

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

Thursday, August 27, 2009
4:00 PM TCAT Conference Room
737 Willow Avenue, Ithaca, NY

Attendees: F. Proto, H. Dullea, K. Luz Herrera,
P. Mackesey, R. McDaniel, J. Turcotte

S. Brock, M. Albanese, J. Basile, F. Howells, N. Oltz, P. Poist, E. Rabenstein,
B. Stebbins, N. Tedesco, D. Tome, S. Persons/Recording Secretary

Also Attended: George Eberhardt, Linda Myers

Agenda

I. Call to Order

F. Proto called the meeting to order at 4:03 PM, and welcomed everyone to the August 27, 2009 TCAT, Inc. Board of Directors Meeting.

II. Board Member Items

There were no Board Member Items.

III. Public Comment

George Eberhardt stated there should be some kind of public announcement on how we are doing on the route changes, because as far as everybody had heard there were supposed to be changes made in November and again in January. He stated secondly, he was informed at Titus Towers that the residents would like to have another meeting with TCAT.

Lynda Myers of Lynda Myers Interior Designs on East State Street stated she is here representing the people on her side of State Street with regard to the potential of the bus stop that is currently on Aurora Street, which is in the location where Rimland is going to be building the new Ithaca hotel, being moved basically into her front lobby. She stated she is concerned about safety, because in addition to the proposal of the shelter being moved to the end of the parking lot that exists between State Street and Seneca Street, her understanding is that the direction on how one enters that parking lot will be changed. She stated that their concerns are many, one that they would lose valuable parking, and if anybody is familiar with that block of State Street those parking lot spots are never empty, second with the proposed change it would now mean people are trying to make left hand turns behind the bus stop. She stated that they wanted to let TCAT know that they are concerned about the potential of this happening.

IV. Approval of the minutes from July 23, 2009 and July 31, 2009 meetings

The motion to approve the minutes from July 23, 2009 was made by R. McDaniel; seconded by H. Dullea. The motion to approve the minutes passed unanimously.

The motion to approve the minutes from July 31, 2009 was made by P. Mackesey; seconded by R. McDaniel. Discussion followed. This item was postponed until the following meeting.

V. Chairperson's Report

The Chairperson did not have a report.

VI. General Manager's Report

- Communications and Marketing Manager – J. Turcotte introduced Patricia Poist, our new Communications and Marketing Manager, she has about 25 years experience in journalism working as a reporter, she started out her career in the radio business and it progressed into various newspapers mainly in the Pennsylvania area. He welcomed her to the TCAT team.
- Monthly Operating Report - J. Turcotte presented the Monthly Operating Report for July 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.

K. Luz Herrera stated she heard that freshman class at Cornell was bigger this year than it has been before, and asked do we have any idea from Cornell or anybody what they might predict that ridership to be this year. She asked if this could be something that gets looked into.

VII. Action Items from Staff

- Consider approval of Resolution {2009-08} Approval of Video and Audio Recording Device Policy. – F. Proto presented Resolution {2009-08}.

RESOLUTION 2009-08 VIDEO & AUDIO RECORDING POLICY

WHEREAS, TCAT has determined the need for a policy on the use of video and audio recording devices in order to protect the privacy of employees and passengers, and to preserve the confidentiality of TCAT's protected information, and

WHEREAS, this Policy will apply to the use of video and audio recording devices for the sole purpose of recording on TCAT premises (including TCAT's Willow Avenue facility, buses, and vehicles) and at TCAT-sponsored activities and functions, and

WHEREAS, the TCAT Labor/Management Committee has discussed this policy, and the UAW has agreed to its implementation, and

WHEREAS, the Human Resource Manager and members of the Human Resources Committee recommend that the TCAT Board of Directors adopt the attached proposed Video and Audio Recording Devices Policy,

NOW, THEREFORE, be it RESOLVED that the TCAT, Inc. Board of Directors hereby approves and adopts the attached Video and Audio Recording Devices Policy, with an effective date of August 28, 2009.

