



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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March 2, 2011

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, is a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on January 24, 2011.

Very truly yours,

A handwritten signature in black ink that reads "Vicky-Marie J. Brunette". The signature is written in a cursive style.

Vicky-Marie J. Brunette
Acting General Counsel

VJB/mm
Enc.

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
January 24, 2011
MINUTES**

1.
 - A. **CALL TO ORDER**
 - B. **APPROVAL OF MINUTES**
 - C. **SPECIAL BUSINESS**

2. **NFTA CORPORATE REPORT**
 - A. Executive Director's Report
 - B. Committee Reports
 - (1) Audit and Governance Committee
 - (2) Human Resources Committee - None
 - C. Consolidated Financial
 - D. Corporate Resolutions - None

3. **AVIATION BUSINESS GROUP REPORT**
 - A. Aviation Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Aviation Resolutions
 - i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) and 3. D. (2)
 1. Authorization for Agreements, Seasonal Overflow Parking, February – April 2011, BNIA
 2. Authorization for Agreement, Design Services/Support, Hatch Mott MacDonald, NFIA Fuel Farm

4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
 - A. Surface Transportation Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Surface Transportation Resolutions
 - i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) and 4. D. (2)
 1. Authorization for Lease Agreement, Michelin North America, Inc. Tires for Transit Buses
 2. Authorization of Run Out Payments, Bridgestone Americas Tire Operations LLC

5. **PROPERTY RISK/MANAGEMENT GROUP REPORT**
 - A. Property/Risk Management Committee Report
 - B. Financial Update

- C. Business Update
- D. Property Development Resolutions
 - i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (4)
 - 1. Authorization for Lease Agreement, EP Jordan & Associates, Inc., 247 Cayuga Road
 - 2. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road
 - 3. Authorization for Lease Amendment Agreement, Niagara Frontier Chapter, National Railway Historical Society, Inc., License Agreement, Maurice D. Cooper, Jr., Oliver Street, North Tonawanda
 - 4. Authorization for Use of Property, Dive Rescue International and South Line Fire District, Ice Rescue Training, NFTA Boat Harbor

- 6. **GENERAL COUNSEL'S REPORT – None**
- 7. **EXECUTIVE SESSION - Written**
- 8. **ADJOURNMENT**

1. **CALL TO ORDER**

A. **Meeting Called to Order**

Acting Chairman Sloma called the meeting to order at approximately 12:30 p.m.

B. **Approval of Minutes of the NFTA Board Meeting held on December 20, 2010**

It was moved by Commissioner Lewin, seconded by Commissioner Zemsky, that the Minutes of the December 20, 2010, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**AYES: SLOMA, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY**

NOES: NONE

- 2. NFTA CORPORATE REPORT**
 - A. Executive Director's Report
 - B. Committee Reports
 - (1) Audit and Governance Committee
 - (2) Human Resources Committee
 - C. Consolidated Financial Report
 - D. Resolutions – None

- 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) and 3. D. (2)
- 1. Authorization for Agreements, Seasonal Overflow Parking, February – April 2011, BNIA
- 2. Authorization for Agreement, Design Services/Support, Hatch Mott MacDonald, NFIA Fuel Farm

AVIATION:

**3. D. (i) Niagara Frontier Transportation Authority,
Acceptance of Aviation Resolution 3. D. (1) and 3. D. (2)**

The Executive Director advised that Items 3. D. (1) and 3. D. (2) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of subject Resolutions.

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

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) and 3. (D) (2) and dated January 24, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY**

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreements, Seasonal Overflow Parking, February – April 2011, BNIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board enter into lease agreements with Ciminelli Real Estate Corporation for the rental of approximately 1.5 acres of land and GECCMC 2003-C1 Genesee Street, LLC (a receiver for foreclosed property) for the rental of approximately 3.0 acres of land located at the Concourse Center, 4039 Genesee Street, Cheektowaga, New York. This land will be used to accommodate customer parking overflows at the Buffalo Niagara International Airport (BNIA) during the upcoming spring travel season. The term of the both agreements will be limited to the months of March and April 2011, with an option to rent during February 2011, if needed.

Additionally, BNIA is requesting the option to rent an additional parcel of land approximating 1.2 acres at an adjacent location on an “as needed basis” during the same spring travel season including February, March, and/or April 2011 from Ciminelli Real Estate Corporation.

