding 86 buses a day in this intersection is creating an even more difficult problem. She stated P. Jensen is very concerned about adding to this problem he is concerned that this change was implemented without a traffic study being done. S. VanDeMark stated that she is very upset

about how this was done, they had no notification and there are 14 children that live on Northway Road, she stated she would appreciate it that the next time TCAT wants to make a change like this and there are children involved could TCAT notify the residents.

Fred Dewolf of 111 Midway Road stated that this change to a local neighborhood he found troubling. He stated he was sure that TCAT followed public notice with open meetings and solicited input but this is a neighborhood change and he cannot remember anything else that has galvanized a group of people very quickly around a change in the neighborhood. He stated he heard technical benefit tossed out there, to him the technical benefit of a bus moving quickly around that corner threatens his wellbeing and his child's well being. He would just ask this group to reconsider it, he thinks there are quite a few people who are emotional about this sudden change, but take into consideration what is best for the most rather than what is convenient for a bus driver to make a right hand turn.

Vincent Lukas of 108 Northway Road stated the objective of the Board of Directors is to run a safe efficient transportation system, the distance is the same, two tenths of a mile, so TCAT is not gaining anything by changing the routes, but TCAT is getting into the possibility of an accident so the safety issue is increased.

Aaron Wagner of 308 The Parkway stated that he can confirm the safety concerns from his own experience, he learned shortly after moving in to his house not to leave his house at certain times of the day because there were so many children running around. He stated passenger cars tend to track the bus routes, as people ride the bus they learn that route and end up driving that way because they do not know the area well enough. The old route served the school reasonably well.

Allan VanDeMark of 107 Northway Road stated he had some comments about the process. As the Board knows a process was taken to improve the TCAT system, they hired a company to give recommendations, put it out to the community, had dozens of public input meetings, all these people came in and were able to express their concerns and a plan was developed. In that plan that was first developed in February to April of 2009 the plan and the recommendation was that 30 weekday service would operate on Triphammer Road there was nothing about moving it to Northway Road. He stated he had a chance to review all the minutes of the Board Meetings and there was never anything about a change from Upland to Northway. In early April there were more meetings and more changes were made and again the description of the route said that route 30 was staying on Triphammer Road. Nobody knew about this change, nobody contacted them. TCAT knew about the feelings of the neighborhood about this and to not raise it and just let it slide under the radar and all of a sudden on Martin Luther King Day to start the buses up on it is what is most concerning, someone could have contacted someone to let them know, he stated he thinks the reason it did not happen was because it puts TCAT in the position that they are in now, it's done, it's too late, and you had your chance back then.

Peter Salton of 206 E. Upland Road stated we live in an urban environment and there are buses at lots of schools throughout the TCAT system, he believes the buses are probably as safe as they can be no matter where they drive. He stated he understands the technical reason for putting the bus on Northway. He thinks more important to him is the process which the changes or any changes are proposed by TCAT to the village of Cayuga Heights which is not TCAT's jurisdiction. He stated he thinks they have the right possibly whether they can tell buses how to use their right-a-way in the village; he thinks buses should be on Triphammer.

John Gaunt of 304 The Parkway stated that he is really glad we have a TCAT service in the community, it's very valuable to us and his family uses it, he is also very sensitive to the concept of not in my backyard, with that context he made these comments and observations, the first he came to know of this change was when buses started to run a different route in front of his house. So his point was about process, he stated it seems like this was an important change and it was clear to TCAT from their

previous engagement with the Cayuga Heights community that this change was likely to cause some concern within the community. Having made those observations he stated if TCAT were to do an assessment of the number of children they pass living in the houses and the number of school children, you increase the density of children per unit of distance traveled by the bus. He questioned what the benefit to the community or to TCAT was with this change.

Bridget Duthie of 408 Klinewoods Road stated that the school day doesn't just end at 2:00pm, there is a community playground and youth sports any time of day and there are kids running and playing at all times of day.

Michele Kiefer of 320 The Parkway stated she attended the meeting the day after Nancy Oltz came to the Village of Cayuga Heights meeting and assured them that she would bring their concerns back to TCAT. She stated she brought a copy of the petition that they gathered in October of 2007 that had 158 signatures expressing the communities concern regarding the proposed change to Upland Road and several other letters that they wrote to the TCAT Board.

Kevin O'Connor of Northway stated that essentially the road is an entrance to the back of the school without much more being said it does not make much sense to have a city bus go up and down the entrance to a school.

Nishi Rassnick of 106 Northway Road stated because of this technical advantage coming on to Northway from Triphammer they really do use it as if coming off a highway ramp. The technical advantage unfortunately translates in to the ability to move really quickly with no need to pause or stop or even look.

Suzanne VanDeMark asked that the buses be moved back to Upland until TCAT can figure out a way to implement the original development plan by next week.

Kevin O'Connor stated the other schools that they pass are in the city of Ithaca, if you live in a city you are going to be by a bus, this is a private village the main roads they can go on, we will walk to them to get to the bus.

IV. Approval of the minutes from December 3, 2009 meeting

The motion to approve the minutes from December 3, 2009 was made by H. Dullea; seconded by D. Cogan. The motion to approve the minutes passed unanimously.

