Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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October 22, 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 September 28, 2012.

Very truly yours,

David J. State
General Counsel

DJS:lf

Enclosure

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
SPECIAL BOARD MEETING
SEPTEMBER 28, 2012 8:00 AM
AGENDA

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1. CALL TO ORDER

A. Meeting Called to Order

Commissioner Zemsky called the meeting to order at approximately 8:02 a.m.

B. Approval of Minutes of the NFTA Regular Board Meeting held on August 27, 2012

It was moved by Commissioner Lewin, seconded by Commissioner Perry, that the Minutes of the August 27, 2012 Regular Board Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

C. Regular Board Meeting – September 24, 2012 - Report

Commissioner Lewin called the meeting to order at approximately 12:40 p.m. Commissioner Lewin asked the Board for a Motion allowing her to serve as the Chairman Pro Tem for the meeting of September 24, 2012 in the absence of Chairman Zemsky, Vice-Chairman Sloma and Secretary Demakos. It was moved by Commissioner Perry, seconded by Commissioner Hughes and unanimously approved that Commissioner Lewin serve as the Chairman Pro Tem for the September 24, 2012 Board Meeting.

The General Counsel then determined that, based upon the attendance of voting board members, a quorum could not be reached. Therefore, it was recommended that the September 24, 2012 Regular Board Meeting be rescheduled. Whereupon it was moved by Commissioner Croce, seconded by Commissioner Wilcox, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned. It was later determined by Chairman Zemsky and the Executive Director that a Special Board Meeting would be held on Friday, September 28, 2012 at 8:00 a.m.

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

NOES: **NONE**

D. Executive Director's Report:

Executive Director Kimberley Minkel advised the Board that the Buffalo Niagara International Airport's Aircraft-Rescue-Fire Department was selected to receive a Buffalo Fire Commissioner's Citation Award. The first Citizen's Advisory Meeting was held on September 28th and was very well received by the public. She also advised the Board that mandatory ABO ethics training would be available online for new Commissioners and anyone who may be interested in taking the webinar session. They will be notified of the date.

2. NFTA CORPORATE REPORT

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

Corporate Resolutions

1. Authorization for Maintenance Agreement, Ventyx USA, Inc., Software Support Services

CORPORATE:

2. C. (1) Authorization for Maintenance Agreement, Ventyx USA, Inc., Software Support Services

RECOMMENDATION: Staff recommends that the Board authorize renewal of the Ventyx USA, Inc. Ellipse Enterprise Management Software Annual Maintenance Agreement, in the amount of $104,192.28. Ventyx USA, Inc. was formerly known as Mincom, Inc.

INFORMATION: The NFTA currently uses the Ellipse Management Software as its Enterprise Management application to support our business activities. The maintenance is covered under Maintenance and Support Agreement MCA040601 – MS01. This agreement covers support for the following modules:

- Maintenance/Work Orders
- Purchasing
- Inventory
- General Ledger
- Accounts Receivable
- Accounts Payable
- Capital Appropriation
- Fixed Assets

FUNDING: Funding is provided for in the FYE 13 operating budget.

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

"**RESOLVED,** that the Board hereby authorizes the renewal of the Maintenance Agreement with Ventyx USA, Inc., in the amount of $104,192.28; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute the Maintenance Agreement with Ventyx USA, Inc., for the total amount of $104,192.28; 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, MIS, that such payments are in order."

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

NOES: **NONE**

ADOPTED

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

1. Authorization for Supplemental Agreement No. 7, C&S Engineers, Inc., Residential Noise Compatibility Program, BNIA
2. Authorization for Agreement, S&L Specialty Contracting, Inc., Residential Noise Compatibility Program, BNIA
3. Authorization for Agreement, Strong Tower Construction, LLC, Residential Noise Compatibility Program, BNIA
4. Authorization for Agreement, DiDonato Associates, P.E., P.C., New Terminal Apron Phase II, NFIA
5. Authorization for Agreements, C&S Engineers, Inc., Metro Contracting & Environmental, Inc., Long Term Lot B Expansion – Building Demolition, BNIA
6. Authorization for Agreements, Rental Car Concessions, BNIA
7. Authorization to Amend Parking Rates, BNIA
8. Authorization for Lease Agreement, United States of America, Weather Service, BNIA

AVIATION:

3. D. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (8)

The Executive Director advised that Items 3. D. (1) through 3. 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 Wilcox, seconded by Commissioner Durand, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) through 3. D. (8) and dated September 28, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

AVIATION:

3. D. (1) Authorization for Supplemental Agreement No. 7, C&S Engineers, Inc., Residential Noise Compatibility Program, BNIA

RECOMMENDATION: Staff recommends that the Board award, contingent upon the execution of an FAA grant, Supplemental Agreement No. 7 to C&S Engineers, Inc. for design and construction monitoring services associated with home noise attenuation under the Part 150 Noise Compatibility Program (NCP). Supplement 7 consists of a Phase 11a for design at a lump sum amount of $1,496,026 and a Phase 11b for construction monitoring at a cost plus fixed fee not-to-exceed amount of $686,398. The total cost for Supplemental Agreement No. 7 is $2,182,424.