The combined maximum cost to lease these lots during February through April 2011 will not exceed \$36,650.

INFORMATION: On multiple occurrences over the past several years during the spring season existing BNIA customer parking facilities have reached capacity. Overflow parking lots accommodated nearly 750 vehicles during year 2010 and 910 vehicles during year 2009. It is expected that this level of customer demand will continue. To accommodate customer demand, the NFTA will lease two parcels of land aggregating 4.5 acres on Genesee Street at the Concourse Center which is located across the street from BNIA. Ciminelli Real Estate Corporation owns a lot with approximately 1.5 acres and GECCMC 2003-CA Genesee Street, LLC (a receiver for foreclosed property) controls approximately 3.0 acres. The duration of both lease terms is March 1, 2011 through April 30, 2011 with BNIA’s option to lease during February 2011, if needed. The leased premises will accommodate 450 vehicles and will be used exclusively for customer overflow parking purposes. The cost of both leases is \$1,500 per acre or \$6,750 per month for a maximum rental totaling \$20,250 from February 1, 2011 through April 30, 2011.

Additionally, BNIA is requesting the option to lease an additional parcel of land covering 1.20 acres at the same site on an “as needed” basis. This would provide additional parking for approximately 120 vehicles. The rental cost for the additional parcel is \$1,800 per month or a maximum of \$5,400 for the period of February 1, 2011 through April 30, 2011.

In addition to the above fixed monthly rental costs, the NFTA will pay 15% of total gross revenues for all leased lots estimated not to exceed \$11,000.

The combined maximum cost is estimated at \$36,650.

BNIA has successfully utilized these lots with similar terms and conditions during the past few years. BNIA will maintain the premises and Standard Parking will provide shuttle service for the overflow parking customers.

FUNDING: Funding is available from the BNIA operating budget.

“RESOLVED, that the Board hereby authorizes Agreements with Ciminelli Real Estate Corporation and GECCMC 2003-C1 Genesee Street, LLC, for rental of land to accommodate customer parking overflows during upcoming spring travel season described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute Agreements with Ciminelli Real Estate Corporation and GECCMC 2003-C1 Genesee Street, LLC, upon the terms and conditions set forth above; 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;

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. (2) **Authorization for Agreement, Design Services/Support,
Hatch Mott MacDonald, NFIA Fuel Farm**

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award a Consultant Design Services and Design Support to Construction contract to Term Consultant, Hatch Mott MacDonald for a lump sum amount of \$14,538.00.

INFORMATION: Project objective is to provide design services and design support to construction to relocate two existing above ground storage tanks from BNIA to NFIA Fuel Farm in order to increase the aviation fuel storage capacity to accommodate air traffic needs.

Hatch Mott MacDonald has previous experience with the original construction of the NFIA Fuel Farm. Board approval is required because Hatch Mott MacDonald's term contracts exceed the \$100,000 level for this fiscal year. Including this contract, the total amount of the contracts is \$128,251.00. The cost proposal was reviewed and determined to be fair and equitable for the scope of work required.

Engineer's estimate	\$15,915.00
Initial Proposal	\$14,538.00
Negotiated Cost	\$14,538.00

Design documents will be developed for the installation of the pipe system to integrate the two additional fuel storage tanks into the NFIA Fuel Farm for dispensing fuel for aircraft. The design support to construction provides for the review of submittals, RFI's, and site inspection.

The NFTA Affirmative Action/EEO office has been briefed on the selection of Hatch Mott MacDonald and concurs with the recommendation for board approval.

FUNDING: Funding for the contract is in Account No. 3107-2-1468 as follows:

NFIA Fuel Farm Expansion	\$14,538.00	100% NFTA
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“RESOLVED, that the Board hereby authorizes an Agreement with Hatch Mott MacDonald to provide design services and design support to Construction contract at Niagara Falls International Airport Fuel Farm; 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 Hatch Mott MacDonald for a lump sum amount of \$14,538.00 to relocate two existing above ground storage tanks from BNIA to NFIA Fuel Farm with terms and conditions as set forth above and as negotiated; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering 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) and 4. D. (2)
1. Authorization for Lease Agreement, Michelin North America, Inc., Tires for Transit Buses
2. Authorization of Run Out Payments, Bridgestone Americas Tire Operations LLC

SURFACE:

4. D. (i) **Niagara Frontier Transportation Authority, Acceptance of
Surface Transportation Resolutions 4. D. (1) and 4. D. (2)**

