Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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ECLEG OCT03'12 PM 4:02

October 2, 2012

Mr. Robert M. Graber
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: NFTA Board Minutes

Dear Mr. Graber:

Enclosed, for your information and files, please find a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on August 27, 2012.

Very truly yours,

David J. State
General Counsel

DJS:lf

Enclosure

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
AUGUST 27, 2012 12:30 PM
MINUTES

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1. **REGULAR BOARD MEETING - AUGUST 27, 2012 - MINUTES**
   - A. CALL TO ORDER 3
   - B. SPECIAL BUSINESS
   - C. APPROVAL OF MINUTES (July 23, 2012 and August 13, 2012)
   - D. EXECUTIVE DIRECTOR'S REPORT 4

2. **NFTA CORPORATE REPORT**
   - A. Audit and Governance Committee Report (Howard Zemsky) 5
   - B. Consolidated Financial (Debbie Leous) 7
   - C. Corporate Resolutions (Kim Minkel)
     - 1) Adoption of a Revised Five Year Operating and Capital Plan for the Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Years Ending March 31, 2013 through March 31, 2017 8
     - 2) Adoption of Goal for Participation by Disadvantaged Business Enterprises, NFTA and NFT Metro 10
     - 3) Authorization for Procurement, United Uniform, Ballistic Vests, TAPD 11
     - 4) Authorization for Procurement, Finger Lakes Technologies Group, Inc., Data Center Redesign, OCC 12
     - 5) Authorization for Procurement, NYS OGS, Road Salt, BNIA and Metro 13
     - 6) Authorization for NYSDOT Aviation Capital Project, Contract K, NFIA 14
     - 7) Authorization for Agreement, Masiello, Martucci, Calabrese and Associates, Advocacy Services, NFTA 15

3. **AVIATION BUSINESS GROUP REPORT**
   - A. Aviation Committee Report (Adam Perry) 18
   - B. Financial Update (Bill Vanecek)
   - C. Business Update (Bill Vanecek)
   - D. Aviation Resolutions (Kim Minkel)
     - 1) Authorization for Change Order No. 1, Sealand Contractors Corporation, Runway 10L-28R Mill and Overlay, NFIA 20

4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
   - A. Surface Transportation Committee Report (Eunice Lewin) 22
   - B. Financial Update (Tom George)
   - C. Business Update (Tom George) 24
   - D. Surface Transportation Resolutions (Kim Minkel)
     - 1) Authorization for Agreement, IBI Group, Information Technology Services, Metro 25
     - 2) Authorization for College/University Pass Agreement, Bryant & Stratton College 27
     - 3) Authorization for College/University Pass Agreement, Erie Community College 28
     - 4) Authorization for Agreement, City of Buffalo, Construction of the Return of Traffic to 30

Main Street Project

5. **PROPERTY RISK/MANAGEMENT GROUP REPORT**

A. Property/Risk Management Committee Report (Peter Demakos) 31

B. Financial Update (Dave State)

C. Business Update (Dave State) 33

D. Property Development Resolutions (Kim Minkel)

1) Authorization for Agreement, ABM Janitorial Services - Northeast, Inc., Janitorial Services, 485 Cayuga Road 34

2) Authorization for License Agreement, Foit-Albert Associates, Architecture, Engineering and Surveying, P.C., Boat Harbor 36

3) Authorization for Lease Agreement, West Runway Food Services, Inc., 74 Smallwood Terrace 37

4) Authorization for Lease Agreement, Lamar Transit Advertising, 247 Cayuga Road 38

5) Authorization for Lease Agreement, Olson Bros. Marine, Inc., Port Terminal A 39

6) Authorization for Lease Agreement, Gray Manufacturing Industries, LLC, Port Terminal A 40

7) Authorization for Lease Agreement, Bill's Boatworks, Inc., Port Terminal B 41

8) Authorization for Lease Agreement, Cabrera Services, Inc., 247 Cayuga Road 42

9) Authorization for Lease Amendment Agreement, Buffalo River Marine Terminal, Inc., Boat Harbor 43

6. **GENERAL COUNSEL'S REPORT (David State)**

7. **EXECUTIVE SESSION -**

8. **ADJOURNMENT** 45

1. CALL TO ORDER

A. Meeting Called to Order

Chairman Zemsky called the meeting to order at approximately 12:32 p.m.

B. Approval of Minutes of the NFTA Regular Board Meeting held on July 23, 2012

It was moved by Commissioner Sloma, seconded by Commissioner Demakos, that the Minutes of the July 23, 2012, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

C. Approval of Minutes of the NFTA Special Meeting held on August 13, 2012

It was moved by Commissioner Sloma, seconded by Commissioner Demakos, that the Minutes of the August 13, 2012, Special Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: **ZEMSKY, SLOMA, LEWIN, DEMAKOS, CROCE, DURAND, EAGAN, GURNEY, PERRY**

NOES: **NONE**

D. Executive Director's Report:

Executive Director Kimberley Minkel advised the Board that the NFTA had secured a pre-grant award approval from the Federal Transit Administration providing for repairs to the non-working escalator at South Campus Station. She also notified them that staff has been instructed to post signage directing patrons to the adjacent elevator. Cost estimates for the work will be presented at the next Board meeting. McFarland Johnson will conduct a Master Plan presentation for NFIA at the September Board meeting. Meet and greets for the enhanced express service will be held at four park and ride locations on Wednesday, August 29th. The Board was also informed that, based on data released by The Brookings Institution, which compared 371 transit providers in the nation's top 100 largest metropolitan areas, Buffalo was ranked 11th in the nation and Rochester, whom we are often compared to, was ranked 59th.

