



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

ECLEG MAR11'13 10:03

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
Fax: 716-855-7657
TDD: 855-7650
www.nfta.com

February 28, 2013

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 January 24, 2013.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David J. State", is written over a blue horizontal line.

David J. State
General Counsel

DJS:lf

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
JANUARY 24, 2013 12:30 PM
MINUTES**

1. REGULAR BOARD MEETING - JANUARY 24, 2013	
A. CALL TO ORDER	3
B. SPECIAL BUSINESS	
C. APPROVAL OF MINUTES (December 17, 2012 Regular Meeting and the January 8, 2013 Special Meeting)	
D. EXECUTIVE DIRECTOR'S REPORT	4
2. NFTA CORPORATE REPORT	5
A. Audit and Governance Committee Report (Howard Zemsky)	
B. Consolidated Financial (Debbie Leous)	
C. Corporate Resolutions (Kim Minkel)	
1) Authorization for Agreement, Hazardous and Non-Hazardous Waste Disposal, NFTA and Metro	8
2) Authorization to Apply for Section 5311 Operating Assistance for Federal Fiscal Years 2013 and 2014, Metro	11
3) Authorization for Purchase of Police Patrol Vehicles, TAPD	12
3. AVIATION BUSINESS GROUP REPORT	13
A. Aviation Committee Report (Adam Perry)	
B. Financial Update (Bill Vanecek)	
C. Business Update (Bill Vanecek)	
D. Aviation Resolutions (Kim Minkel)	
1) Authorization for Change Order No. 4 and Final, Accadia Site Contracting, Inc., Runway 6-24 Safety Area Improvements, NFIA	16
2) Acquisition of New York State Land Parcel No. 1981, Buell Avenue, BNIA	19
3) Authorization for Agreement, Revenue Control Equipment, BNIA	20
4) Authorization for Agreement, Niagara County Sewer District No. 1, Wastewater Treatment, NFIA	21
5) Authorization for Agreement, Armored Motor Service, BNIA	22
4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT	24
A. Surface Transportation Committee Report (Eunice Lewin)	
B. Financial Update (Tom George)	
C. Business Update (Tom George)	
D. Surface Transportation Resolutions (Kim Minkel)	
1) Authorization to Continue to Sell and Accept Tokens to Social Service Agencies, Metro	27
2) Authorization for Procurement, Replacement Batteries, Metro	28
3) Authorization for Acceptance of Bid, Track Brake Parts, LRRRT	29
4) Authorization for Agreement, Design Services, Embedded Rail Replacement, LRRRT	31

5. PROPERTY RISK/MANAGEMENT GROUP REPORT	33
A. Property/Risk Management Committee Report (Peter Demakos)	
B. Financial Update (Dave State)	
C. Business Update (Dave State)	
D. Property Development Resolutions (Kim Minkel)	
1) Authorization for Extension of Agreement, James J. Ehrig, Jr. d/b/a Worms 'N Things, 36 Boat Harbor	
2) Authorization for Extension of Agreement, Seven Seas Sailing, Inc., Boat Harbor	37
3) Authorization for Lease Agreement, Richard Reinhard d/b/a Mailmasters, 247 Cayuga Road	38
4) Authorization for Amendment to Lease Agreement, DRS C3 System, Inc., 485 Cayuga Road	39
5) Authorization for Lease Agreement, Legal Prevention Services, LLC, 485 Cayuga Road	40
6. GENERAL COUNSEL'S REPORT (David State)	
7. EXECUTIVE SESSION	
8. ADJOURNMENT	41

1. CALL TO ORDER

A. Meeting Called to Order

Chairman Zemsky called the meeting to order at approximately 12:34 p.m.

B. Approval of Minutes of the NFTA Regular Board Meeting held on December 17, 2012

It was moved by Commissioner Hughes, seconded by Commissioner Durand, that the Minutes of the December 17, 2012, Regular Board 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 Board Meeting held on January 8, 2013

It was moved by Commissioner Hughes, seconded by Commissioner Durand, that the Minutes of the January 8, 2013, Special Board 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, GURNEY, HUGHES, PERRY

NOES: NONE

D. Executive Director's Report:

Executive Director Kimberley Minkel informed the Board that state operating assistance is level. The budget previously showed a \$2.2 million increase for STOA so a revised budget will be presented to the Board in March. She also reported that due to effective community policing total crimes are down twenty percent, drug crimes are down forty-five percent and officer injuries have been reduced by forty-five percent. Additionally customer complaints are down and commendations are up significantly. For 2011 there were 172 commendations as compared to 321 in 2012 for an 86% increase. The New York State ABO exit conference has been scheduled for January 30, 2013.