Adopted by the TCAT, Inc. Board of Directors on this 27th day of August, 2009.

The resolution to approve the Video and Audio Recording Device Policy was moved by P. Mackesey; and seconded by H. Dullea. Discussion followed. The motion passed unanimously.

- Consider approval of Resolution {2009-07} Approval of Sub Recipient Agreement for ARRA grant NY-96-X003. – F. Proto presented Resolution {2009-07}.

**RESOLUTION 2009-07
SUB RECIPIENT AGREEMENT FOR ARRA GRANT NY-96-X003**

WHEREAS, Tompkins County applied for and will receive American Recovery and Reinvestment Act (ARRA) funds from the Federal Transit Administration (FTA) under the FTA Section 5307 program in the amount of \$1,417,685 (\$1,192,685 Federal and \$225,000 from the New York State Department of Transportation), and

WHEREAS, Tompkins County applied for and will receive ARRA funds from the New York State Department of Transportation under the FTA Section 5311 (rural) program in the amount of \$2,175,000, and

WHEREAS, the two ARRA grants will be combined into one FTA Sec 5307 ARRA grant (NY-96-X003) in a two step process as follows: 1) FTA will award a base grant of \$1,417,685 and 2) Tompkins County and FTA will amend the grant to add \$2,175,000, for a total of \$3,592,685, and

WHEREAS, Tompkins County has advised Tompkins Consolidated Area Transit, Inc. (TCAT) that the two parties need to enter into a Subrecipient Agreement so TCAT can receive reimbursement of FTA funds for certain projects in the grant, and

WHEREAS, the attached “Subrecipient Agreement for 2009 FTA Sec 5307 ARRA Grant NY-96-X003” spells out each party’s rights and responsibilities related to the grant money to be received pursuant to Section 5307 ARRA Grant NY-96-X003, and specifies the projects and amounts for which TCAT will receive grant reimbursement,

NOW, THEREFORE, be it RESOLVED, that the TCAT Board approves the attached Subrecipient Agreement with Tompkins County and authorizes the Board Chair and General Manager to execute the Subrecipient Agreement, subject to the approval of TCAT’s attorney.

Adopted by the TCAT Board of Directors on this the 27th day of August, 2009.

The resolution to approve the Sub Recipient Agreement for ARRA grant NY-96-X003 was moved by H. Dullea; and seconded by P. Mackesey. Discussion followed. The motion passed unanimously.

- Consider approval of Resolution {2009-09} Approval of Use of Ithaca Hours. – F. Proto presented Resolution {2009-09}.

**RESOLUTION 2009-09
USE OF ITHACA HOURS**

WHEREAS, Ithaca Hours, Inc. has asked the TCAT Board to consider acceptance of Ithaca Hours from TCAT passengers as partial payment for TCAT bus rides, and

WHEREAS, the mission of Ithaca Hours, Inc. is to support the local economy by keeping money in the community, and

WHEREAS, TCAT's acceptance of Ithaca Hours is likely to promote increased ridership among Ithaca Hours members and users, and

WHEREAS, the TCAT Board wishes to begin TCAT's participation in Ithaca Hours on a limited basis, with the TCAT Board periodically reviewing TCAT's participation to determine if it should expand the opportunities for passengers to use Ithaca Hours,

NOW, THEREFORE, be it RESOLVED, that the TCAT Board authorizes TCAT to become a member of Ithaca Hours, Inc., and to accept up to one-half (1/2) of an Ithaca Hour (1/2 Ithaca Hour = \$5.00) as partial payment for a monthly bus pass, with the balance of the pass cost paid in U.S. currency.

Adopted by the TCAT Board of Directors on this the 27th day of August, 2009.

The resolution to approve the Use of Ithaca Hours was moved by K. Luz Herrera; and seconded by H. Dullea. Discussion followed. The motion passed unanimously.