2. NFTA CORPORATE REPORT

A. Audit and Governance Committee Report (Howard Zemsky)
B. Consolidated Financial (Debbie Leous)
C. Corporate Resolutions (Kim Minkel)

Corporate Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (7)

1. Adoption of a Revised Five Year Operating and Capital Plan for the Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Years Ending March 31, 2013 through March 31, 2017
2. Adoption of Goal for Participation by Disadvantaged Business Enterprises, NFTA and NFT Metro
3. Authorization for Procurement, United Uniform, Ballistic Vests, TAPD
4. Authorization for Procurement, Finger Lakes Technologies Group, Inc., Data Center Redesign, OCC
5. Authorization for Procurement, NYS OGS, Road Salt, BNIA and Metro
6. Authorization for NYSDOT Aviation Capital Project, Contract K, NFIA
7. Authorization for Agreement, Masiello, Martucci, Calabrese and Associates, Advocacy Services, NFTA

CORPORATE:

2. C. (i) Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (7)

The Executive Director advised that Items 2. C. (1) through 2. C. (7) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Lewin, seconded by Commissioner Gurney, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (1) through 2. C. (7) and dated August 27, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: **ZEMSKY, SLOMA, LEWIN, DEMAKOS, CROCE, DURAND, EAGAN*, GURNEY, PERRY***

ABSTENTION: **PERRY** [*Item 2. C. 7 only]
EAGAN [*Item 2. C. 7 only]

NOES: **NONE**

ADOPTED

CORPORATE:

2. C. (1) **Adoption of a Revised Five Year Operating and Capital Plan for the Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Years Ending March 31, 2013 through March 31, 2017**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board adopt the attached Revised Five Year Operating and Capital Plan Summary for the NFTA and NFT Metro System, Inc. for the fiscal years ending March 31, 2013 through March 31, 2017.

INFORMATION: The Federal Transit Administration (FTA) conducted a review of the NFTA as required by 49 USC 5307(h). The Triennial Review is the FTA's assessment of the NFTA's compliance with Federal requirements determined by the examination of grant management practices and program implementation. There were two areas out of 24 that had deficiencies: Financial and EEO. The FTA finding regarding the Five Year Financial Plan was that it "indicated insufficient local funds." The recommendation was that by September 14, 2012 the NFTA submit to the FTA regional office a revised five year financial plan for reducing expenditures, increasing revenues or a combination of both to compensate for the projected shortfall.

The revised five year plan eliminates the deficits of $1,129,850 in FYE 16 and $3,061,463 in FYE 17 through additional grant funding, decreased costs and the use of reserves created within the first three years of the plan, if necessary.

FUNDING: No funding is required at this time.

> **"RESOLVED**, that the Board hereby adopt the Revised Five Year Operating and Capital Plan for the Niagara Frontier Transportation Authority and NFT Metro System, Inc., for the fiscal years ending March 31, 2013 through March 31, 2017 as described hereinabove."

NIAGARA FRONTIER TRANSPORTATION AUTHORITY

A Blue Print for the Future

Revised Based on Triennial Review

	Budget FYE 13	Projected FYE 14	Projected FYE 15	Projected FYE 16	Projected FYE 17
Operating Budget	$198,849,845	$201,686,522	$207,611,572	$214,949,293	$224,077,455
Board Approved Five Year Plan Surplus/(Deficit)					
As Presented to FTA at the Triennial Review	$0	$0	$0	($1,129,850)	($3,061,463)
Percent of Operating Budget	0.00%	0.00%	0.00%	-0.53%	-1.37%
Actions to work towards a balanced budget:					
Seek grant funding for the Underground Storage Tank at Babcock Garage					$1,260,000
Decreased fuel consumption with addt'l hybrids		$145,979	$126,073	$238,874	$145,979
Use from reserves IF necessary				$890,976	$1,655,484
Amended Net Surplus/(Deficit)	$0	$145,979	$126,073	$0	$0
Build Reserves and Stability					
Additional Reserves to be Established/(Used) each Year**	$3,014,129	$2,259,986	$193,144	($890,976)	($1,655,484)
Cumulative Additional Reserves	$3,014,129	$5,274,115	$5,467,258	$4,576,283	$2,920,799

** Excludes Sale of Boat Harbor

CORPORATE:

2. C. (2) **Adoption of Goal for Participation by Disadvantaged Business Enterprises, NFTA and NFT Metro**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends the Board adopt the goal of 17% for participation by Disadvantaged Business Enterprises (DBEs) on NFTA and NFT Metro projects funded in whole or in part through grants received from the Federal Transit Administration for the period commencing October 1, 2012, through September 30, 2015.

INFORMATION: The DBE program is required to be narrowly tailored to reflect the percentage of local firms that are DBEs who are ready, willing and able to perform work on contracts.

Upon analysis of data obtained from the County Business Pattern database, the City of Buffalo and County of Erie Minority Business Involvement programs and the Authority's directory of certified disadvantaged business enterprises, staff has determined that a DBE participation goal of 17% is reasonable and achievable.

FUNDING: No funding is required.

> "**RESOLVED**, that the Board hereby approves the adoption of a 17% goal for participation by Disadvantaged Business Enterprises (DBEs) on NFTA and NFT Metro projects funded in whole or in part through grants received from the Federal Transit Administration for the period commencing October 1, 2012 through September 30, 2015, as described herein."

CORPORATE:

2. C. (3) **Authorization for Procurement, United Uniform Co., Inc., Ballistic Vests, TAPD**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize the purchase of 66 new ballistic vests at a cost of $885.00 per vest from United Uniform Co., Inc., for a total cost of $58,410.00.

INFORMATION: The requested purchase will replace 66 ballistic vests currently being utilized by the NFTA Police Department which are considered life expired after five years. The new vests provide increased safety and are available in a version designed to accommodate female officers. The requested purchase is contained within OGS Contract No. PC64784. The NFTA has been awarded $16,538.84 of Ballistic Vest Partnership funding through the U.S. Department of Justice for this purchase.

FUNDING: Funding is available as follows:

$ 3,751.73 - Ballistic Vest Partnership 2011 Grant
$ 3,751.73 - NFTA Match to the 2011 Grant
$12,787.11 – Ballistic Vest Partnership 2010 Grant
$ 3,787.11 – NFTA Match to the 2010 Grant
$ 9,000.00 - 88C Match to the 2010 Grant
$12,666.16 – Ballistic Vest Partnership 2012 Grant Application
$12,666.16 - NFTA Match to the 2012 Grant Application
$58,410.00

"**RESOLVED,** that the Board hereby authorizes the procurement of 66 ballistic vests from United Uniform Co., Inc., for a total cost of $58,410.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to United Uniform for the procurement of 66 ballistic vests for a total cost of $58,410.00 as described hereinabove; and

BE IT FURTHER RESOLVED, that said Purchase Orders shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Purchase Order upon certification by the Chief, TAPD, that such payments are in order."