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. D. (1) through 2. D. (3)
1. Authorization for Agreement, The Environmental Services Group, Inc., Hazardous and Non-Hazardous Waste Disposal, NFTA and Metro
2. Authorization to Apply for Section 5311 Operating Assistance for Federal Fiscal Years 2013 and 2014, Metro
3. Authorization for Purchase of Police Patrol Vehicles, Delacy Ford, TAPD

CORPORATE:

2. D. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. D. (1) through 2. D. (3)**

The Executive Director advised that Items 2. D. (1) through 2. 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 Sloma, seconded by Commissioner Hughes, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. D. (1) through 2. D. (3) and dated January 24, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Agreement, The Environmental Service Group, Inc., Hazardous and Non-Hazardous Waste Disposal, NFTA and Metro**

RECOMMENDATION: Staff recommends that the Board authorize a three year Agreement with The Environmental Service Group (NY), Inc. for hazardous and regulated non-hazardous waste disposal with an estimated annual cost of \$108,845.00 for year one, \$110,256.00 for year two, \$111,687.00 for year three and \$113,098.00 and \$114,509.00 for optional years four and five. The Agreement is for a three year period renewable at the option of the Authority for two (2) subsequent one (1) year terms.

INFORMATION: Hazardous and regulated non-hazardous waste is generated at all locations within the NFTA and NFTA/Metro. For waste disposal activities, we are subject to the Resource Conservation Recovery Act, which imposes "cradle to grave" responsibility, holding waste generators responsible for waste generation indefinitely. In order to limit NFTA's liability, staff developed an RFP with the intentions that all authority waste would be placed with the same treatment, storage and disposal facility (TSDF).

The NFTA developed and issued a Request for Proposal (RFP) No. 4239 in accordance with the NFTA Procurement Guidelines. Three proposals were received and evaluated by a selection committee comprising of representatives from Health, Safety & Environmental Quality, Aviation, FMD, Metro and Procurement. Evaluations included technical compliance, cost, qualifications and experience.

The Committee evaluated and ranked as most qualified in descending order, the following firms listed below: (Refer to attached spreadsheet)

- The Environmental Service Group (NY), Inc.
- Op-Tech Environmental Services, Inc.
- Tonawanda Tank Transport Service Inc.

FUNDING: Funding will be provided in the operating budgets.

“RESOLVED, that the Board hereby authorizes an Agreement with The Environmental Service Group, Inc., for hazardous and non-hazardous waste disposal for the costs 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 The Environmental Service Group, Inc., for the cost 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; 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, HSEQ, that such payments are in order.”

RFP # 4239 - WASTE DISPOSAL

1/8/2013

RFP DOCUMENTS REQUIRED (Completed by Procurement)	TONAWANDA TANK TRANSPORT SERVICE INC. Buffalo, NY	OP-TECH ENVIROMENTAL SERVICES, INC. Amherst, NY	THE ENVIRONMENTAL SERVICE GROUP, INC. Tonawanda, NY
Cover Letter	X	X	X
Description of services	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X
Resumes	X	X	X
References	X	X	X
Itemized Cost Proposal	X	X	X
Non-Collusive Cert	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X
Contractor Certification Form (ST 200 - If over 100k)	X	X	X
Waste Transporter Permit	X	X	X
SELECTION CRITERIA (Completed by Team)			
Technical Criteria 40% - Compliance with technical specifications	8.00	9.50	9.50
Cost - 40%	5.39	7.38	10.00
Qualifications & Experience 20% - Demonstrated ability in the industry, references, past performances, depth of knowledge of key personnel, organization of the team, management procedures and warranty	7.00	9.00	9.50
TOTAL	6.76	8.55	9.70
ESTIMATED COST			
Year 1	\$187,155.00	\$143,225.50	\$108,845.00
Year 2	\$206,675.00	\$143,373.50	\$110,256.00
Year 3	\$206,675.00	\$149,504.05	\$111,687.00
Year 4	\$217,702.00	\$156,052.25	\$113,098.00
Year 5	\$217,517.00	\$164,172.15	\$114,509.00
Total	\$1,035,724.00	\$756,327.45	\$558,395.00

CORPORATE:

2. C. (2) **Authorization to Apply for Section 5311 Operating Assistance for Federal Fiscal Years 2013 and 2014, Metro**

RECOMMENDATION: Staff recommends that the Board authorize submittal of a request for a consolidated grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for segments of Metro bus routes for the 2013 and 2014 fiscal years in the amount of \$113,100.