The Executive Director advised that Items 4. D. (1) and 4. D. (2) 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 Hughes, seconded by Commissioner Eagan, that the following Resolutions be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) and 4. D. (2) and dated January 24, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY**

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Lease Agreement, Michelin North America, Inc.,
Tires for Transit Buses**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve a five-year lease with Michelin North America, Inc. for tires to be used on revenue vehicles. The term of the lease will be March 1, 2011 through February 28, 2016, at an estimated cost of \$2,632,923.00 for all five years. The five year lease agreement also includes a provision to use the tires installed on the fleet at the end of the lease to the end of their useful life should Michelin North America not be the successful proponent for the next tire lease.

INFORMATION: Metro leases tires for all revenue vehicles. Lease payments are based on a mileage rate for each tire type and the mileage operated on the tires. A monthly service payment is also included in the lease payment to cover the cost of removing/installing tires on Metro's wheels.

The evaluation team included the Manager of Procurement, the Equipment Engineer and the Maintenance Coordinator. The proposals were evaluated and ranked based on technical criteria including manufacturer's and service sub-contractor's qualifications and experience, tire compatibility, and reports; and cost (the cost of leasing was compared to the cost of purchasing). In addition to being the lowest cost provider, Michelin provided positive fuel economy data, advanced electronic reporting and the ability, in the near future, to scan tires with an embedded chip to assist in inventory and tracking purposes. Please see the attached spreadsheet for additional information.

FUNDING: The cost of the tire lease is planned and budgeted in the Metro Operating Budget and is reimbursed with FTA, State and Local funds on an 80% Federal, 10% NYSDOT and a 10% NFTA basis.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Michelin North America, Inc. for tires to be used on revenue vehicles 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 Michelin North America, Inc. for a five year period commencing March 1, 2011 and ending February 28, 2016; and

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

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

RFP 4055 TIRE LEASE

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Michelin North America, Inc. Greenville, SC	Goodyear Tire and Rubber Co. Akron, OH	Bridgestone Americas Tire Operations, LLC Akron, OH
Non-Collusive Cert	x	x	x
Disclosure of Prior Non-rep Determinations	x	x	x
Lobbying Cert	x	x	x
Cover Letter	x	x	x
ST-220-TD	x	x	x
Description of services	x	x	x
Firm, Mgmt & Staff Qualifications	x	x	x
Resumes	x	x	x
References	x	x	x
Buy America Cert	x	x	x
Itemized Cost Proposal	x	x	x

SELECTION CRITERIA (Completed by Team)	Score Range - 0 to 5		
Technical 60%	4.65	3.30	4.00
Lease/Purchase Cost 40%	5.00	4.04	3.92
Total	4.79	3.60	3.97

COST - TIRES	Lease	Purchase	Lease	Purchase	Lease	Purchase
Tire Size - 305/85R 22.5, Used on 261 Buses, 8,733,000 miles/year						
Total Cost, Year 1	\$297,620.64	\$484,284.00	\$351,066.60	\$626,156.10	\$307,104.68	\$499,444.99
Total Cost, Year 2	\$315,435.96	\$512,822.84	\$370,453.86	\$660,214.80	\$331,679.34	\$539,398.47
Total Cost, Year 3	\$334,299.24	\$543,078.17	\$390,889.08	\$696,893.40	\$358,192.73	\$582,547.16
Total Cost, Year 4	\$354,210.48	\$575,149.36	\$412,372.26	\$735,318.60	\$386,854.43	\$629,156.59
Total Cost, Year 5	\$375,693.66	\$609,144.82	\$434,903.40	\$775,490.40	\$417,821.65	\$679,483.46
TOTAL COST - 5 YEARS	\$1,677,259.98	\$2,724,479.18	\$1,959,685.20	\$3,494,073.30	\$1,801,652.83	\$2,930,030.66