CORPORATE:

2. C. (4) **Authorization for Procurement, Finger Lakes Technologies Group, Inc., Data Center Redesign, OCC**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize procurement of equipment and services through Finger Lakes Technologies Group, Inc. to complete the Data Center Redesign Project.

INFORMATION: The Data Center is located at 93 Oak Street. The project involves replacing the 6509 network campus switch that has reached the end of its useful life and the installation of new server racks and a cable management system. The total cost of services and equipment is $80,676.50. The start date for the project will be September 1, 2012, with a planned completion date no later than December 31, 2012. Finger Lakes Technologies Group is an approved NFTA term contractor and in addition will be providing service and equipment under New York State Contract No. PT64525.

FUNDING: Funding is provided for in the FYE 13 capital budget projects; 21089 – OCC Computer Room Redesign and 21091 – Network Campus Switch Replacement.

"**RESOLVED,** that the Board hereby authorizes the procurement of equipment and services from Finger Lakes Technologies Group, Inc. for the Data Center Redesign Project at a cost of $80,676.50, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Finger Lakes Technologies for the procurement of equipment and services as described hereinabove; and

BE IT FURTHER RESOLVED, that said Purchase Orders shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Purchase Order upon certification by the Director, Engineering, that such payments are in order."

CORPORATE:

2. C. (5) Authorization for Procurement, Road Salt, BNIA and Metro

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board approve participation in the NYS OGS Procurement Services Group Road Salt Bid for the procurement of approximately 3,350 tons of bulk road salt for the winter season of 2012/13.

INFORMATION: NYS OGS requires a commitment to participate before the bid for road salt is issued. Staff considers the NYS OGS Group Bid to be most advantageous to the Authority based upon historical price data.

FUNDING: Funding is included in the operating budgets of BNIA and Metro.

> "**RESOLVED,** that the Board hereby authorizes participation in the NYS OGS Procurement Services Group Road Salt Bid for the procurement of approximately 3,350 tons of bulk road salt as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that the Procurement Manager is authorized to issue Purchase Orders for the procurement of approximately 3,350 tons of bulk road salt to the successful bidder on the NYS OGS Procurement Services Group Salt Bid for the 2012/2013 winter season; and
>
> **BE IT FURTHER RESOLVED,** that said Purchase Orders shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and
>
> **BE IT FURTHER RESOLVED,** that the Chief Financial Officer be and she is hereby authorized to make payments under said Purchase Orders, upon certification by the respective facilities managers, or their designees, that such payments are in order."

CORPORATE:

2. C. (6) **Authorization for NYSDOT Aviation Capital Project, Contract K, NFIA**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize acceptance and execution of Contract K with the New York State Department of Transportation PIN 5902.13 in the amount of $653,739.

INFORMATION: Contract K for PIN 5902.13 provides the NYSDOT match of $653,739 to the NFTA as identified in the Airport Improvement Program Capital Project Agreement No. 3-36-0086-39-12 with the Federal Aviation Administration. This project provides for the construction phase of the rehabilitation of Runway 10L-28R at the Niagara Falls International Airport.

FUNDING: Funding associated with the project and the NYS share provided by PIN 5902.13 is as follows:

PIN	Project	Total Cost	Military Share	Total Less Military Share	FAA Share	NYSDOT Share	PFC Share
5902.13	Rehabilitate Runway 10L-28R, Construction Phase, NFIA AIP 3-36-0086-39-12	$19,204,483	$6,129,706	$13,074,777	$11,767,299	$653,739	$653,739

"**RESOLVED,** that the Board authorizes the acceptance of New York State Department of Transportation (NYSDOT) Contract K for the construction phase of the rehabilitation of Runway 10L-28R at the Niagara Falls International Airport in the amount of $653,739; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be authorized to execute New York State Department of Transportation (NYSDOT) Contract K as described above; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

CORPORATE:

2. C. (7) **Authorization for Agreement, Masiello, Martucci, Calabrese and Associates, Advocacy Services, NFTA**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board approve this item to obtain legislative and government relations services to represent the NFTA in an advocacy role before New York State departments, agencies, authorities and boards, the Senate and Assembly and all of its Committees.

INFORMATION: To assist the Authority on key issues important to our core mission, an RFP for a New York State government affairs consultant was issued. Responses were received from seven (7) government relations firms. Presentations were made to a review team consisting of the Chief Financial Officer, Director of Aviation, Director of Surface Transportation, Executive Director, and the Manager of Procurement. The proposals and presentations were ranked on experience and qualifications of the team, project approach, stewardship plan, competing priorities and compensation. Attached is a spreadsheet listing the evaluations of the proposers found to be in the competitive range. Masiello, Martucci, Calabrese and Associates was rated the highest. They are a Buffalo based company with significant experience in Albany and at the local level.

Specific tasks in this advocacy role shall include, but not be limited to, recommendations for an annual legislative strategy identifying key objectives; detailed analysis of any and all budgetary changes, legislation, policy and funding opportunities that impact, or would potentially benefit, the NFTA and its interests; preparation of presentation materials and memorandum; effective and consistent communication with legislators, legislative staff, New York State Officials, at the NFTA's direction and advisement on funding alternatives and opportunities, and related technical assistance, active advisor and strategist on all NFTA State related issues, preparation of presentation materials and memorandum, advise of funding alternatives and opportunities, continuous monitoring of evolving Executive and Legislative proposals for potential impact on the NFTA and developing responding communications and analysis to support NFTA objectives.

The term of the contract will be for three years with two one-year extensions, to be exercised at the discretion of the NFTA. The cost of these services will be $72,000 per year including expenses.

FUNDING: Funding is contained in NFTA Account No. 3900985710163.