INFORMATION: The NFTA and the State of New York have entered into a continuing agreement which authorizes the undertaking of the project and payment of the Federal share. Section 5311 funding provides assistance for the operation of mass transit in rural areas. The funding is for the continued operation of segments of Metro bus routes that operate outside the urbanized boundary in Erie and Niagara Counties. Those route segments are:

Routes for 2013 & 2014

27 – Erie County Home
44 – Lockport
55 – Pine Avenue
64 – Lockport Express
69 – Alden
70 – East Aurora
76 – Lotus Bay

FUNDING: FFY 2013 Section 5311 - \$55,700
FFY 2014 Section 5311 - \$57,400
\$113,110

“RESOLVED, that the Board authorizes submittal of a request for a grant of funds to the New York State Department of Transportation 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 Grant Application as set forth above; and

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

CORPORATE:

2. D. (3) **Authorization for Purchase of Police Patrol Vehicles, Delacy Ford, TAPD**

RECOMMENDATION: Staff recommends that the Board authorize the purchase of seven (7) used Police Patrol Vehicles from Delacy Ford in Elma, New York:

2010 Ford Crown Victoria	\$8,560.00
2010 Ford Crown Victoria	\$8,850.00
2010 Ford Crown Victoria	\$8,850.00
2010 Ford Crown Victoria	\$8,975.00
2010 Ford Crown Victoria	\$9,240.00
2007 Ford Expedition	\$10,800.00
2013 Ford Taurus (demo)	<u>\$25,990.00</u>
Total	\$81,265.00

INFORMATION: The above requested vehicles will replace ten (10) high mileage Police Patrol vehicles, which have reached the end of useful service life.

A Request for Proposal (NFTA RFP NO. 4245) for the purchase of used Police Patrol Vehicles was issued with a return due date of December 5, 2012. Delacy Ford submitted the only response. Staff believes the NFTA received only one response because the RFP clearly stated used Police Vehicles. The above quoted prices are significantly less than a comparable new vehicle. The Director of Internal Audit has conducted a review of blue book values of the vehicles and has determined that the terms quoted for the purchase prices are fair and reasonable.

FUNDING: Funding is found in the FY 2012/13 NFTA budget as follows:

TOTAL for purchase of seven vehicles:	\$81,265.00
Less trade in value of seven Police Patrol Vehicles:	<u>\$25,200.00</u>
Requested funding (88C) FY 2012/13 NFTA Budget:	\$56,065.00

“RESOLVED, that the Board hereby authorizes the purchase of seven used police patrol vehicles from Delacy Ford as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Delacy Ford for a total cost of \$56,065.00 as described hereinabove; 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 TAPD Chief, or his designee, that such payments are in order.”

- 3. AVIATION BUSINESS GROUP REPORT**
 - A. Aviation Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Resolutions

Aviation Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (5)
1. Authorization for Change Order No. 4 and Final, Accadia Site Contracting, Inc., Runway 6-24 Safety Area Improvements, NFIA
2. Acquisition of New York State Land Parcel No. 1981, Buell Avenue, BNIA
3. Authorization for Agreement, Victor Liberator Time Systems, Inc., Revenue Control Equipment, BNIA
4. Authorization for Agreement, Niagara County Sewer District No. 1, Wastewater Treatment, NFIA
5. Authorization for Agreement, Loomis Armored US, LLC, Armored Motor Service, BNIA

AVIATION:

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

The Executive Director advised that Items 3. D. (1) through 3. D. (5) 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 Gurney, 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. (5) and dated January 24, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, CROCE, DURAND, GURNEY, HUGHES, PERRY

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Change Order No. 4 and Final, Accadia Site Contracting, Inc., Runway 6-24 Safety Area Improvements, NFIA

RECOMMENDATION: Staff recommends that the Board approve Change Order No.4 and Final as a \$668,682.13 decrease to Accadia Site Contracting, Incorporated's NFTA Contract No. 12NA0502, Runway 6-24 Safety Area Improvements at the Niagara Falls International Airport. This will result in a final amended cost of \$7,637,706.34.

INFORMATION: Change Order No. 4 and Final provides for the following unit price bid item quantity adjustments to reflect actual installed quantities. The Engineer made all field measurements and quantity calculations.

Item No	Description	Unit Price	Revised Quantity	Original or Previous Quantity	Quantity Change	Amended Amount	Change Amount
012200	Field Change Allowance	\$950,000 00	0.00	0.7667966638	(0.7667966638)	\$0 00	(\$728,456.84)
P-603	Bituminous Tack Coat	\$3 10	3,094 00	8,100 00	(5,006 00)	\$9,591 40	(\$15,518 60)
NET CHANGE							(\$743,975 44)

Change Order No. 4 and Final also provides for the recommended contract modifications listed below. Costs for these modifications are in accordance with Article 22 – Extra Work and Article 24 – Payment for Agreed Prices of the Contract General Conditions. All costs for these Proposed Change Orders (PCOs) incorporate New York State Prevailing Wage Rates and standard material and equipment prices as verified by the Engineer.