INFORMATION: The NCP was established based upon the recommendations documented in the Part 150 Noise Compatibility Study as approved by the FAA on April 7, 2006. The NCP includes home noise attenuation construction and associated design, administration and construction monitoring services.

New individual grants are established every Federal Fiscal Year, (FFY), for each year of the 10-year program. Each year of the NCP is contingent upon the availability of FAA Airport Improvement Program and PFC funding.

In August 2006, the Board approved contract 31BG0210 through an RFP process to C&S Engineers as the Noise Mitigation Program Managers to provide for design, administration, and construction monitoring. Board approval for Phases 1 and 2 was granted in August 2006; for Phases 3 through 5 in May and July 2007 and modified in May 2008; Phase 6 in July 2008, and for Phase 7 and Phase 8a in March 2009; Phase 8b, 9a and 9b in March 2010; and Phase 10a and 10b in July 2011. The total contract cost to date, including this supplement, is $12,719,987.

Phase 11a of Supplement No 7 provides for noise attenuation design and administrative services for 200 parcels. Phase 11b provides for construction monitoring services for noise attenuation construction of 149 parcels.

Results of the negotiations are as follows:

Supplement Phase	Engineers Estimate	Negotiated Amount
Phase 11a	$1,537,853.00	$ 1,496,026.00
Phase 11b	$699,800.00	$ 686,398
Totals	$2,237,653.00	$ 2,182,424

FUNDING: Funding for the Consultant Services will be provided through a future FAA grant distributed as follows:

FAA	80%	$1,745,939.20
NYSDOT	10%	$ 218,242.40
PFC	10%	$ 218,242.40
	TOTAL	$2,182,424.00

"**RESOLVED,** that the Board hereby authorizes Supplemental Agreement No. 7 with C&S Engineers, Inc., for the design and construction monitoring services associated with the Residential Noise Compatibility Program at the Buffalo Niagara International Airport as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute Supplemental Agreement No. 7 with C&S Engineers, as stated hereinabove and as negotiated; and

BE IT FURTHER RESOLVED, that said Supplemental Agreement No. 7 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 upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (2) Authorization for Agreement, S&L Specialty Contracting, Inc., Residential Noise Compatibility Program, BNIA

RECOMMENDATION: Staff recommends that the Board award, contingent upon the execution of an FAA grant, the subject construction contract to S & L Specialty Contracting, Inc. for the total bid amount of $2,358,000.00.

INFORMATION: The FAA approved Part 150 Noise Compatibility Study establishes recommendation for mitigating aircraft noise in the vicinity of the airport. This project provides for alterations and modifications to 75 existing privately owned and occupied residences of various types and sizes. The overall objective of the Residential Sound Installation Program is to achieve quantitative noise reductions in selected homes most affected by aircraft operations. The work includes, but is not limited to; replacement of existing windows and doors, door weather-stripping, mechanical and electrical modifications, and related items for achieving interior protection against aircraft noise intrusion.

The project was publically advertised in accordance with FAA/NFTA procurement guidelines. Six sets of contract documents were distributed to potential bidders with five contractors submitting bids as follows:

Contractor	Amount Bid
S & L Specialty Contracting, Inc. Syracuse, NY Jim Leana, President	$2,358,000.00
Strong Tower Construction, Inc. dba Koch Corporation Louisville, KY Benjamin Feinn, CEO	$2,656,366. 00
A-1 Construction & Painting, Inc. Tonawanda, NY Elias Kotzambasis, President	$2,788,875.00
New Buffalo Impact Tonawanda, NY Brian Paterson, Vice President	$3,420,470.13
Nichter Construction, Inc. Lancaster, NY Christopher Nichter, President	$3,859,919.00

It has been determined that the low bidder, S & L Specialty Contracting, Inc., has the knowledge, understanding, and ability to successfully accomplish the project work.

The NFTA Affirmative Action/EEO office has been briefed on the bid results and concurs with the recommendation for Board approval. The Contractor anticipates 17% DBE participation.

FUNDING: Funding will be provided through a future FAA grant distributed as follows:

FAA	80%	$1,886,400.00
NYSDOT	10%	$ 235,800.00
PFC	10%	$ 235,800.00
	TOTAL	$2,358, 00.00

"**RESOLVED,** that the Board hereby authorizes an Agreement with S&L Specialty Contracting, Inc., for alterations and modifications to 75 existing privately owned and occupied residences near the Buffalo Niagara International Airport as described above; 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 S&L Specialty Contracting, Inc., as stated hereinabove and as negotiated; 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 Change Order upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (3) Authorization for Agreement, Strong Tower Construction, LLC, Residential Noise Compatibility Program, BNIA

RECOMMENDATION: Staff recommends that the Board award, contingent upon the execution of an FAA grant, the subject construction contract to Strong Tower Construction, LLC; dba Koch Corporation, for the total bid amount of $2,444,855.00.

INFORMATION: The FAA approved Part 150 Noise Compatibility Study establishes recommendation for mitigating aircraft noise in the vicinity of the airport. This project provides for alterations and modifications to 74 existing privately owned and occupied residences of various types and sizes. The overall objective of the Residential Sound Installation Program is to achieve quantitative noise reductions in selected homes most affected by aircraft operations. The work includes, but is not limited to; replacement of existing windows and doors, door weather-stripping, mechanical and electrical modifications, and related items for achieving interior protection against aircraft noise intrusion.