> **"RESOLVED,** that the Board hereby authorizes an Agreement with Masiello, Martucci, Calabrese, and Associates, for government and legislative relations advocacy services for three years at a cost of $72,000 per year including expenses with the option of two additional one-year extensions as described above; and
>
> **BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Masiello, Martucci, Calabrese, and Associates, for government and legislative relations advocacy services, as described hereinabove; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Manager, Government Relations, that such payments are in order."

RFP DOCUMENTS REQUIRED (Completed by Procurement)		Ostroff, Hiffa, & Assoc. Albany, NY	Masiello, Martucci, Calabrese Buffalo, NY	Bolton St. Johns Buffalo, NY	Patricia Lynch Albany, NY
Non-Collusive Cert		x	x	x	x
Disclosure of Prior Non-rep Determinations		x	x	x	x
Cover Letter		x	x	x	x
Description of services		x	x	x	x
Mgmt & Staff Qualifications		x	x	x	x
Resumes		x	x	x	x
References/Trans.Clients/Conflicts of Int.		x	x	x	x
Cost Proposal		x	x	x	x
SELECTION CRITERIA (Completed by Team)		(Rate on a scale of 1 - 10, with 10 being the highest) Team Consensus			
Qualifications and experience	40%	8.00	8.00	8.00	8.00
Project approach, stewardship plan, competing priorities	30%	6.00	8.00	8.00	6.00
Compensation	30%	6.25	8.33	7.10	5.00
	RATING	6.88	8.10	7.73	6.50
Cost Proposals					
Fixed fee per year		$96,000	$72,000	$84,000	$120,000
			BAFO	BAFO	

3. AVIATION BUSINESS GROUP REPORT

A. Aviation Committee Report
B. Financial Update
C. Business Update
D. Resolutions

Aviation Resolutions

1. Authorization for Change Order No. 1, Sealand Contractors Corporation, Runway 10L-28R Mill and Overlay, NFIA

AVIATION:

3. D. (1) **Authorization for Change Order No. 1, Sealand Contractors Corporation, Runway 10L-28R Mill and Overlay, NFIA**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board approve Change Order No. 1 to Sealand Contractors Corporation's NFTA Contract No. 12NA1001, NFIA - Runway 10L-28R Mill and Overlay Project as a no cost change order. This will result in no change to the original construction contract value of $16,333,243.00.

INFORMATION: Change Order No. 1 provides for the following unit price bid quantity adjustments to Project No. 12NA1001 to reflect actual installed quantities. The Engineer made all field measurements and quantity calculations.

Item #	Description	Unit Price	Revised Quantity	Original or Previous Quantity	Quantity Change	Amended Amount	Change Amount
012200	Field Change Allowance	$800,000.0	0.466878966250	1	-0.53312103375	$373,503.17	-426,496.83
P-101.5.1	Production Cold Milling of Bituminous Concrete - 3" Nominal depth	$1.65	67,496.33	65,140.00	2,356.33	$111,368.94	3,887.945
P-401-8.1b	Bituminous Base Course	$111.00	19,898.49	19,640.00	258.49	$2,208,732.39	28,692.390
P-401-8.1c	Asphalt Leveling Course	$111.00	3,482.74	1,470.00	2,012.74	$386,584.14	223,414.140
P-605-5.1	Joint / Crack Sealing	$2.25	55,857.25	21,600.00	34,257.25	$125,678.81	77,078.813
D-701-5.1	12" Diameter RCP Pipe	$82.00	361.00	350.00	11.00	$29,602.00	902.000
D-701-5.4	24" Diameter RCP Pipe	$110.00	626.00	610.00	16.00	$68,860.00	1,760.000
D-701-5.6	Cleaning of Existing Pipe	$3.00	1,937.00	1,920.00	17.00	$5,811.00	51.000
D-705-5.5	8" Diameter PVC Edge Drain	$67.00	35.00	15.00	20.00	$2,345.00	1,340.000
D-705-5.6	12" Diameter PVC Edge Drain	$84.00	11.00	10.00	1.00	$924.00	84.000
D-751-5.1	48" Diameter Storm Manhole	$1,150.00	56.36	55.00	1.36	$64,814.00	1,564.000

L-110-5.2	1-2" PVC Conduit, Concrete Encased	$30.70	17,042.20	16,000.00	1,042.20	$523,195.54	31,995.540
L-110-5.4	2-4" PVC Conduit, Concrete Encased	$41.00	2,511.00	2,450.00	61.00	$102,951.00	2,501.000
L-115-5.1	Electrical Handhole	$16,500.00	7.00	4.00	3.00	$115,500.00	49,500.000
L-115-5.2	Install Electrical Junction Can	$390.00	42.00	40.00	2.00	$16,380.00	780.000
L-125-5.11	L-861T Elevated Taxiway Edge Light on 24" Base can	$450.00	13.00	12.00	1.00	$5,850.00	450.000
L-125-5.16	Raise Existing Elevated Edge Lights	$312.00	31.00	23.00	8.00	$9,672.00	2,496.000
						TOTAL :	0.000

FUNDING: The total amount of Change Order No. 1 will be a $0.00 increase/decrease. The original Contract Value of $16,333,243.00 will remain the same.

Whereupon, it was moved by Commissioner Sloma, seconded by Commissioner Eagan, that the following Resolutions be adopted:

> "**RESOLVED,** that the Board hereby authorizes Change Order No. 1 as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute Change Order No. 1 as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that said Change Order No. 1 shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and
>
> **BE IT FURTHER RESOLVED,** that the Chief Financial Officer, be and she is hereby authorized to make payments under said Change Order No. 1 upon certification by the Director, Engineering, that such payments are in order."