PCO No. 11 Repair of Wind Sock ADD \$631.39

The airport was experiencing problems with the electrical circuit powering the airfield windsock. The Contractor was directed to trouble shoot the connection between the windsock and the tower. It was determined that the power cable to the windsock was compromised in several locations and required replacement. The cost reflects testing, labor, and materials necessary to repair the circuit.

PCO No. 12 Relocation of Truck Heater Block Wiring ADD \$1,827.33

During construction of the underground detention system/storm water lift station, it was discovered that the electrical feeds for the truck heater blocks required relocation to avoid a conflict with the new drainage system. The cost reflects all labor and material necessary to relocate the cable, conduit, and all necessary connections.

PCO No. 13 Laboratory Testing - Expedited Turn-around Surcharge ADD \$3,232.08

Potentially contaminated material was encountered during relocation of the creek channel. The cost of this PCO reflects a quick turn-around surcharge for the testing of the soil samples to avoid delaying the Contractor's effort to relocate the creek.

PCO No. 14 Sign Separation & Electrical Modifications ADD \$9,661.81

After installation of the new signage in accordance with the Contract Documents, the FAA modified the criteria for new and existing airport signs. The cost reflects modifications (foundation relocations, additional conduit, and wiring) to the new and existing signage to comply with the new FAA criteria.

PCO No. 15 Over Deduction for Item 203.21 ADD \$2,500.00

Change Orders Nos.1 and No. 2 incorrectly deducted \$ 2,500.00 from Item 203.21. The final quantity of 152.79 CY is correct and reflects final agreed-upon quantity for the item as determined by the Engineer.

PCO No. 16 Additional Cost Involved in Rock Excavation / Removal ADD \$57,440.70

During construction of the new water main and relocation of the Cayuga Creek Channel, it was discovered that the top elevation of the existing of rock was higher than what was indicated in the Bid documents. The Contractor notified the Engineer that additional costs would be incurred to add manpower and equipment to remove the additional volume of rock and maintain the project schedule. The Bid documents indicated removal of 850 cubic yards of rock was required. The actual quantity of rock removal was measured at 1,919 cubic yards. The Contractor submitted a request for equitable adjustment in the amount of \$233,337.83 for the additional manpower, equipment and overtime involved in the rock excavation effort. The Engineer reviewed the Contractor's detailed breakdown of the labor and equipment costs to remove the rock. Subsequent negotiations resulted in agreement upon \$57,440.70 as total, fair, and equitable compensation for the additional labor, overtime, and equipment costs.

FUNDING: The total amount of this Change Order No.4 and Final will be a \$668,682.13 decrease, thereby reducing the total amount of the Contract from the current amended amount of \$8,306,388.47 to a final amended amount of \$7,637,706.34. Funds for this project are contained in Capital Budget Account No. 120000000-3188-2-1420 and are provided as follows:

FAA	95%	\$7,255,821.02
NYS DOT	2.5%	\$190,942.66
PFC	2.5%	\$190,942.66
TOTAL		\$7,637,706.34

“RESOLVED, that the Board hereby authorizes Change Order No. 4 and Final 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. 4 and Final as described hereinabove; and

BE IT FURTHER RESOLVED, that said Change Order No. 4 and Final 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. 4 and Final upon certification by the Director, Engineering, that such payments are in order.”

AVIATION:

3. D. (2) **Acquisition of New York State Land Parcel No. 1981, Buell Avenue, BNIA**

RECOMMENDATION: Staff recommends that the Board of Commissioners authorize the acquisition of approximately 3.6 acres of vacant land from the State of New York through a no cost public benefit conveyance.

INFORMATION: The Property is owned by the State of New York and is situated in the Town of Cheektowaga and is adjacent to the Kensington Expressway and Buell Avenue (the "Property"). The Property comprises approximately 3.6 acres of vacant land. The New York State Department of Transportation ("NYSDOT") deemed the Property surplus and inquired into whether the NFTA had a need for the Property. NYSDOT is obligated to offer the Property first to public agencies before the Property is auctioned to the general public. The NFTA advised NYSDOT that it was interested in the Property for planned BNIA development. A portion of the Property was identified in the BNIA Master Plan Update as an area necessary to facilitate the development of a fly over. The fly over will provide for direct access from the Kensington Expressway to the BNIA over Genesee Street thereby eliminating the need to enter the BNIA from the current intersection at the end of the Kensington Expressway and Genesee Street. Acquisition of the Property, through a no cost public benefit conveyance, preserves the Property for NFTA's planned use.