The project was publically advertised in accordance with FAA/NFTA procurement guidelines.

Six sets of contract documents were distributed to potential bidders with five contractors submitting bids as follows:

Contractor	Amount Bid
Strong Tower Construction, Inc. dba Koch Corporation Louisville, KY Benjamin Feinn, CEO	$2,444,855.00
S & L Specialty Contracting, Inc. Syracuse, NY Jim Leana, President	$2,478,000.00
A-1 Construction & Painting, Inc. Tonawanda, NY Elias Kotzambasis, President	$2,649,135.00
New Buffalo Impact Tonawanda, NY Brian Paterson, Vice President	$3,395,276.00
Nichter Construction, Inc. Lancaster, NY Christopher Nichter, President	$3,652,591.00

It has been determined that the low bidder, Strong Tower Construction, LLC; dba Koch Corporation, has the knowledge, understanding, and ability to successfully accomplish the project work.

The NFTA Affirmative Action/EEO office has been briefed on the bid results. The Contractor anticipates 17% DBE participation.

FUNDING: Funding will be provided through a future FAA grant distributed as follows:

FAA	80%	$1,955,884.00
NYSDOT	10%	$ 244,485.50
PFC	10%	$ 244,485.50
	TOTAL	$2,444,855.00

"**RESOLVED,** that the Board hereby authorizes an Agreement with Strong Tower Construction, LLC, for alterations and modifications to 74 existing privately owned and occupied residences near the Buffalo Niagara International Airport as described above; 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 Strong Tower Construction, LLC, as stated hereinabove and as negotiated; 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 Change Order upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (4) Authorization for Agreement, DiDonato Associates, P.E., P.C., New Terminal Apron Phase II, NFIA

RECOMMENDATION: Staff recommends that the Board Award the subject design services contract to DiDonato Associates, P.E., P.C. for the lump sum amount of $983,752.00. The award is contingent upon the receipt of an FAA grant.

INFORMATION: The scope of work is to provide the design of the aircraft apron and taxilane areas serving the Niagara Falls International Airport Terminal including:

- Expanded aircraft parking positions serving ground loading Gates Nos. 1 and 2
- Improving aircraft access to the jet bridges serving Gates Nos. 3 and 4
- Reconstructing portions of apron and taxiway H pavements
- Rehabilitating portions of Taxiways C and D.

The design services include geotechnical investigations, topographical survey, identifying the contractor staging areas and access routes, evaluating and optimizing aircraft parking and movements, delineation of pavement rehabilitation limits, FAA pavement design, stormwater design, glycol collection, construction phasing, safety and phasing planning, storm water pollution prevention planning, storm water permitting, taxiway lighting, and aircraft directional signs.

The Consultant Selection Process began by soliciting Requests for Proposals (RFP) pursuant to FAA/NFTA procurement guidelines, from interested consulting teams on May 23, 2012. The RFP included design services, construction monitoring services, and design support services during construction. Technical proposals were received on June 22, 2012 with presentations to the Consultant Selection Committee on July 19, 2012. The proposals were evaluated on scope of work, task description, management approach, organization of project, project personnel, FAA circulars and knowledge of aviation facilities. Staff will negotiate for construction monitoring and design support services at the time of award for the construction contract.

The Consultant Selection Committee consisted of the Manager of Design, Manager of Construction, Manager of NFIA Operations, and Project Manager. The committee, after evaluation of the technical proposals and presentations, ranked the respondents in the following descending order of selection:

DiDonato Associates, P.E., P.C. Buffalo, New York John DiDonato, P.E. Senior Vice President
PB Americas, Inc, Buffalo, New York Mark Tytka Area Manager
Urban Engineers of New York, P.C.

Buffalo, New York Edward M. D'Alba, P.E. President
C&S Companies Buffalo, New York Mark Petranchuk Vice President
Hatch Mott MacDonald Buffalo, New York James R. Walsh, P.E. Senior Vice President
McFarland Johnson Binghamton, New York Richard J. Brauer, P.E. President/CEO
Fisher Associates Buffalo, New York Claire Fisher, P.E. President

The subconsultants for the DiDonato Team include Roy D. McQueen & Associates, Ltd., DK Consultants, LLC, DY Consultants, and Ravi Engineering & Land Surveying, PC.

Results of the negotiations are as follows:

Engineers Estimate	$1,008,996
Initial Cost Proposal	$1,007,719
Negotiated Cost Proposal	$983,752

Roy D. McQueen and Associates, Ravi Engineering & Land Surveyors, and DY Consultants are proposed to provide for 22% DBE participation. The EEO/Diversity office has been briefed on the proposed DBE participation.

FUNDING: Funding for this project will be provided through a future FAA grant distributed as follows:

FAA	90%	$ 885,376.80
NYSDOT	5%	$ 49,187.60
NFTA	5%	$ 49,187.60
	TOTAL	$ 983,752.00

"**RESOLVED,** that the Board hereby authorizes an Agreement with DiDonato Associates, P.E., P.C., for the design services for the aircraft apron and taxi lane areas that serve the Niagara Falls International Airport for a lump sum amount of $983,752.00 as described above; 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 DiDonato Associates, P.E., P.C., as stated hereinabove and as negotiated; 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 Change Order upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (5) Authorization for Agreements, C&S Engineers, Inc., Metro Contracting & Environmental, Inc., Long Term Lot B Expansion – Building Demolition, BNIA

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Metro Contracting & Environmental, Inc., for the total bid amount of $488,871.00, and the subject construction monitoring contract to the term consultant C&S Engineers, Inc., for a cost plus fixed fee not-to-exceed amount of $48,340.49.