AYES: **ZEMSKY, SLOMA, LEWIN, DEMAKOS, CROCE, DURAND, EAGAN, GURNEY, PERRY**

NOES: **NONE**

ADOPTED

AVIATION 3. D. (1)

4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
   - A. Surface Transportation Committee Report
   - B. Financial Update
   - C. Business Update
   - D. Resolutions

Surface Transportation Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (4)

1. Authorization for Agreement, IBI Group, Information Technology Services, Metro
2. Authorization for College/University Pass Agreement, Bryant & Stratton College
3. Authorization for College/University Pass Agreement, Erie Community College
4. Authorization for Agreement, City of Buffalo, Construction of the Return of Traffic to Main Street Project

SURFACE:

4. D. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (4)

The Executive Director advised that Items 4. D. (1) through 4. D. (4) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Sloma, seconded by Commissioner Eagan, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) through 4. D. (4) and dated August 27, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: **ZEMSKY, SLOMA, LEWIN*, DEMAKOS, DURAND, GURNEY, PERRY**

ABSTENTION: **LEWIN** [*Item 4. C. 2 and Item 4. C. 3 only]

NOES: **NONE**

ADOPTED

SURFACE:

4. D. (1) Authorization for Agreement, IBI Group, Information Technology Services, Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board award an information technology services contract to term consultant IBI Group for the total negotiated lump sum amount of $99,200.00.

INFORMATION: As part of Metro's transit enhancement program, Metro has initiated the procurement and configuration of six real time information signs. The signs will provide up to the minute information to transit customers with regards to bus arrival times and other transit system information. They will be fully integrated with Metro's computer aided dispatch automatic vehicle locator system.

IBI Group possesses extensive experience in information technology and intelligent transportation systems. The consultant will work closely with staff to assess Metro's current technology and display requirements. They will then select and procure the equipment, as well as configure and test each sign.

Staff has reviewed the cost proposal from IBI Group. All parties were in agreement with the scope of work and the final negotiated lump sum cost shown below:

	Initial Proposal	Negotiated Cost
Engineer's Estimate	$96,000.00	$96,000.00
IBI Group	$104,714.00	$99,200.00

The NFTA Affirmative Action/EEO office has been briefed on the project and concurs with the recommendation for Board approval.

FUNDING: Funding for this project is from two separate grants as follows:

Project No. 21MG1214, Account No. 12-0000000 3209-2-3370.

FTA - NY-90-X612	80%	$39,680.00
NYS PIN 5822.90	10%	$ 4,960.00
NFTA	10%	$ 4,960.00
	Total	$49,600.00

Project No. 21MG1215, Account No. 12-0000000 3209-2-3384.

FTA - NY-90-X643	80%	$39,680.00
NYS PIN 5823.12	10%	$ 4,960.00
NFTA	10%	$ 4,960.00
	Total	$49,600.00

"RESOLVED, that the Board hereby authorizes an Agreement with IBI Group for information technology services as described above for a total cost of $99,200.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with IBI Group, for the total amount of $99,200.00; and

BE IT FURTHER RESOLVED, that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order."

SURFACE:

4. D. (2) Authorization for College/University Pass Agreement, Bryant & Stratton College

RECOMMENDATIONS: The Surface Transportation Committee has reviewed this item and recommends entering into a new three-year College University Transit Pass Agreement with Bryant & Stratton College located on Main Street in Buffalo.

INFORMATION: The Board has previously approved College/University Transit Pass Agreements with Bryant & Stratton College that entitled all registered undergraduate students at the City campus unlimited access to regular Metro fixed route service, and also included a limited number of additional passes to be used at the Southtowns and Amherst campus locations.

Staff has negotiated a new three-year College/University Transit Pass Agreement with the College to again include unlimited access to Metro's fixed route service for all registered undergraduate students at the City campus with a limited number of additional passes to be used at the Southtowns and Amherst campus locations. The discounted fee structure that has been negotiated is as follows: Year 1 - $34, Year 2 - $41 and Year 3 - $48. The revenue generated by this agreement in Year 1 is estimated to be $80,000. All other terms and conditions of the new Agreement remain the same.

Staff recommends that so long as there is not a material change in the terms of the Agreement with Bryant & Stratton College, that the Board provide the Executive Director the authority to renew the agreement for additional term(s) without Board approval.

FUNDING: No funding is required.

"**RESOLVED,** that the Board herby authorizes an Agreement with Bryant & Stratton College for a three-year College/University Transit Pass Program that allows students access to fixed route service for a three-year period as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and herby are authorized to execute the Agreement with Bryant & Stratton College for a three-year period, with terms and conditions as set forth above and negotiated; and

BE IT FURTHER RESOLVED, that said Agreement shall include such terms, conditions and such additional provisions and safeguards to the Authority as deemed appropriate by the General Counsel."

SURFACE:

4. D. (3) **Authorization for College/University Pass Agreement, Erie Community College**

RECOMMENDATIONS: The Surface Transportation Committee has reviewed this item and recommends that the Board authorize a new three-year College University Pass Agreement with Erie Community College.

INFORMATION: The Board has previously approved a one-year College/University Transit Pass Agreement with Erie Community College that entitled all registered undergraduate students unlimited access to regular Metro fixed route service and also included the operation of one intra-campus circulator.

Staff has negotiated a new three-year College/University Transit Pass Agreement with the college to include unlimited access to fixed route service and one campus intra-campus circulator to and from each of three college campuses. The discounted fee structure for access to Metro's fixed route service has been negotiated as follows: Year 1 - $35, Year 2 - $44 and Year 3 - $44, which over a three year period equates to an average rate of $41 per student pass per semester.

Metro's Route 211 circulator service will be maintained and the cost of this service will be included in the students' transit fees per semester. This cost has been negotiated at $8.30 per student in year one (see chart below).

Service	Year '12-13	Year '13-14	Year '14-15
Fixed Route Access	$35.00	$ 44.00	$44.00
211 Circulator	$8.30	TBD	TBD
Total Per Semester	**$ 43.30**	**TBD**	**TBD**

The circulator service would be negotiated on an annual basis to allow for service adjustments and related cost differentials. The revenue generated by this combined Agreement is estimated to be $1,075,000 in the first year.

Staff recommends that so long as there is not a material change in the terms of the Agreement with Erie Community College, that the Board provide the Executive Director the authority to renew the agreement for additional term(s) without Board approval.

FUNDING: No funding is required.