FUNDING: No funding is required.

"RESOLVED, that the Board hereby authorizes the acquisition of New York State Land Parcel No. 1981, Buell Avenue which is located in the Town of Cheektowaga as and for the reasons described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute the necessary legal documents to effectuate the transfer of this parcel from New York State as set forth and described above; and

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

AVIATION:

3. D. (3) **Authorization for Agreement, Victor Liberator Time Systems, Inc., Revenue Control Equipment, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the replacement of several components of the revenue control equipment used in the parking operations at the Buffalo Niagara International Airport (BNIA) from Victor Liberator Time System Inc. at a cost of \$77,344. Victor Liberator Time System, Inc. is the exclusive distributor for McGann software and Amano equipment within Western New York.

INFORMATION: BNIA parking operations generate approximately \$18 million in revenues annually. BNIA utilizes McGann software and Amano equipment to control, calculate, and record parking revenues. There is a need to replace several components of equipment which have exceeded useful lives and are no longer repairable. These include components for the ExpressParc equipment which allows departing patrons to pay their parking fees with credit cards without cashier intervention as well as replacement of several parking ticket dispensing machines. The equipment replacement including 8 RWPV heads for the ExpressParc equipment, 8 dual parking ticket dispensers, and 1 complete ExpressParc station unit will cost \$77,344. The products will be provided and installed by Victor Liberator Time System, Inc. who is the exclusive distributor of this equipment in Western New York.

FUNDING: Funding is included in the FY2013 BNIA capital budget using BNIA Capital Reserve funds.

“RESOLVED, that the Board hereby authorizes an Agreement with Victor Liberator Time Systems, Inc., for the replacement of components of the revenue control equipment used in the parking operations 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 Victor Liberator Time Systems, 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, Aviation, that such payments are in order.”

AVIATION:

3. D. (4) **Authorization for Agreement, Niagara County Sewer District No. 1, Wastewater Treatment, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Wastewater Service Agreement with Niagara County Sewer District No. 1 for a term of three years commencing upon execution of the agreement at the rates set forth herein. The three year estimated cost of the Agreement is \$8,202.

INFORMATION: The NFTA needs to discharge and treat wastewater that is generated at Niagara Falls International Airport. The NFTA negotiated a service agreement with Niagara County Sewer District No. 1 (NCSD No. 1) that will allow the NFTA to connect to the NCSD No. 1 Sewer line and provide authorization to discharge wastewater subject to the requirements of a discharge permit. The NFTA is obligated to adhere to certain testing procedures and must register and record outflows on a monthly basis. The NFTA will pay NCSD No. 1 for the treatment services as follows:

Year 1 – Base Rate equal to \$2.786 per industrial flow per thousand gallons plus 33% of the difference between the Base Rate and the Accelerated Rate. The Accelerated Rate equals the average annual rate of a single family home in the Six Town average which is comprised of the total of Debt Service and O&M.

Year 2 – Base Rate plus 67% of the difference between the Base Rate and the Accelerated Rate.

Year 3 – Rate equals 100% of the Accelerated Rate.

FUNDING: Expenditures are included in the NFIA operating budget.

“RESOLVED, that the Board hereby authorizes an Agreement with Niagara County Sewer District No. 1, for the discharge and treatment of wastewater generated at the Niagara Falls 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 Niagara County Sewer District No. 1, 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, Aviation, that such payments are in order.”

AVIATION:

3. D. (5) **Authorization for Agreement, Loomis Armored US, LLC, Armored Motor Service, BNIA**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with Loomis Armored US, LLC (Loomis) to provide armored motor service for pick-up and delivery of cash receipts as well as provide vaults which count/control/store daily receipts for the parking operations at the Buffalo Niagara International Airport (BNIA) at a total cost for a 5 year term estimated at \$177,932.10 subject to fluctuations in fuel charges.

INFORMATION During December 2012, the parking management agreement with Standard Parking, Inc. was awarded which requires cash receipts to be deposited directly to an NFTA designated bank. Previously, receipts were held by Standard Parking and remitted to the NFTA upon the completion of each month (net of operating costs and management fees).

The NFTA issued Request for Proposal 4252 (RFP) which was advertised in accordance with NFTA procurement guidelines. The RFP identified the following primary requirements:

- Ability to provide service with our main bank, JPM Chase Bank, headquartered in Rochester, N.Y. ,
- Provide secure vault hardware/software to count/control/store daily cash receipts and receive daily bank credits for each of the three parking cash offices, and
- Provide flexible reporting capabilities for audit control purposes.