INFORMATION: The Long Term Lot 'B' Expansion Project will provide approximately 1,000 additional parking spaces at the existing Holtz Road Lot B at Buffalo Niagara International Airport. The project includes asbestos abatement, demolition, paving, lighting, drainage, fire water, fencing, and security.

The project schedule plans for the asbestos abatement and demolition of three structures to be completed prior to the start of construction for the expanded parking area. During this demolition work, the design for the parking will be proceeding. Separate bid documents will be advertised in late winter in order for the expanded parking lot construction to start in early summer.

Construction: The construction demolition contract provides for the asbestos abatement and demolition of the following three structures located on the site:

- Holtz 195A
- Holtz 195B
- Concrete Bunker

This contract includes construction of a temporary 164 car parking area.

The project was publicly advertised in accordance with NFTA Procurement Guidelines. Sixteen sets (16) of contract documents were distributed to potential prime bidders with fifteen (15) responding as follows:

Company	Total Bid Amount
Metro Contracting & Environmental, Inc. Niagara Falls, NY Harold G. Hibbard, President	$488,871.00
Pinto Construction Services, Inc. Buffalo, NY James J. Panepinto, President	$494,170.00
Zoladz Construction Co., Inc. Alden, NY John M. Zoladz, Owner	$556,994.76

Lakestone Development, Inc. Williamsville, NY Christopher D. Galazzo, President	$569,935.00
Northeast Paving Diversification, Inc Lancaster, NY Lee Cadby, President	$640,800.00
Empire Dismantlement Corp. Grand Island, NY David Mazur, President	$646,646.00
Trason Development Corp. Hamburg, NY Tracy Hirsch, President	$649,582.00
Anastasi Trucking Inc. Lancaster, NY Gary Anastasi, President	$661,041.00
Apollo Dismantling Services, LLC Niagara Falls, NY Samuel M. DeFranks, President	$668,118.00
Mark Cerrone, Inc. Niagara Falls, NY Stephanie Churakos, President	$698,982.00
CTS Contracting, Inc. Cheektowaga, NY Michael Fronckowiak, President	$789,000.00
Scott Lawn Yard, Inc. Sanborn, NY Christine Miller, President	$836,000.00
C&R Housing, Inc Buffalo, NY Jabril Shareef, President	$854,938.00
Oddo Construction Services, LLC E. Amherst, NY Yongmi Oddo, Member	$869,369.00
Sicoli & Massaro, Inc Niagara Falls, NY Dominic P. Massaro, President	$1,027,000.00

It has been determined that the low bidder, Metro Contracting & Environmental, Inc., has the knowledge, understanding, and ability to successfully accomplish the project work.

The NFTA Affirmative Action/EEO office has been briefed on the bid results and concurs with the recommendation. The Contractor anticipates 13% MBE and 10% WBE participation.

Construction Monitoring: Construction monitoring scope of services includes the following items:

- On site construction inspection
- Air Monitoring
- Special Inspections
- Processing of contractor requests for payment
- Preparation and negotiation of change orders

Contract Negotiation Results:

Engineers Estimate	$49,826.00
Negotiated Cost Proposal	$48,340.49

The NFTA Affirmative Action/EEO office has been briefed on the bid results and concurs with the recommendation. The Consultant anticipates 13% WBE participation.

FUNDING: Funding is distributed between the New York State Consolidated Fund (NYSDOT), Empires State Development Fund (ESD), and the Airport Development Fund (ADF) as follows:

Construction		
Account Code 120000000-3188-2-3403		
NYSDOT & ESD	85%	$415,540.35
ADF	15%	$73,330.65
	TOTAL	$488,871.00

Construction Monitoring		
Account Code 120000000-3113-2-3403		
NYSDOT	83%	$40,122.61
ADF	17%	$8,217.88
	TOTAL	$48,340.49

"**RESOLVED,** that the Board hereby authorizes an Agreement with Metro Contracting & Environmental, Inc., for the Long Term Lot B Expansion Building Demolition to take place at the Buffalo Niagara International Airport as described above; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes an Agreement with C&S Engineers, Inc., for the construction monitoring of the Long Term Lot B Expansion Building Demolition to take place at the Buffalo Niagara International Airport as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute Agreements with Metro Contracting & Environmental, Inc. for the building demolition as described above and with C&S Engineers, Inc. for the construction monitoring for the building demolition, as stated hereinabove and as negotiated; and

BE IT FURTHER RESOLVED, that said Agreements 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 Agreements upon certification by the Director, Engineering, that such payments are in order."

AVIATION:

3. D. (6) Authorization for Agreements, Rental Car Concessions, BNIA

RECOMMENDATION: Staff recommends that the Board authorize an Agreement for the operation of six car rental concessions at Buffalo Niagara International Airport (BNIA) for a term of five years effective December 1, 2012.