"**RESOLVED**, that the Board herby authorizes an Agreement with Erie Community College for a three-year College/University Transit Pass Program that allows students unlimited access to fixed route service for the school calendar years of 2012 -2015 as described hereinabove; and

BE IT FURTHER RESOLVED, that as part of the abovementioned Agreement the Board herby authorizes operation of one intra-campus circulator with costs and service to be negotiated on an annual basis for the school calendar years of 2012-2015 as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and herby are authorized to execute the Agreement with Erie Community College for the school calendar years of 2012-2015 with terms and conditions as set forth above and negotiated; and

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Director to execute future College/University Transit Pass Agreements with Erie Community College if there is no material change to the terms authorized by the Board in this resolution; and

BE IT FURTHER RESOLVED, that said Agreement and any renewal Agreements shall include such terms, conditions and such additional provisions and safeguards to the Authority as deemed appropriate by the General Counsel."

SURFACE:

4. D. (4) Authorization for Agreement, City of Buffalo, Construction of the Return of Traffic to Main Street Project

RECOMMENDATION: The Surface Committee has reviewed this item and recommends that the Board authorize an agreement between Metro and the City of Buffalo to allow construction of the Return of Traffic to the 600 Block of Main Street Project on Metro's transit easement.

INFORMATION: The City is scheduled to commence construction of the Return Traffic to the 600 Block of Main Street Project in September. Construction is not scheduled to occur on Metro's transit easement until the Spring of 2013, with completion by the end of 2013.

Construction will also include improvements to the existing infrastructure including but not limited to drainage, electrical and communication cabinetry and traffic control devices. Improvements to the existing trackbed to be used for vehicular traffic include selective restoration and repair but do not include replacement of the trackbed, track or any associated infrastructure.

The Agreement provides that all of the City's contractors working on Metro's trackbed will have insurance naming Metro and the NFTA as additional insureds at coverage levels specified by the NFTA's Risk Management Department. The City has, in addition, agreed to indemnify Metro for any negligence on the part of the City. The Agreement further provides for coordination of the work to ensure the continuity of Metro's rail service.

The parties are currently negotiating another agreement to specify what the roles and responsibilities are for operations and maintenance of the LRRT improvements at the conclusion of construction.

FUNDING: No funding is required.

> **"RESOLVED,** that the Board hereby authorizes an Agreement with the City of Buffalo for to allow construction of the Return to Traffic to Main Street project as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with the City of Buffalo as described hereinabove; and
>
> **BE IT FURTHER RESOLVED,** that said Agreement shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

5. PROPERTY/RISK MANAGEMENT GROUP REPORT

A. Property/Risk Management Committee Report
B. Financial Update
C. Business Update
D. Resolutions

Property/Risk Management Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (8)

1. Authorization for Agreement, ABM Janitorial Services – Northeast, Inc., Janitorial Services, 485 Cayuga Road
2. Authorization for License Agreement, Foit-Albert Associates, Architecture, Engineering and Surveying, P.C., Boat Harbor
3. Authorization for Lease Agreement, West Runway Food Services, Inc., 74 Smallwood Terrace
4. Authorization for Lease Agreement, Lamar Transit Advertising, 247 Cayuga Road
5. Authorization for Lease Agreement, Olson Bros. Marine, Inc., Port Terminal A
6. Authorization for Lease Agreement, Gray Manufacturing Industries, LLC, Port Terminal A
7. Authorization for Lease Agreement, Bill's Boatworks, Inc., Port Terminal B
8. Authorization for Lease Agreement, Cabrera Services, Inc., 247 Cayuga Road
9. Authorization for Lease Amendment Agreement, Buffalo River Marine Terminal, Inc., Boat Harbor

PROPERTY:

5. D. (i) **Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (8)**

The Executive Director advised that Items 5. D. (1) through 5. D. (8) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Eagan, seconded by Commissioner Demakos, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 5. D. (1) through 5. D. (8) and dated August 27, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: **ZEMSKY, SLOMA*, LEWIN, DEMAKOS, DURAND, EAGAN, GURNEY, PERRY**

NOES: **SLOMA** [*Item 5. D. 3. only]

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Agreement, ABM Janitorial Services – Northeast, Inc., Janitorial Services, 485 Cayuga Road**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board approve a contract with ABM Cleaning Services – Northeast, Inc., Tonawanda, New York, for janitorial services at the NFTA's multitenant facility at 485 Cayuga Road.

INFORMATION: The NFTA requires janitorial services at its multitenant facility at 485 Cayuga Road to clean the common areas. Request for Proposal No. 4210 was advertised for janitorial services and seven responsive proposals were received. Proposals were evaluated by a Selection Team that consisted of representatives from Property Management, Facilities Maintenance and Procurement. Evaluation criteria included cost, technical criteria and qualifications and experience. The Team evaluated and ranked ABM Janitorial Services as most advantageous to the NFTA, as set forth in the attached evaluation form.

The term of the Agreement will be for three years with the NFTA having the option to renew for two one-year extensions. The cost for the three-year term totals $45,360.00. ABM Janitorial Services has agreed to hold their price for the two one-year extensions, for an annual cost of $15,210.00.

FUNDING: Funding is provided in account number 0808185205000.

"**RESOLVED**, that the Board hereby authorizes an Agreement with ABM Janitorial Services – Northeast, Inc., for janitorial services at the NFTA's 485 Cayuga Road facility as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be and hereby are authorized to execute an Agreement with ABM Janitorial Services – Northeast, Inc., for the term of three years with an annual cost of $15,120.00; and

BE IT FURTHER RESOLVED, that the said Agreement shall include two one-year renewal options, at the sole discretion of the Niagara Frontier Transportation Authority and based upon renewal terms and conditions as set forth hereinabove and as negotiated; and

BE IT FURTHER RESOLVED, that said Agreement and any renewal Agreements shall include such additional terms, conditions and safeguards to the Authority deemed appropriate by the General Counsel; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and she is hereby authorized to make payments under said Agreement upon certification by the Manager, Real Property, that such payments are in order."