Loomis was the only respondent to the RFP. The only other known armored motor service providing service to JPM Chase is Brinks who declined to submit a proposal or clarify requirements identified in the RFP. The Loomis proposal was reviewed by staff from the NFTA Procurement Department, Internal Audit Department, Cash Management Department, BNIA Finance, BNIA Legal, and Standard Parking management. The proposal was deemed to meet all requirements.

The annual cost of service is fixed but includes an additional variable fuel charge which currently is 4% of the fixed costs. The fuel charge will fluctuate up or down depending on the U.S. Department of Energy price index for diesel fuel in the New England region. Assuming a 4% fuel index, the annual cost of service is:

Year 1	\$ 34,603.17
Year 2	\$ 34,603.17
Year 3	\$ 35,642.88
Year 4	\$ 36,354.24
Year 5	<u>\$ 36,728.64</u>
Total	<u>\$177,932.10</u>

FUNDING: Funding is provided in the operating budget for BNIA.

“RESOLVED, that the Board hereby authorizes an Agreement with Loomis Armored US, LLC, for the armored motor service at the Buffalo Niagara International Airport as set forth and 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 Loomis Armored US, 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 Agreement upon certification by the Director, Aviation, that such payments are in order.”

- 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 to Continue to Sell and Accept Tokens to Social Service Agencies, Metro
- 2. Authorization for Procurement, Eldon Battery Post, Replacement Batteries, Metro
- 3. Authorization for Acceptance of Bid, Gray Manufacturing Industries, LLC, Track Brake Parts, LRRRT
- 4. Authorization for Agreement, Hatch Mott MacDonald, Design Services, Embedded Rail Replacement, LRRRT

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 Lewin, seconded by Commissioner Gurney, 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 January 24, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, CROCE, DURAND, GURNEY, HUGHES, PERRY

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) Authorization to Continue to Sell and Accept Tokens to Social Service Agencies, Metro

RECOMMENDATION: Staff recommends that the Board authorize the continued use of tokens as fare payment for single adult fare until Metro replaces fare collection equipment and establishes a viable alternative to tokens for Social Service agencies.

INFORMATION: In September 2010, NFTA Metro implemented fare structure adjustments which included the discontinuation of public token sales except to Social Service agencies which eliminated the sale and acceptance of tokens beyond August 2013.

Staff is requesting authorization to allow Social Service agencies to continue to purchase tokens and to continue to accept tokens as fare payment beyond August 2013. Token sales would continue until a viable fare medium is developed to provide Social Service agencies with fare medium for their clients in conjunction with the delivery of a new fare collection system. Currently, NFTA Metro distributes on average 65,000 tokens to social service agencies each month.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes the continuation of the sale and acceptance of tokens by social service agencies as described above until such time as a new fare collection system is implemented.”

SURFACE:

4. D. (2) **Authorization for Procurement, Eldon Battery Post, Replacement Batteries, Metro**

RECOMMENDATION: Staff recommends that the Board approve the purchase of up to four hundred replacement batteries for a total cost not-to-exceed \$59,129.00 from Eldon Battery Post of Hamburg, NY for the period February 1, 2013 to December 31, 2013.

INFORMATION: Each transit bus uses two batteries. Such batteries periodically require replacement. This procurement will utilize pricing in Erie County Bid No. 212005-004 "Auto & Truck Batteries."

FUNDING: Funding for this procurement is included in the Metro's Operating Budget.

"RESOLVED, that the Board hereby authorizes the procurement of up to four hundred replacement batteries from Eldon Battery Post at a not-to-exceed cost of \$59,129.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Eldon Battery Post for the procurement of up to four hundred batteries 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."

SURFACE:

4. D. (3) **Authorization for Acceptance of Bid, Gray Manufacturing Industries, LLC, Track Brake Parts, LRRT**

RECOMMENDATION: Staff recommends that the Board award a contract for LRV track brake assembly parts in the amount of \$215,745.60 to Gray Manufacturing Industries LLC.

INFORMATION: The parts received from this procurement will be used to overhaul 120 sets of rail car track brakes. Track brake overhauls were cut from the Rail Car Rebuild Project due to funding at that time. The last overhaul of track brakes was completed at least fifteen (15) years ago. Formal bids were sent out and four (4) were received for consideration. Gray Manufacturing Industries' bid came in as the low bid and met all of the specification requirements.

FUNDING: Funding for this procurement is funded as follows: 100%-88C in the amount of \$215,745.60.