V. Chairperson's Report

F. Proto stated the Board Members received their new TCARD bus pass and have unlimited rides. There is also the new Committee listing for 2010, members are welcome to sit in on any other committee, those meeting dates will be distributed once they are set, the only change to the Executive Committee Meeting is it was moved to 9:30 rather than 8:30. He stated he formed a new committee, the Planning Committee, because we need to do some long range planning, his hope is that this committee will tackle issues such as the regional planning that involved Cortland, Tioga, and Tompkins Counties. He also stated that the annual Awards Banquet will be on February 21st 2010 at Celebrations.

VI. General Manager's Report

- Monthly Operating Report - J. Turcotte presented the Monthly Operating Report for December 2009. He reviewed the details of the Riders, Miles & Hours Statistics, Service Changes & Special Events, Maintenance Statistics, Accidents & Other Incidents, Finance, Human Resources, Marketing Initiatives, & Customer Communications.

- Route Change Update – J. Turcotte reported that overall it went extremely well, we continue to work out a few kinks but overall it was a major success on Sunday when we rolled this out and almost all of the tasks associated with this were done right on time. We are having wrap up meetings, we are getting a lot of input back from riders and we are going through the feedback, there may be some issues we want to continue to watch and maybe make changes later but nothing right now that is pressing.
- Farebox Update – J. Turcotte reported that our Black Box consulting group is in the process of changing out hardware on the buses, we are in the transition period, people do have TCARDS, the last time we looked we had a little under 1700 people out there with the TCARD so far we have not heard any issues with that. We had a booth at Green Street that staff traded out Wayfarer paper passes for the TCARDS.
- Green Street Station Update – J. Turcotte reported that the only outstanding issue is the signage which is in for approval and we have it out for quotes right now, as soon as we have approval we will line it up for getting the signage installed.

VII. Action Items from Staff

Action item the approval of committees, committee members, and committee chairperson, the motion from the table to accept this docket of committee assignments as presented was moved by D. Cogan and seconded by P. Mackesey. The motion passed unanimously.

Committee Assignments TCAT Board – 2010

Executive Committee:

- Frank Proto Chairperson
- Hank Dullea Vice-chair
- Dan Cogan Secretary
- Dan Cogan Immediate Past Chair

Note – All interested board members are invited to attend

Audit Committee:

- Kathy Luz Herrera – Chair
- Kyu- Jung Whang
- Jennifer Dotson

Human Resource Committee:

- Nancy Schuler – Chair
- Kathy Luz Herrera
- Kyu- Jung Whang

Budget Committee:

- Hank Dullea – Chair
- Dan Cogan
- Frank Proto

Transit Service Committee:

- Pam Mackesey – Chair
- Bill Wendt
- Jennifer Dotson

Planning Committee:

- Bill Wendt – Chair
- Dan Cogan
- Pam Mackesey

ITCTC Policy committee TCAT representative:

The chairman proposes that Bill Wendt continue in that role

- Consider approval of Resolution {2010-01}. – Approval to Extend Legal Services Contract one additional year with Susan H. Brock. F. Proto presented Resolution {2010-01}.

**RESOLUTION 2010- 01
EXTEND LEGAL SERVICES CONTRACT 1 ADDITIONAL YEAR
WITH SUSAN H. BROCK**

WHEREAS, on February 2, 2006, TCAT, Inc. and Susan H. Brock, Attorney at Law entered into a three-year Contract for Legal Services with a term from February 1, 2006 through January 31, 2009 (the “Contract”), and

WHEREAS, the Contract provides that upon mutual written agreement, it may be renewed in one-year increments for up to a total of three additional years upon such terms as the parties deem acceptable, and

WHEREAS, the parties renewed the Contract for one additional year, from February 1, 2009 through January 31, 2010, and

WHEREAS, both parties wish to extend the Contract for an additional one (1) year term with no changes to the Contract’s other provisions,

NOW, THEREFORE, be it RESOLVED that the TCAT, Inc. Board of Directors hereby approves the attached Extension of Contract for Legal Services and authorizes Board Chair Frank Proto and General Manager Joseph Turcotte to execute the Extension of Contract.

Adopted by the TCAT, Inc. Board of Directors on this 28th day of January, 2010.

The resolution for Approval to Extend Legal Services with Susan H. Brock was moved by K. Luz Herrera; and seconded by B. Wendt. The motion passed unanimously.

- Consider approval of Resolution {2010-02}. – Approval to Extend Legal Services Contract one additional year with Shea Stokes & Carter, P.C. F. Proto presented Resolution {2010-02}.