RFP 4210 EVALUATION
JANITORIAL SERVICES - 485 CAYUGA ROAD

RFP DOCUMENTS REQUIRED (Completed by Procurement)	ABM Tonawanda NY	NYSID Allentown Ind. Buffalo, NY	Janitronics Cheektwoga NY	P.S. Elliott Services Kenmore NY	Top of the Line Cleaning Inc. Buffalo NY	Huntleigh USA Cleveland OH	RJS Janitorial & Supply Buffalo NY
Cover Letter	X	X	X	X	X	X	X
Description of products/services	X	X	X	X	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X	X	X	X	X
References	X	X	X	X		X	X
Itemized Cost Proposal	X	X	X	X	X	X	X
Non-Collusive Proposal Certification	X	X	X		X	X	X
Disclosure of Prior Non-Rep Determinations	X	X	X		X	X	X
Bidder's/Proposer's Affirmation & Certification	X				X		
Contractor Certification Form (ST 220) if over 100k	X		X	X	X	X	
SELECTION CRITERIA (Completed by Team)	Rate on a score of 1 -10, with 10 being the highest.						
Revenue Generating & other Services Category:							
Cost 50%	10.00	5.92	5.66	4.89	4.64	6.34	2.90
Technical Criteria 30% - Project Approach and Methods	9.00	9.00	9.00	6.00	9.00	6.00	6.00
Qualifications & Experience 20% - Demonstrated ability in the industry, references, past performance	10.00	9.00	8.00	8.00	4.00	2.00	5.00
TOTAL	9.70	7.46	7.13	5.85	5.82	5.37	4.25
Cost Proposals							
Annual cost for initial three year term:							
Year 1	$15,120.00	$24,286.56	$26,388.00	$30,900.00	$30,507.80	$23,848.33	$48,583.40
Year 2	$15,120.00	$24,893.72	$26,388.00	$30,900.00	$31,728.11	$23,848.33	$50,283.82
Year 3	$15,120.00	$25,516.06	$26,388.00	$30,900.00	$32,679.96	$23,848.33	$52,043.75
Total	$45,360.00	$74,696.34	$79,164.00	$92,700.00	$94,915.87	$71,544.99	$150,910.97
Annual Cost for option to renew for two additional years:							
Optional Year 1 - 4th Year	$15,120.00	$26,153.96	$27,179.64	$30,900.00	$33,496.95	$23,848.33	$53,865.28
Optional Year 2 - 5th Year	$15,120.00	$26,807.81	$27,179.64	$30,900.00	$34,555.46	$23,848.33	$55,750.57
Total	$30,240.00	$52,961.77	$54,359.28	$61,800.00	$68,052.41	$47,696.66	$109,615.85
Grand Total	$75,600.00	$127,658.11	$133,523.28	$154,500.00	$162,968.28	$119,241.65	$260,526.82
			The 4th year would be a "not-to-exceed" 3% increase. The 5th year of the agreement would be at the same rate agreed to for the 4th year.				Each year the cost increases by 3.5%

PROPERTY:

5. D. (2) **Authorization for License Agreement, Foit-Albert Associates, Architecture, Engineering and Surveying, P.C., Boat Harbor**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a License Agreement with Foit-Albert Associates, Architecture, Engineering and Surveying, P.C. for use of an area near the Gallager Beach side of the Boat Harbor to conduct testing for a grain elevator illumination project.

INFORMATION: Erie Canal Harbor Development Corporation has retained Foit-Albert Associates to prepare a master plan for a grain elevator/bridge illumination project. One of the grain elevators Foit-Albert is exploring to be part of this project is the grain elevator on the former Cargill site just south of the Boat Harbor. Foit-Albert Associates has requested permission to conduct a test of the potential for illuminating this elevator one week day in mid-September. A tent will be erected and approximately 10-12 people will be involved with the testing.

Foit-Albert Associates will be required to provide all appropriate insurance coverages. No additional operating costs will be incurred by the NFTA.

FUNDING: No funding is necessary.

> **"RESOLVED**, that the Board hereby authorizes a License Agreement with Foit-Albert Associates, Architecture, Engineering and Surveying, P.C., for use of an area at the Boat Harbor as described hereinabove; and
>
> **BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a License Agreement with Foit-Albert Associates, Architecture, Engineering and Surveying, P.C., as set forth above and as negotiated; and
>
> **BE IT FURTHER RESOLVED,** that said License Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (3) **Authorization for Lease Agreement, West Runway Food Services, Inc., 74 Smallwood Terrace**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with West Runway Food Services, Inc. (Richard Ebeling, President) for use of a vacant lot at 74 Smallwood Terrace in Cheektowaga.

INFORMATION: West Runway owns Danny's Restaurant on Genesee Street in Cheektowaga. 74 Smallwood Terrace is adjacent to Danny's and is in the BNIA runway clear zone. West Runway has been leasing this vacant lot from the NFTA since 1986 for use as a parking lot. This new lease will be for five years commencing September 1, 2012 and expiring August 31, 2017. The rent will start at $6,000 per year, or $500 per month, and will increase annually by 3%. West Runway is responsible for all necessary maintenance. The lease of this parcel to West Runway Food Services for another five years has been approved by the Aviation Division.

FUNDING: No funding is necessary.

"**RESOLVED**, that the Board hereby authorizes a Lease Agreement with West Runway Food Services, Inc. for a vacant lot located at 74 Smallwood Terrace, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with West Runway Food Services, Inc. for five years beginning September 1, 2012 and ending August 31, 2017, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (4) Authorization for Lease Agreement, Lamar Transit Advertising, 247 Cayuga Road

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Lamar Transit Advertising (Clifford Wohl, VP/GM Eastern/Central Region) for the use of production and office space at 247 Cayuga Road.

INFORMATION: Lamar has been awarded the contract for transit advertising with Metro and will be leasing space at 247 Cayuga Road to use as production space for the advertising materials and associated offices. This lease will be for five years beginning September 1, 2012 and ending on August 31, 2017. The leased space consists of 402 square feet of offices at $11 per square foot and 1,655 square feet of production space at $7 per square foot. The rental rates are fully gross. The total annual rent will be $16,007 and will increase annually by 3%. This space is classified as C++.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes a Lease Agreement with Lamar Transit Advertising, for use of space at 247 Cayuga Road, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Lamar Transit Advertising, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (5) Authorization for Lease Agreement, Olson Bros. Marine, Inc., Port Terminal A

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Olson Bros. Marine, Inc. (Lisa Olson, President) for the lease of warehouse space at Port Terminal A.