“RESOLVED, that the Board accepts the bid submitted by Gray Manufacturing Industries, LLC for the lump sum amount of \$215,745.60, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Gray Manufacturing Industries, LLC for the procurement of rail car track brakes 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

12/7/12

BID NO: 4247		GRAY MANUFACTURING INDUSTRIES LLC, DBA GMI, LLC. Homell, NY		KNORR BRAKE CORPORATION Westminster, MD		UWM TRANSIT PRODUCTS INC. Harleysville, PA		HALL INDUSTRIES INC. Elkwood City, PA	
BID FOR: Light Rail Track Brake Parts									
DEPT: Metro Rail									
BID DATE: 12/6/2012 11:00:00 AM									
		DESCRIPTION		TOTAL AMT BID		TOTAL AMT BID		TOTAL AMT BID	
		Track Brake Assembly Parts (as listed in the Bid Document)		\$215,745.00		\$361,365.00		\$227,294.00	

SURFACE:

4. D. (4) **Authorization for Agreement, Hatch Mott MacDonald, Design Services, Embedded Rail Replacement, LRRT**

RECOMMENDATION: Staff recommends that Board award the subject design services contract to the NFTA term consultant, Hatch Mott MacDonald, for LRRT Embedded Rail Replacement, 600 Block of Main Street Project, for a cost plus fixed fee not-to-exceed amount of \$148,332.

INFORMATION: The City of Buffalo (COB) is proceeding with its project to return vehicle traffic to the 600 Block of Main Street. Included in the scope of work is the replacement of the concrete surface in the mall. The schedule for the project provides for single track operation for several weeks during the removal of the concrete in the 600 Block. As a result, the original girder rail for the trains will be exposed.

The current condition of the rail is such that its replacement will be required in the near future. The head of the girder rail is now at the minimum allowable thickness due to normal wear and the previous grinding required to maintain ride quality.

The COB's Traffic on Main Street Project provides an opportunity for the Authority to replace the rail at minimal cost and with the least disruption to the LRRT system. Delay in completing this work would require a second replacement of the concrete surface by the Authority, along with its cost, within the near future. Further, single track operations would again be required to complete the work.

In order to coordinate with the COB's project, it is necessary for the design of the Authority's Embedded Rail Project to commence now. Staff requires outside consultant assistance to prepare documents for bid and procure materials. The services include the following:

- Participation in coordination with interested parties
- Rail survey
- Design development
- Document development
- Procurement assistance

The term consultant was selected based on the following criteria:

- Familiarity with the Authority's Light Rail Rapid Transit system
- Previous work with the mall pavement
- Technical knowledge rail and fastener systems
- Consultant staffing availability
- Relationship with the City of Buffalo

The results of the contract negotiations are as follows:

	Initial	Final
Engineer's Estimate	\$131,018	\$131,018
Consultant Proposal	\$199,387	\$148,332

Hatch Mott MacDonald intends to provide DBE participation of 6.7% through a subconsultant, Frandina Engineering. The EEO Department has been notified of the intent to award.

FUNDING: Grant funding for this project is pending.

“RESOLVED, that the Board hereby authorizes an Agreement with Hatch Mott MacDonald, for design services as described above for a cost of \$148,332.00; 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 Hatch Mott MacDonald, for the total amount of \$148,332.00; 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.”

- 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 Resolutions 5. D. (1) through 5. D. (5)
1. Authorization for Extension of Agreement, James J. Ehrig, Jr. d/b/a Worms 'N Things, Boat Harbor
2. Authorization for Extension of Agreement, Seven Seas Sailing, Inc., Boat Harbor
3. Authorization for Lease Agreement, Richard Reinhard d/b/a Mailmasters, 247 Cayuga Road
4. Authorization for Amendment to Lease Agreement, DRS C3 System, Inc., 485 Cayuga Road
5. Authorization for Lease Agreement, Legal Prevention Services, LLC, 485 Cayuga Road

PROPERTY:

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

The Executive Director advised that Items 5. D. (1) through 5. D. (5) 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 Durand, seconded by Commissioner Gurney, 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. (5) and dated January 24, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, LEWIN, DEMAKOS, CROCE, DURAND, GURNEY, HUGHES, PERRY

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Extension of Agreement, James J. Ehrig, Jr. d/b/a Worms 'N Things, Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize a one-year extension of the agreement with James J. Ehrig, Jr., d/b/a Worms 'N Things to operate the bait shop at the NFTA Boat Harbor.