INFORMATION: There are currently six car rental concessionaires at BNIA consisting of Budget, Alamo, Avis, Hertz, National and Enterprise. The car rental concessionaires occupy counter/office space in the parking garage as well as 425 parking spaces located in the basement level of the parking ramp. In addition, Hertz, Avis and National own and operate a quick turnaround facility (QTA) adjacent to the parking structure that enables them to wash and fuel their vehicles on airport. The term of the existing car rental concession agreement expires on November 30, 2012.

In conformance with NFTA procurement guidelines, the NFTA issued Request for Proposal No. 4212 for the operation of six car rental concessions at BNIA. The NFTA received proposals from the six car rental operator incumbents. The proposals were evaluated based upon the grand totals of the minimum annual guaranteed (MAG) payments over the contract term, technical criteria project, and background/experience of the concessionaire. The evaluation team consisted of staff from BNIA Administration, BNIA/NFIA Marketing, NFTA Procurement, and the NFTA Legal Departments. The team recommends acceptance of each of the six incumbent proposals including Budget, Alamo, Avis, Hertz, Enterprise, and National.

The rental car concessionaires will pay the NFTA a concession fee equal to the greater of the MAG or 10% of annual gross revenues, rental of office/counter space at $40.00 per square foot per annum, rental of parking spaces at $200 per month, land lease for the QTA area totaling $1.25 per square foot per annum, maintenance charges totaling $65,000 annually, and utility reimbursements in the QTA area.

BNIA will receive a minimum total revenue amount of $36,946,553 over the five year term commencing December 1, 2012.

The ACDBE participation goal during the term of this agreement is 10%.

FUNDING: No funding is required.

> "**RESOLVED,** that the Board hereby authorizes Agreements with Budget, Alamo, Avis, Hertz, National and Enterprise for Rental Car Concession at Buffalo Niagara International Airport 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 Agreements with Budget, Alamo, Avis, Hertz, National and Enterprise for Rental Car Concession at Buffalo Niagara International Airport with terms and conditions set forth hereinabove and as negotiated; and

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

AVIATION:

3. D. (7) Authorization to Amend Parking Rates, BNIA

RECOMMENDATION: Staff recommends that the Board authorize an adjustment in parking rates at Buffalo Niagara International Airport (BNIA) effective January 1, 2013.

INFORMATION: BNIA staff recommends a revision to parking rates which reflects a change from the current "sales tax included" fee structure to a proposed "sales tax excluded" fee structure. The proposed rates will allow parking patrons to readily make comparisons to competitor parking lot rates which are currently advertised on a pre-tax basis.

BNIA parking rates were last adjusted on April 1, 2010. The proposed parking rates represent a rounding up or down to the nearest whole dollar of the existing parking rates excluding sales tax. The financial impact of the new rate structure will increase annual revenues by $69,000. All future signage and/or advertising shall specify that the rate is plus tax.

FUNDING: No funding is required.

> "**RESOLVED,** that the parking rates at the Buffalo Niagara International Airport be revised as set forth above; and
>
> **BE IT FURTHER RESOLVED,** that staff be and hereby is authorized to take such action necessary to implement the revised parking rates as set forth hereinabove."

BUFFALO NIAGARA INTERNATIONAL AIRPORT

Current Parking Rates (Effective April 1, 2010)

Short-Term:

	Rate	Tax	Total Fee
ea. Hour	$ 3.68	$ 0.32	$ 4.00
Daily Max	$ 22.07	$ 1.93	$ 24.00
Weekly Max	$ 154.48	$ 13.52	$ 168.00

Preferred:

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 3.68	$ 0.32	$ 4.00
ea. Add Hr	$ 0.92	$ 0.08	$ 1.00
Daily Max	$ 11.95	$ 1.05	$ 13.00
Weekly Max	$ 71.72	$ 6.28	$ 78.00

Long-Term "A" :

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 3.68	$ 0.32	$ 4.00
ea. Add Hr	$ 0.92	$ 0.08	$ 1.00
Daily Max	$ 10.12	$ 0.88	$ 11.00
Weekly Max	$ 50.58	$ 4.42	$ 55.00

Long-Term "B" :

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 3.68	$ 0.32	$ 4.00
ea. Add Hr	$ 0.92	$ 0.08	$ 1.00
Daily Max	$ 9.20	$ 0.80	$ 10.00
Weekly Max	$ 45.98	$ 4.02	$ 50.00

Proposed Parking Rates Changes (Starting January 1, 2013)

Short-Term:

	Rate	Tax	Total Fee
ea. Hour	$ 4.00	$ 0.35	$ 4.35
Daily Max	$ 23.00	$ 2.01	$ 25.01
Weekly Max	$ 161.00	$ 14.09	$ 175.09

Preferred:

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 4.00	$ 0.35	$ 4.35
ea. Add Hr	$ 1.00	$ 0.09	$ 1.09
Daily Max	$ 12.00	$ 1.05	$ 13.05
Weekly Max	$ 72.00	$ 6.30	$ 78.30

Long-Term "A" :

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 4.00	$ 0.35	$ 4.35
ea. Add Hr	$ 1.00	$ 0.09	$ 1.09
Daily Max	$ 10.00	$ 0.88	$ 10.88
Weekly Max	$ 50.00	$ 4.38	$ 54.38

Long-Term "B" :

	Rate	Tax	Total Fee
0 - 2 Hours	Free		
2 - 3 Hours	$ 4.00	$ 0.35	$ 4.35
ea. Add Hr	$ 1.00	$ 0.09	$ 1.09
Daily Max	$ 9.00	$ 0.79	$ 9.79
Weekly Max	$ 45.00	$ 3.94	$ 48.94

AVIATION:

3. D. (8) Authorization for Lease Agreement, United States of America, Weather Service, BNIA

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with the United States of America (Government) providing for the continued leasing of 144 square feet of space in the terminal building at Buffalo Niagara International Airport (BNIA) to be utilized as a local weather office.