Tire Size - 305/70R 22.5, Used on 21 Buses, 614,000 miles/year						
Total Cost, Year 1	\$26,193.24	\$42,099.93	\$28,072.08	\$54,154.80	\$32,087.64	\$48,389.81
Total Cost, Year 2	\$27,777.36	\$44,579.67	\$29,619.36	\$57,102.00	\$34,655.39	\$52,260.85
Total Cost, Year 3	\$29,435.16	\$47,207.59	\$31,240.32	\$60,233.40	\$37,429.44	\$56,441.71
Total Cost, Year 4	\$31,203.48	\$49,993.52	\$32,971.80	\$63,549.00	\$40,420.85	\$60,956.98
Total Cost, Year 5	\$33,082.32	\$52,946.45	\$34,776.96	\$67,048.80	\$43,655.40	\$65,834.02
TOTAL COST - 5 YEARS	\$147,691.56	\$236,827.17	\$156,680.52	\$302,088.00	\$188,248.72	\$283,883.37

Tire Size - 275/70R 22.5, Used on 22 Buses, 874,000 miles/year						
Total Cost, Year 1	\$37,337.28	\$53,530.75	\$39,959.28	\$77,086.80	\$39,225.12	\$88,767.12
Total Cost, Year 2	\$39,592.20	\$56,667.98	\$42,161.76	\$81,282.00	\$42,361.03	\$95,851.12
Total Cost, Year 3	\$41,952.00	\$59,992.67	\$44,469.12	\$85,739.40	\$45,748.66	\$103,518.40
Total Cost, Year 4	\$44,469.12	\$63,517.95	\$46,933.80	\$90,459.00	\$49,408.97	\$111,800.24

RFP 4055 TIRE LEASE

Total Cost, Year 5	\$47,143.56	\$67,254.30	\$49,503.36	\$95,440.80	\$53,362.94	\$120,744.48
TOTAL COST - 5 YEARS	\$210,494.16	\$300,963.65	\$223,027.32	\$430,008.00	\$230,106.72	\$520,681.36
Tire Size - LT225/75R 16, Used on 67 Small Buses, 2,538,000 miles/year						
Total Cost, Year 1	\$60,302.88	\$81,214.19	\$64,414.44	\$107,103.60	\$61,429.75	\$102,925.25
Total Cost, Year 2	\$63,957.60	\$85,875.04	\$67,916.88	\$112,687.20	\$66,348.40	\$111,159.06
Total Cost, Year 3	\$67,764.60	\$90,813.27	\$71,723.88	\$119,286.00	\$71,647.74	\$120,050.07
Total Cost, Year 4	\$71,876.16	\$96,050.61	\$75,683.16	\$125,884.80	\$77,373.47	\$129,657.07
Total Cost, Year 5	\$76,140.00	\$101,603.39	\$79,794.72	\$132,483.60	\$83,571.26	\$140,028.14
TOTAL COST - 5 YEARS	\$340,041.24	\$455,556.50	\$359,533.08	\$597,445.20	\$360,370.62	\$603,819.59
Tire Size - 245/70R 19.5, Used on 4 Trolleys, 50,000 miles/year						
Total Cost, Year 1	\$2,241.00	\$2,836.90	\$2,190.00	\$3,946.88	\$2,748.90	\$3,899.00
Total Cost, Year 2	\$2,376.00	\$3,001.40	\$1,478.40	\$4,162.50	\$2,968.80	\$4,210.90
Total Cost, Year 3	\$2,520.00	\$3,175.80	\$1,560.96	\$4,378.13	\$3,206.40	\$4,547.80
Total Cost, Year 4	\$2,670.00	\$3,360.60	\$1,645.44	\$4,631.25	\$3,462.90	\$4,911.60
Total Cost, Year 5	\$2,829.00	\$3,556.60	\$1,735.68	\$4,893.75	\$3,739.80	\$5,304.50
TOTAL COST - 5 YEARS	\$12,636.00	\$15,931.30	\$8,610.48	\$22,012.50	\$16,126.80	\$22,873.80

COST - SERVICE						
Annual Service, Year 1	\$74,100.00		\$67,200.00		\$104,079.60	
Annual Service, Year 2	\$77,700.00		\$70,560.00		\$109,283.64	
Annual Service, Year 3	\$81,600.00		\$74,040.00		\$114,747.72	
Annual Service, Year 4	\$85,500.00		\$77,760.00		\$120,485.16	
Annual Service, Year 5	\$90,000.00		\$81,600.00		\$126,509.40	
TOTAL COST - 5 YEARS	\$408,900.00		\$371,160.00		\$575,105.52	
Optional Delivery, Year 1	\$25,740.00		No quote		\$59,202.00	
Optional Delivery, Year 2	\$27,060.00				\$62,162.16	
Optional Delivery, Year 3	\$28,380.00				\$65,270.16	
Optional Delivery, Year 4	\$29,700.00				\$68,533.68	
Optional Delivery, Year 5	\$31,020.00				\$71,960.40	
OPTIONAL DELIVERY CHARGES - 5 YEARS	\$141,900.00				\$327,128.40	