INFORMATION: Mr. Ehrig has been operating the bait shop at the Boat Harbor since 1982. His current agreement expired on December 31, 2012. Due to the possible transfer of ownership of the Boat Harbor after the 2013 season, staff is recommending extending Mr. Ehrig's current contract for one year ending December 31, 2013. The base rent will remain \$4,200 per year with additional rent due based on percentages of gross revenues.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes an Agreement Extension with James J. Ehrig, Jr. d/b/a Worms 'N Things, for the Bait Shop 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 the Agreement Extension with James J. Ehrig, Jr. d/b/a Worms 'N Things with terms and conditions as set forth above and as negotiated; and

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

PROPERTY:

5. D. (2) **Authorization for Extension of Agreement, Seven Seas Sailing, Inc., Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize a one-year extension of the agreement with Seven Seas Sailing, Inc., (William Zimmerman, President) for the operation of the store adjacent to the launch ramp at the NFTA Boat Harbor.

INFORMATION: Mr. Zimmerman has been operating this store for the last two seasons. His current agreement expired October 15, 2012. Due to the possible transfer of ownership of the Boat Harbor after the 2013 season, staff is recommending extending Mr. Zimmerman's contract for one more season from April 1, 2013 through October 15, 2013. The rent will be \$1,300 for the season.

Seven Seas Sailing, Inc. will be required to provide all appropriate insurance coverages.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Seven Seas Sailing, Inc. (William Zimmerman, President), for the operation of the store adjacent to the launch ramp 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 the Lease Agreement with Seven Seas Sailing, Inc. (William Zimmerman, president), 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 Lease Agreement, Richard Reinhard d/b/a Mailmasters, 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Richard Reinhart d/b/a Mailmasters for use of space at 247 Cayuga Road, Cheektowaga.

INFORMATION: Mr. Reinhart has been leasing 663 square feet to accommodate his direct mail business at 247 Cayuga Road since 2010. The current lease expires on January 31, 2013. The new agreement will continue his occupancy for one year commencing February 1, 2013 and ending on January 31, 2014. The rental rate will increase by 3% to a rate of \$7.11 per square foot fully gross or \$4,713.93 for the year. This space is classified as C+ space.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Richard Reinhart d/b/a Mailmasters, 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 Richard Reinhard d/b/a Mailmasters, 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 Amendment to Lease Agreement, DRS C3 System, Inc., 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize an amendment to the existing Lease Agreement with DRS C3 System, Inc., at the NFTA's building at 485 Cayuga Road.

INFORMATION: DRS, formerly Sierra Research, has been leasing space in the building located at 485 Cayuga Road since 1964. The most recent lease is for 124,801 square feet in the building and 2,000 square feet of space in the Quonset hut and runs from April 1, 2010 through March 31, 2013. DRS additionally leases 5,571 square feet of space on a month-to-month basis. DRS has requested an extension of its existing term through December 31, 2013 at the current rental rate and thereafter will be terminating its tenancy, as the Buffalo office will no longer be in operation. DRS will be relinquishing 26,000 square feet of space known as Hangar Bay 6 as of April 1, 2013.

For the extension of the Lease, DRS will pay rent of \$428,951.79 for the period April 1 through December 31, 2013.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Amendment to the Lease Agreement and related documents with DRS C3 System, Inc. for the facilities located at 485 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 an Amendment to the Lease Agreement and related documents with DRS C3 System, Inc. with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Amendment to the Lease Agreement and related documents 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, Legal Prevention Services, LLC, 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with Legal Prevention Services LLC (Paul L. Sims, Managing Partner) for office space at 485 Cayuga Road.

INFORMATION: Legal Prevention Services (LPS) is a local collection agency, affiliated with another company currently leasing space at 485 Cayuga Road location, which is expanding and needs additional space for a call center. This lease is for 2,512 square feet of office space at an initial rental rate of \$9.65 per square foot, or \$24,241 per year. In year three of the five-year term, the rent increases to \$10.20 per square foot, or \$25,622.40 per year. The five-year term will commence on March 1, 2013 and terminate on February 28, 2018. As part of the lease agreement, the NFTA is committing to perform certain improvements to the premises, such as new carpeting, painting, installation of doors, and minor structural changes for an estimated cost of \$14,100.

As per the NFTA's Agreement with Hunt Real Estate for services at 485 Cayuga Road, a 5% real estate commission will be paid.

FUNDING: Funds for the improvements are contained in operating budget account number 0808185205000.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Legal Prevention Services, LLC, for use of space at 485 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 Legal Prevention Services, 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.”

6. General Counsel Report

General Counsel David State informed the Board that his office is monitoring several legislative bills impacting the NFTA that have been introduced in the New York State legislature. The subject areas of these bills cover such topics as funding, transit police, and the composition of the Board. He also briefed the Board on Project Sunlight as a follow up to written materials that he had previously provided the Board of Commissioners.

7. Executive Session - None

8. Adjournment

At approximately 1:10 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Croce, 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, CROCE,
DURAND, GURNEY, HUGHES, PERRY**

NOES: NONE