INFORMATION: The Government currently leases approximately 144 square feet of space in the BNIA Terminal for its local weather office. The term of the lease is expiring on September 30, 2012. The term of the new lease agreement commences October 1, 2012 and terminates on September 30, 2017. Federal regulations provide that the NFTA is obligated to lease space to the Government at no charge, but may impose a reasonable rent to recoup the Government's share of utilities. The annual rent for the term of the lease is $350.00.

FUNDING: None.

> "**RESOLVED,** that the Board hereby authorizes an Agreement with the United States of America for terminal space at the Buffalo Niagara International Airport as described above; 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 the United States of America as stated hereinabove and as negotiated; 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."

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. (2) through 4. D. (4)

1. Authorization for Agreement, DCB Elevator Co., Inc., Escalator Rebuild, LRRT
2. Authorization for Acceptance of Bids, Brake Chambers, Metro
3. Authorization for Acceptance of Bids, Air Bellows, Metro
4. Authorization for Supplemental Agreement No. 1, Shepard Bros., Procurement of Paratransit Vehicles, Metro

SURFACE:

4. D. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (2) through 4. D. (4)

The Executive Director advised that Items 4. D. (2) 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 Croce, seconded by Commissioner Demakos, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (2) through 4. D. (4) and dated September 28, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

SURFACE:

4. D. (1) Authorization for Agreement, DCB Elevator Co., Inc., Escalator Rebuild, LRRT

RECOMMENDATION: It is the recommendation of staff to award the subject construction contract to DCB Elevator Co., Inc., Contract No. 15LS1228 for the negotiated lump sum amount of $332,790.00.

INFORMATION: Escalator No. 1, located at the University Rail Station, is out of service due to a failed drive unit. DCB Elevator, the current term escalator maintenance contractor, partially dismantled the escalator to remove the failed drive unit and inspect the undercarriage. It was determined that all three drive units are required to be rebuilt along with the skirt boards, steps, and deck plates. Additionally, the rack and turnaround needs to be re-aligned and the track assembly replaced.

Escalator No. 1 was manufactured by Westinghouse and installed in 1983. The useful life of an escalator is typically 20 years. This escalator was part of an escalator modernization project with its completion in 2001. The project had a useful life of 10 years.

As a result of the failure, there is currently only one escalator in operation at University Station that transports passengers from the platform level to the surface. If the remaining escalator is out of service, there would be only one stairway and one elevator available to passengers for movement between levels. This will increase station congestion and inconvenience to riders.

Due to the time required to obtain parts and the downtime to complete a repair, staff recommends that the Board waive the competitive bidding requirements and permit an award for the work to be performed based upon the exigent circumstances presented. The rebuild includes bearings, gear reducers, axles, handrail controls, wiring, and chains. The anticipated construction time from purchase order is 4 months.

The NFTA has solicited quotes from following three NYS certified escalator contractors:

DCB Elevator Co. Inc. for $332,790.00
Gallagher Elevator Co. for $420,640.00
Schindler Elevator Corporation declined to bid due to schedule

An independent construction cost estimate of $450,000.00 was provided by Ace Elevator Inspection Corp.

Staff has selected DCB Elevator Co., Inc. due to their expertise, experience with the NFTA rail station escalators, cost, and mandated NYS certification. It has been determined that the price DCB Elevator Co. has submitted is fair and reasonable.

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

FUNDING: Funding is provided by the LRRT – Escalator Re-build –Phase 1 capital project. The account is pending.

FTA	80%	$266,208.00
NYSDOT	10%	$33,276.00
NFTA	10%	$33,276.00
	TOTAL	$332,760.00

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

> "**RESOLVED,** that the Board hereby authorizes an Agreement with DCB Elevator Co., Inc., for escalator rebuild services at the University Rail Station, as described above; 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 DCB Elevator Co., Inc., as stated hereinabove and as negotiated; 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."

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

NOES: **CROCE, EAGAN**

ADOPTED

SURFACE 4. D. (1)

SURFACE:

4. D. (2) Authorization for Acceptance of Bids, Brake Chambers, Metro

RECOMMENDATION: Staff recommends the Board approve the lowest responsive bids submitted by Daimler, Gillig and Penn for the procurement of brake chambers. The estimated annual cost is $21,099.28 for the period September 30, 2012 through October 1, 2015.

INFORMATION: Bus Maintenance requires replacement brake chambers for the repair of heavy-duty transit buses. Daimler, Gillig and Penn were the responsive low bidders for the different types of replacement brake chambers as reflected in the attached bid analysis.