TOTALS						
TOTAL TIRE COST	\$2,082,122.94	\$3,733,757.79	\$2,707,536.60	\$4,845,627.00	\$2,596,505.69	\$4,361,288.78
SERVICE COST	\$408,900.00	\$408,900.00	\$371,160.00	\$371,160.00	\$575,105.52	\$575,105.52
DELIVERY COST	\$141,900.00	\$141,900.00	\$0.00	\$0.00	\$327,128.40	\$327,128.40
ESTIMATED CONTRACT COST	\$2,632,922.94	\$4,284,557.79	\$3,078,696.60	\$5,216,787.00	\$3,498,739.61	\$5,263,522.70

SURFACE:

4. D. (2) **Authorization of Run Out Payments, Bridgestone Americas Tire Operations LLC**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that Board authorize payments be made to Bridgestone Americas Tire Operations LLC to “run out” tires that are currently installed on the transit bus fleet. “Run out” payments will be made from March 1, 2011 up to February 28, 2014 at an estimated cost of \$332,000.00 for the “run out” period.

INFORMATION: Metro currently leases tires for all revenue vehicles from Bridgestone Americas Tire Operations LLC pursuant to a contract approved by the Board on January 23, 2006. This contract expires on February 28, 2011. Bridgestone was not the successful proponent for the next tire lease, thus requiring the use of the “run out” provision in the existing Bridgestone contract.

The “run out” provision will permit the use of the tires currently installed on revenue vehicles past the end of the Bridgestone contract and until the existing tires are worn out. By utilizing this provision, Metro avoids purchasing all the existing tires on the transit bus fleet at the end of the Bridgestone contract on February 28, 2011 and spreads out the cost of “running out” the existing tires over a period of up to 3 years. The current mileage rates in the Bridgestone contract will be used during the “run out” period.

FUNDING: Funding is provided in the Metro Operating Budget and is reimbursed with FTA, State and Local funds on an 80% Federal, 10% NYSDOT and 10% NFTA basis.

“RESOLVED, that the Board hereby authorizes payment to Bridgestone Americas Tire Operations LLC to run out tires currently installed on transit bus fleet as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to make payments to Bridgestone Americas Tire Operations LLC, for a three-year period commencing March 1, 2011 and ending February 28, 2014; 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, 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/Risk Management Resolutions

1. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (4)
1. Authorization for Lease Agreement, EP Jordan & Associates, Inc., 247 Cayuga Road
2. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road
3. Authorization for Lease Amendment Agreement, Niagara Frontier Chapter, National Railway Historical Society, Inc., License Agreement, Maurice D. Cooper, Jr., Oliver Street, North Tonawanda
4. Authorization for Use of Property, Dive Rescue International and South Line Fire District, Ice Rescue Training, NFTA Boat Harbor

PROPERTY:

**5. D. (i) Niagara Frontier Transportation Authority,
Acceptance of Property Resolutions 5. D. (1) through 5. D. (4)**

The Executive Director advised that Items 5. D. (1) through 5. 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 Granto, the following Resolutions be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 5. D. (1) through 5. D. (4) and dated January 24, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY**

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for Lease Agreement, EP Jordan & Associates, Inc.,
247 Cayuga Road**

RECOMMENDATION: The Property Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with EP Jordan & Associates, Inc. (Eugene P. Jordan, President) to lease office space at 247 Cayuga Road.

INFORMATION: EP Jordan has been leasing space at 247 Cayuga Road since 1998. Under this new lease Mr. Jordan will continue leasing 1,848 square feet of office space. The five-year lease will commence on February 1, 2011 and end on January 31, 2016. The rental rate will be \$11 per square foot with an annual escalator of 3%, for a first year rent of \$20,328.00 and a five-year total of \$87,596.00

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with EP Jordan & Associates, Inc. for 1,848 square feet of office 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 EP Jordan & Associates, Inc., for a five year period commencing February 1, 2011 and ending January 31, 2016; and

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

PROPERTY:

5. D. (2) **Authorization of Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road**

RECOMMENDATION: The Property Risk Management Committee has reviewed this item and 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. The current lease expires on January 31, 2011. The new agreement will continue his occupancy for one year commencing February 1, 2011 and ending on January 31, 2012. The rental rate will increase by 3% to a rate of \$6.70 per square foot or \$4,442.10 for the year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Richard Reinhart d/b/a Mailmasters for 663 square feet of office 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 Reinhart d/b/a Mailmasters, for a one year period commencing February 1, 2011 and ending January 31, 2012; and

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

PROPERTY:

5. D. (3) **Authorization for Lease Amendment Agreement, Niagara Frontier Chapter, National Railway Historical Society, Inc., License Agreement, Maurice D. Cooper, Jr., Oliver Street, North Tonawanda**

RECOMMENDATION: The Property Risk Management Committee has reviewed this item and recommends that the Board authorize a Lease Amendment Agreement with the Niagara Frontier Chapter, National Railway Historical Society, Inc. ("NRHS") to remove approximately .257 acres of land from their leased premises and a License Agreement with Maurice D. Cooper, Jr. for use of the .257 acres for a skate park.

INFORMATION: The NRHS entered into a lease with the Consolidated Rail Corporation ("Conrail") on December 1, 1986 for 2.2 acres for use as a sidetrack. This property is adjacent to the NRHS museum on Oliver Street in North Tonawanda and was used for the display of trains. However, for some time now rail access has no longer been available to this sidetrack. The NFTA became the Lessor under the lease when we purchased the property from Conrail on March 24, 1988. NRHS currently pays rent of \$667.30 per year.

Maurice D. Cooper, Jr. owns a roller rink on property located next to the NRHS museum. He would like to put a skate park on the right-of-way property located directly behind his roller rink. The NRHS does not require the use of this property any longer, and has agreed to release the property from their lease in consideration of the NFTA forgiving a past due rent amount of \$1,780.65 but the current rental payment will remain the same. The License Agreement with Mr. Cooper will provide rental of \$1,000.00 per year, escalated annually by CPI, and is terminable upon thirty days notice. Mr. Cooper has agreed to provide insurance at the levels requested by the NFTA's Risk Management Department.

FUNDING: No funding is required.

"RESOLVED, that the Board hereby authorizes a Lease Amendment Agreement with Niagara Frontier Chapter, National Railway Historical Society, Inc. to release approximately .257 acres of property from their lease as described hereinabove; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes a License Agreement with Maurice D. Cooper, Jr., for approximately .257 acres of property as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Amendment Agreement with Niagara Frontier Chapter, National Railway Historical Society, Inc. and a License Agreement with Maurice D. Cooper, Jr., with terms and conditions as set forth above 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.”

PROPERTY:

5. D. (4) **Authorization for Use of Property, Dive Rescue International and South Line Fire District, Ice Rescue Training, NFTA Boat Harbor**

RECOMMENDATION: The Property Risk Management Committee has reviewed this item and recommends that the Board authorize Dive Rescue International and South Line Fire District to use the Boat Harbor for an ice rescue training class on January 29, 2011.

INFORMATION: South Line Fire of Cheektowaga, New York, is hosting an Ice Rescue Training class to be taught by Dive Rescue International, Fort Collins, Colorado, from January 28-30, 2011. They have requested the use of the Boat Harbor for the field exercise portion of the class that will involve training participants in rescue techniques on the ice in the Harbor. It is estimated that there will be approximately twelve students from several local firehouses. Dive Rescue International and the local firehouses will provide certificates of insurance and all participants and trainers will sign indemnification forms.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby the use of the Boat Harbor for an ice rescue training class, as described hereinabove; and

BE IT FURTHER RESOLVED, that all participants and trainers shall sign forms which shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel.”

6. General Counsel Report – None
7. Executive Session -

At approximately 1:05 p.m., it was moved by Commissioner Helfer, seconded by Commissioner Granto, that the Commissioners convene in Executive Session for the purpose of personnel issues and to discuss/review applications for the General Counsel position.

Following discussion, at approximately 2:13 p.m., it was moved by Commissioner Granto, seconded by Commissioner Perry, that the Executive Session be adjourned.

**AYES: SLOMA, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY**

NOES: NONE

8. Adjournment

At approximately 2:13 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Granto, seconded by Commissioner Perry, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: SLOMA, LEWIN, CROCE, EAGAN, GRANTO,
HELPER, HUGHES, PERRY, ZEMSKY**

NOES: NONE