**RESOLUTION 2010- 02
EXTEND LEGAL SERVICES CONTRACT 1 ADDITIONAL YEAR
WITH SHEA STOKES & CARTER, P.C.**

WHEREAS, on February 7, 2006, TCAT, Inc. and Shea Stokes & Carter, P.C. entered into a three-year Contract for Legal Services with a term from February 1, 2006 through January 31, 2009 (the “Contract”), and

WHEREAS, the Contract provides that upon mutual written agreement, it may be renewed in one-year increments for up to a total of three additional years upon such terms as the parties deem acceptable, and

WHEREAS, the parties renewed the Contract for one additional year, from February 1, 2009 through January 31, 2010, and

WHEREAS, both parties wish to extend the Contract for an additional one (1) year term with no changes to the Contract's other provisions,

NOW, THEREFORE, be it RESOLVED that the TCAT, Inc. Board of Directors hereby approves the attached Extension of Contract for Legal Services and authorizes Board Chair Frank Proto and General Manager Joseph Turcotte to execute the Extension of Contract.

Adopted by the TCAT, Inc. Board of Directors on this 28th day of January, 2010.

The resolution for Approval to Extend Legal Services with Shea Stokes & Carter, P.C. was moved by D. Cogan; and seconded by H. Dullea. The motion passed unanimously.

- Consider approval of Resolution {2010-03}. – Approval of Drug and Alcohol Policy Revision for Safety Sensitive Employees. F. Proto presented Resolution {2010-03}.

**RESOLUTION 2010-03
APPROVAL OF DRUG AND ALCOHOL POLICY REVISIONS FOR
SAFETY-SENSITIVE EMPLOYEES**

WHEREAS, TCAT strives to maintain a safe workplace environment for its staff, visitors and passengers, and

WHEREAS, TCAT, Inc. ("TCAT") is required by the U.S. Department of Transportation ("USDOT") to adopt a drug and alcohol testing policy for safety-sensitive employees, and

WHEREAS, on January 26, 2006, the TCAT Board of Directors adopted a drug and alcohol testing policy for safety-sensitive employees, and

WHEREAS, under this policy, an employee who has a breath alcohol concentration of 0.02 or greater but less than 0.04 must, among other things, be: removed from his/her safety-sensitive position, evaluated by a Substance Abuse Professional (SAP), follow any prescribed treatment, and successfully pass all return to work and follow-up tests required by the SAP, which tests may include drug tests if so required by the SAP, even though the original infraction was for alcohol, and

WHEREAS, the above requirements are a matter of TCAT policy and are in addition to those required by DOT regulations, which merely require that an employee who has a breath alcohol concentration of 0.02 or greater but less than 0.04 be removed from safety-sensitive functions for a minimum period of eight (8) hours, or until he/she can pass an alcohol test with a concentration of less than 0.02, whichever comes first, and

WHEREAS, under TCAT's policy, any breath alcohol concentration of 0.04 or greater, or any verified positive drug test result, requires the employee's immediate and permanent removal from his/her safety-sensitive position, so the only time an employee would be subject to return to duty or follow-up drug tests would be if a SAP recommends such tests after evaluating an employee who has an alcohol concentration of 0.02 or greater but less than 0.04, and

WHEREAS, the USDOT issued a regulation, effective August 31, 2009, mandating direct observation collection procedures for all return to duty and follow-up drug tests, and

WHEREAS, on August 27, 2009, the TCAT Board amended TCAT's drug and alcohol testing policy to include this mandate by adopting Resolution No. 2009-11, effective August 31, 2009, and

WHEREAS, the amendments to TCAT's policy included the requirement that all return to duty and follow-up drug tests "must be collected under direct observation per DOT regulation 49 CFR Section 40.67(b)", and

WHEREAS, from October 21-23, 2009, the Federal Transit Administration audited TCAT's drug & alcohol program for safety-sensitive employees, and

WHEREAS, the auditors have informed TCAT that its policy's direct observation wording implies that the drug tests to which direct observation applies are required by DOT regulation, when in fact any return to duty and follow-up drug tests administered to TCAT safety-sensitive employees are required as a matter of TCAT policy, not DOT regulation, and

WHEREAS, the auditors have directed TCAT to revise its policy to remove this implication, and

WHEREAS, the proposed amendments are shown in red-line on the attached pages, and

WHEREAS, TCAT staff has informed the UAW of the proposed changes,

NOW, THEREFORE, be it RESOLVED that that the TCAT Board of Directors hereby approves the drug and alcohol testing policy changes for safety-sensitive employees as shown on the attached red-lined pages, with such changes to be effective immediately.

Adopted by the TCAT, Inc. Board of Directors on this 28th day of January, 2010.

The resolution to approve the Drug and Alcohol Policy Revision for Safety Sensitive Employees was moved by K. Luz Herrera; and seconded by D. Cogan. The motion passed unanimously.

VIII. Committee Reports

- **Executive Committee**

F. Proto reported the Executive Committee did not meet this month.

- **Budget Committee**

H. Dullea reported that the Budget Committee met on January 21, 2010 and discussed preliminary Revenue Expenditure Report: December 31, 2009, STOA update and fuel report.

- **Transit Service Committee**

P. Mackesey reported that the Transit Service Committee did not meet this month.

- **Human Resources Committee**

N. Schuler reported that the Human Resources Committee did not meet this month.

IX. Next meeting

F. Proto announced the next meeting date February 25, 2010 at 4:00 PM.

X. Adjournment

The motion to adjourn the meeting was made by F. Proto; and seconded by B. Wendt. The meeting adjourned at 6:00 PM.