FUNDING: The funding for this procurement is budgeted in 2013/2014 Inventory Account Number 2-00-0000-184-0010.

> "**RESOLVED,** that the Board hereby authorizes the acceptance of bids for brake chambers from Daimler, Gillig and Penn at an estimated annual cost of $21,099.28, as described above; and
>
> **BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Daimler, Gillig and Penn for the procurement of brake chambers to be used 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, Surface Transportation, that such payments are in order."

BID ANALYSIS		BIDDERS								
Bid Number: 4206		Axle Tech Troy, MI	Daimler Oriskany, NY	Gillig Hayward,CA	MCI Louisville, KY	Muncie Muncie, IN	NABI Delaware, OH	New Flyer Winnipeg, Man Canada	Penn Buffalo, NY	Prevost Elgin, IL
Brake Chambers										
Department: Inventory										
ITEM #	STOCK CODE	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total
1	000019125	Non-Responsive	$ 3,750.11	$ 3,987.72	NO BID	$ 4,623.00	$ 4,300.77	$ 4,210.79	$ 4,262.27	$ 4,222.46
2	000055624	Non-Responsive	$ 4,044.47	$ 4,127.38	$ 4,400.05	$ 4,827.79	$ 4,639.42	$ 4,358.16	$ 4,684.81	$ 5,373.47
3	000057489	Non-Responsive	$ 27,397.29	$ 28,207.08	$ 28,716.66	$ 32,442.42	$ 31,428.12	$ 29,781.92	$ 31,733.10	$ 38,322.86
4	000058826	Non-Responsive	$ 1,640.06	$ 1,584.92	$ 1,741.32	$ 2,016.04	$ 1,881.08	$ 1,673.93	$ 1,864.42	$ 2,121.84
5	009600030	Non-Responsive	$ 6,120.64	$ 6,510.02	NO BID	$ 7,622.66	$ 7,021.21	$ 6,656.06	$ 7,090.02	$ 8,133.09
6	009600031	Non-Responsive	$ 6,120.64	$ 6,510.02	$ 6,185.13	$ 7,622.66	$ 7,021.21	$ 6,873.12	$ 7,090.02	$ 8,133.09
7	009600561	NO BID	$ 8,299.98	$ 7,440.71	NO BID	$ 8,096.60	NO BID	$ 6,335.41	$ 6,332.51	$ 7,499.00
8	009600563	Non-Responsive	$ 7,947.26	$ 7,958.41	$ 8,148.55	$ 9,554.29	$ 9,116.69	$ 8,403.00	$ 8,997.53	$ 10,838.38

SURFACE:

4. D. (3) Authorization for Acceptance of Bids, Air Bellows, Metro

RECOMMENDATION: Staff recommends the Board approve the lowest responsive bids submitted by New Flyer and MCI for the procurement of air bellows. The estimated annual procurement is approximately $33,029.36 annually for the period September 30, 2012 through October 1, 2015.

INFORMATION: Bus Maintenance requires replacement air bellows for the repair of heavy duty transit buses. New Flyer and MCI were the responsive low bidders for the different types of air bellows as reflected in the attached bid analysis.

FUNDING: The funding for this procurement is budgeted in 2013/2014 Inventory Account Number 2-00-0000-184-0010.

> "**RESOLVED,** that the Board hereby authorizes the acceptance of bids for air bellows from New Flyer and MCI at an estimated annual cost of $33,029.36, as described above; and
>
> **BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to New Flyer and MCI for the procurement of air bellows to be used 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, Surface Transportation, that such payments are in order."

BID ANALYSIS		BIDDERS							
Bid Number: 4204		Penn Diesel	Prevost	Gillig	Muncie	NABI	New Flyer	Daimler	MCI
		Buffalo, NY	Elgin, IL	Hayward, CA	Muncie, IN	Delaware, OH	Winnipeg, Man	Oriskany, NY	Louisville, KY
Bid For Air Bellows									
Department: Purchasing									
Bid Open Date: 06/27/12									
ITEM #	STOCK CODE	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total	3 Year Total
1	0072868	$ 12,150.69	No Quote	$ 5,646.82	$ 5,187.79	No Quote	$ 4,759.46	$ 5,909.20	$ 5,659.37
2	8600003	No Quote	$ 5,554.33	$ 8,218.58	$ 5,098.62	$ 5,674.51	$ 4,709.33	$ 6,706.80	$ 6,047.24
3	8600011	$ 5,938.48	$ 3,129.42	$ 5,097.96	$ 4,958.11	$ 3,185.34	$ 3,699.27	$ 4,710.75	$ 3,114.72
4	0039081	$ 34,874.90	No Quote	$ 36,389.76	$ 32,096.59	No Quote	$ 29,390.97	$ 35,027.52	$ 34,888.13
5	8600133	$ 8,835.80	$ 4,929.56	$ 7,721.38	$ 5,013.63	$ 6,414.66	$ 3,897.51	$ 13,857.68	$ 5,102.37
6	0017616	$ 91,974.23	No Quote	$ 72,220.68	$ 56,916.72	No Quote	$ 49,291.33	$ 72,415.88	$ 76,265.28
7	0055640	$ 4,862.80	$ 4,583.51	$ 4,859.14	$ 4,252.19	No Quote	$ 3,924.78	$ 4,872.90	$ 5,093.42

SURFACE:

4. D. (4) Authorization for Supplemental Agreement No. 1, Shepard Bros., Procurement of Paratransit Vehicles, Metro

RECOMMENDATION: Staff recommends that the Board authorize supplemental agreement No. 1 with Shepard Bros. of Canandaigua, NY, to purchase fourteen paratransit vehicles at a not-to-exceed cost of $1,454,208.00.