INFORMATION: Olson Bros. Marine has a boat maintenance facility adjacent to the Boat Harbor at the former Freezer Queen site. They have requested the use of 15,000 square feet in Terminal A for the upcoming winter to store boats in cold storage, with the ability to rent more space if necessary. The lease would be for eight months commencing September 30, 2012 and ending May 30, 2013. The prepaid rent would be at a rate of $1.00 per square foot per year or $10,000 for the eight month period. If Olson Bros. requires more square feet, the rental rate will be $1 per square foot, per year payable in advance of occupancy.

FUNDING: No funding is necessary.

"**RESOLVED**, that the Board hereby authorizes a Lease Agreement with Olson Bros. Marine, Inc., for use of space at Port Terminal A as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Olson Bros. Marine, Inc., with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (6) Authorization for Lease Agreement, Gray Manufacturing Industries, LLC, Port Terminal A

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Gray Manufacturing Industries, LLC (GMI), (Dave Gray, President) for the lease of warehouse space at Port Terminal A.

INFORMATION: GMI is a subcontractor working on Metro's railcar rebuild project. They have requested the use of 50,000 square feet in Terminal A for the upcoming winter to store railcars for a different project in cold storage. The lease would be for six months, commencing September 1, 2012 and ending February 28, 2013, with the Tenant having the right to renew on a month-to-month basis beginning March 1, 2013. The rent would be at a rate of $2.75 per square foot per year or $11,458.33 per month.

FUNDING: No funding is necessary.

"**RESOLVED**, that the Board hereby authorizes a Lease Agreement with Gray Manufacturing Industries, LLC, for use of space at Port Terminal A as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Gray Manufacturing Industries, LLC, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (7) **Authorization for Lease Agreement, Bill's Boatworks, Inc., Port Terminal B**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Bill's Boatworks, Inc. (Bill Henneberry, President) for the lease of warehouse space at Port Terminal B.

INFORMATION: Bill's Boatworks leased 59,323 square feet in Terminal B last winter to store boats in cold storage. This year they have requested the use of 60,000 square feet in Terminal B with the ability to rent more space if necessary. The lease would be for 8.5 months commencing September 15, 2012 and ending May 30, 2013. The rent would be at a rate of $1.15 per square foot or $48,875 for the lease period. If more space is required, the rental rate for the additional space will be $1.15 per square foot. Tenant will pay for electric usage with a prepaid deposit of $2,708.35.

FUNDING: No funding is necessary.

"**RESOLVED**, that the Board hereby authorizes a Lease Agreement with Bill's Boatworks, Inc., for use of space at Port Terminal B as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Bill's Boatworks, Inc., with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (8) Authorization for Lease Agreement, Cabrera Services, Inc., 247 Cayuga Road

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Cabrera Services, Inc. for office space at 247 Cayuga Road.

INFORMATION: Cabrera Services is an environmental consulting firm based in Connecticut that is looking for office space in the Buffalo area. This lease is for 944 square feet of office space at a rental rate of $11 per square foot fully gross with an annual increase of 3%. This space is classified as B-. The lease term is three years commencing September 24, 2012 and ending September 23, 2015. The tenant will have the right to renew for one additional three-year period.

As per NFTA policy, a 5% real estate commission will be paid to Hunt Commercial Real Estate for this lease, with a 2.5% commission for any renewals.

FUNDING: No funding is necessary.

"**RESOLVED**, that the Board hereby authorizes a Lease Agreement with Cabrera Services, Inc. for space at 247 Cayuga Road, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Cabrera Services, Inc. for three years beginning September 24, 2012 and ending September 23, 2015, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

PROPERTY:

5. D. (9) **Authorization for Lease Amendment Agreement, Buffalo River Marine Terminal, Inc., Boat Harbor**

RECOMMENDATION: The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a Lease Amendment Agreement with Buffalo River Marine Terminal, Inc. (S. Tucker Curtin, President) for the trial operation of Dug's Dive Restaurant at the Boat Harbor during the 2012-2013 winter season.

INFORMATION: Buffalo River Marine Terminal, Inc. has experienced great success in operating its Dug's Dive Restaurant at the Boat Harbor. As of July 2012 revenues were $938,592.81. Buffalo River Marine would like to explore the viability of keeping the restaurant open during the 2012-2013 winter season.

Operation of the restaurant would be at no cost to the NFTA. Buffalo River Marine would be responsible for all snow plowing other than that already performed by NFTA Boat Harbor staff Monday through Friday, 7:00 a.m. to 3:00 p.m. Buffalo River Marine would be responsible for any salting, sanding, or shoveling necessary to ensure the safety of its employees and customers. Buffalo River Marine will maintain the restroom adjacent to the restaurant and will be responsible for any costs incurred by the Boat Harbor as a result of Buffalo River Marine's operation.

Buffalo River Marine has agreed to pay the sum of $3,311.82 in additional base rent during the trial time frame, October 16, 2012 through May 14, 2013. Percentage rent will continue to be paid in accordance with the existing Lease Agreement. Buffalo River Marine will have the ability to terminate the Lease Amendment Agreement without cause, subject to a pro rata payment of the base rent.

FUNDING: No funding is necessary.

Whereupon, it was moved by Commissioner Perry, seconded by Commissioner Lewin, that the following Resolutions be adopted:

> "**RESOLVED**, that the Board hereby authorizes a Lease Amendment Agreement with Buffalo River Marine Terminal, Inc., for the winter operation of Dug's Dive Restaurant, as described hereinabove; and
>
> **BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Amendment Agreement with Buffalo River Marine Terminal, Inc., with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Lease Amendment Agreement shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel."

AYES: **ZEMSKY, LEWIN, DEMAKOS, DURAND, GURNEY, PERRY**

NOES: **EAGAN, SLOMA**

6. General Counsel Report – Written

7. Executive Session -

8. Adjournment

At approximately 1:15 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Sloma, seconded by Commissioner Lewin, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

AYES: **ZEMSKY, SLOMA, LEWIN, DEMAKOS, DURAND, GURNEY**

NOES: **NONE**