- Consider approval of Resolution {2009-10} Approval of Drug and Alcohol Policy Revision for Non-Safety Sensitive Employees. – F. Proto presented Resolution {2009-10}.

**RESOLUTION 2009- 10
APPROVAL OF DRUG AND ALCOHOL POLICY REVISION FOR
NON-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 to comply with the federal Drug-Free Workplace Act of 1988 and the federal Omnibus Transportation Employee Testing Act of 1991, and

WHEREAS, on January 26, 2006, the TCAT Board approved TCAT's drug and alcohol testing policy for safety-sensitive employees, and

WHEREAS, on March 27, 2008, the TCAT Board of Directors approved TCAT's Drug & Alcohol Policy, applicable to non-safety-sensitive administrative employees, that complies with the Drug-Free Workplace Act requirements, and

WHEREAS, the U.S. Department of Transportation has issued a regulation, effective August 31, 2009, mandating direct observation collection procedures for all return to duty and follow-up drug tests for safety-sensitive employees, and

WHEREAS, on August 27, 2009, the TCAT Board approved changes to the drug and alcohol testing policy applicable to safety-sensitive employees to include this mandated direct observation collection procedure, and

WHEREAS, the TCAT Board believes the Drug & Alcohol Policy applicable to non-safety-sensitive administrative employees will be strengthened if it is also amended to include this direct observation collection procedure, and the proposed amendments are shown in red-line on the attached pages, and

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

BE IT FURTHER RESOLVED, that such changes shall become effective August 31, 2009.

Adopted by the TCAT, Inc. Board of Directors on this 27th day of August, 2009.

The resolution to approve the Drug and Alcohol Policy Revision for Non-Safety Sensitive Employees was moved by H. Dullea; and seconded by R. McDaniel. Discussion followed. The motion passed unanimously.

- Consider approval of Resolution {2009-11} Approval of Drug and Alcohol Policy Revision for Safety Sensitive Employees. – F. Proto presented Resolution {2009-11}.

**RESOLUTION 2009- 11
APPROVAL OF DRUG AND ALCOHOL POLICY REVISION 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, the USDOT has issued a regulation, effective August 31, 2009, mandating direct observation collection procedures for all return to duty and follow-up drug tests, and

WHEREAS, TCAT's drug and alcohol testing policy needs to be amended to include this mandate, and the proposed amendments are shown in red-line on the attached pages, and

WHEREAS, TCAT staff has informed the UAW of this new federal regulation and of the proposed changes to TCAT's drug and alcohol testing policy,

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, and

BE IT FURTHER RESOLVED, that such changes shall become effective August 31, 2009.

Adopted by the TCAT, Inc. Board of Directors on this 27th day of August, 2009.

The resolution to approve the Drug and Alcohol Policy Revision for Safety Sensitive Employees was moved by H. Dullea; and seconded by R. McDaniel. Discussion followed. The motion passed unanimously.

VIII. Committee Reports

- **Executive Committee**

F. Proto reported the Executive Committee met August 12, 2009 and discussed City Center Project, Black Box Project, company picnic attendance and use of Ithaca Hours.

- **Budget Committee**

H. Dullea reported that the Budget Committee met on August 20, 2009 and discussed Revenue Expenditure Reports: July 31, 2009, Fuel Reports, Draft 2010 Capital Budget Partner Share Scenarios, Grant Activities, Ithaca Hours, and proposed feeder service contract that DSS is proposing with Ithaca Dispatch.

- **Transit Service Committee**

P. Mackesey reported that the Transit Service Committee met on August 25, 2009 and discussed the ridership report, Walmart Agreement, New Roots School discount for school trips, and procedures and policies surrounding major requests for new service.

- **Human Resources Committee**

The Human Resources Committee did not meet.

- **City Center Committee**

The City Center Project Committee did not meet.

IX. Next meeting

F. Proto announced the next meeting date September 24, 2009 at 4:00 PM.

X. Adjournment

The motion to adjourn the meeting was made by P. Mackesey. The meeting adjourned at 5:47 PM.