INFORMATION: The requested vehicles will replace a like number of vehicles that were purchased in 2004 through 2006 and that have exceeded their useful lives.

This procurement also contains a provision for the conversion of these vehicles from gasoline to compressed natural gas.

The master contract with Shepard Bros. was solicited per the NFTA Procurement Guidelines and was previously approved by the Board on February 27, 2012.

FUNDING: Funding will be provided as listed below:

Cost	Source
$1,221,143.00	FTA
$ 111,322.00	NYSDOT
$ 121,743.00	NFTA
$1,454,208.00	

"**RESOLVED,** that the Board hereby authorizes Supplemental Agreement No. 1 with Shepard Bros., for the procurement of fourteen paratransit vehicles at a not-to-exceed cost of $1,454,208.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby authorized to execute Supplemental Agreement No. 1 with Shepard Bros. for the procurement of fourteen paratransit vehicles to be used as described hereinabove; and

BE IT FURTHER RESOLVED, that said Supplemental Agreement 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 Supplemental Agreement No. 1 upon certification by the Director, Surface Transportation, that such payments are in order."

5. PROPERTY/RISK MANAGEMENT GROUP REPORT

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

Property Development Business Update

David State reported that the 2012 waterfront concert series was a success resulting in approximately $30,000 revenue to the Authority. Commissioner Demakos advised the Board that two Letters of Intent were received in response to the ninety day notification of intent to sell real property at the waterfront including 120 acres at the outer harbor, terminals A and B and the Boat Harbor. The respondents were Erie Canal Harbor Development Corporation and The City of Buffalo. He requested a special meeting be held to discuss the letters and a plan for a final RFP.

Property/Risk Management Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (3)

1. Authorization for Lease Agreement, Upper New York Annual Conference of the United Methodist Church, 247 Cayuga Road
2. Authorization for Lease Agreement, Sheridan Systems, 247 Cayuga Road
3. Authorization for License Agreement, New York State Department of Transportation, Boat Harbor

PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (3)

The Executive Director advised that Items 5. D. (1) through 5. D. (3) 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 Demakos, seconded by Commissioner Eagan, 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. (3) and dated September 28, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Lease Agreement, Upper New York Annual Conference of the United Methodist Church, 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Upper New York Annual Conference of the United Methodist Church for office space at 247 Cayuga Road.

INFORMATION: This lease is for 890 square feet of class C office space at 247 Cayuga Road. The term is for three years, commencing October 1, 2012 and ending September 30, 2015, with the tenant having the option to renew for one additional three-year term. The rental rate is $11 per square foot, or $9,790 per year, with an annual escalator of 3%.

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 Upper New York Annual Conference of the United Methodist Church, 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 Upper New York Annual Conference of the United Methodist Church, 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. (2) Authorization for Lease Agreement, Sheridan Systems, 247 Cayuga Road

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Sheridan Systems (Margaret Romanowich, Owner) for 900 square feet of warehouse space at 247 Cayuga Road.

INFORMATION: Sheridan Systems has been leasing space at 247 Cayuga Road since 2006. Their current lease expires on October 31, 2012. Sheridan will continue to lease 900 square feet of warehouse space for a one-year term beginning November 1, 2012 with the tenant having the right to renew for five additional one-year terms. The rental rate will be $3 per square foot, or $2,700 per year, with an annual escalator of 3%.

FUNDING: No funding is necessary.

> "**RESOLVED**, that the Board hereby authorizes a Lease Agreement with Sheridan Systems, 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 Sheridan Systems, 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. (3) Authorization for License Agreement, New York State Department of Transportation, Boat Harbor

RECOMMENDATION: Staff recommends that the Board authorize a License Agreement with the New York State Department of Transportation (NYSDOT) to permit the erection of a snow fence at the Boat Harbor.

INFORMATION: Blowing snow has been an issue for vehicle traffic along Fuhrmann Boulevard in the winter. NYSDOT has requested that the NFTA permit NYSDOT to install a six-foot high snow fence utilizing the existing wooden guard rail between Parking Lots A and B and the multi-use path.

The snow fence will be installed at no cost to the NFTA and the NFTA will be held harmless from any and all liabilities connected with the snow fence. NYSDOT has agreed to take the fence down by April 15, 2013.

FUNDING: No funding is necessary.

> "**RESOLVED**, that the Board hereby authorizes a License Agreement with the New York State Department of Transportation for installation of a snow fence at the NFTA 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 the New York State Department of Transportation with terms and conditions 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."

6. General Counsel Report – Written

7. Executive Session -

8. Adjournment

At approximately 9:05 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Eagan, seconded by Commissioner Durand, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

AYES: **ZEMSKY, DEMAKOS, CROCE, EAGAN, DURAND, GURNEY, WILCOX**

NOES: **NONE**