Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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August 29, 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 July 23, 2012.

Very truly yours,

David J. State
General Counsel

DJS:lf

Enclosure

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
JULY 23, 2012 12:30 PM
MINUTES

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1. CALL TO ORDER

A. Meeting Called to Order

Chairman Zemsky called the meeting to order at approximately 12:33 p.m.

B. Special Business

There was no Special Business to report.

C. Approval of Minutes of the NFTA Regular Board Meeting held on June 25, 2012

It was moved by Commissioner Demakos, seconded by Commissioner Durand, that the Minutes of the June 25, 2012, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

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

NOES: **NONE**

D. Executive Director's Report:

Executive Director Kimberley Minkel acknowledged the efforts of NFTA police officers who assisted in a child abandonment situation at the Taste of Buffalo. She updated the Board on the status of the lobbyist search and recommended that a meeting with the Board and the finalists be scheduled to conduct a brief interview and to ask pertinent questions. Commissioner Eagan requested copies of the proposals from the finalists prior to the special meeting. The Executive Director also briefed the Board on the progress of the facility consolidation program. She explained that the Authority will be taking a phased approach to the transition.

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 Audit and Governance Resolutions 2. C. (1) through 2. C. (3)

1. Authorization for Agreement, M.C. Dean, Equipment Procurement and Installation, ARCTIC

2. Authorization for Agreement, Eaton Office Supply Company, Inc., Managed Print Services Solutions

3. Authorization for Settlement, Anthony Carfino v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc., Niagara Frontier Transportation Authority, Karen D. Eckstrom and Timothy Eckstrom

CORPORATE:

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

The Executive Director advised that Items 2. C. (1) through 2. C. (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 Eagan, seconded by Commissioner Croce, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (1) through 2. C. (3) and dated July 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Agreement, M.C. Dean, Equipment Procurement and Installation, ARCTIC**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize an agreement in the amount of $669,299 between the NFTA and M.C. Dean for the purchase and installation of equipment for the Advanced Regional Counterterrorism Technology Innovation Center (ARCTIC), previously known as the Regional Interagency Surveillance Center (RiSC). This project is funded with 100% federal funds.

INFORMATION: The NFTA requested and received grant funding to build a centralized monitoring center that would allow us to integrate all existing and future NFTA surveillance feeds into one location. This center is to include video analytics that would alarm on predefined security incidents. The Department of Homeland Security (DHS) has since requested that this center be identified as a scalable demonstration project and provide for the partnering of multiple agencies to make it a regional asset. To achieve this DHS provided the NFTA with funding in the amount of $691,497 through the Transit Security Grant Program and $3,358,573 to install an Advanced Perimeter Security (APS) system at BNIA, which included $300,000 for the ARCTIC project to integrate the BNIA feeds. The funding for the BNIA project was awarded based on the anticipated capabilities of the ARCTIC, and the integration of the BNIA surveillance information into the ARCTIC.

This project is the third and final component of the first phase of the overall ARCTIC Project. The first two components were the design of the center and the build out of the Analysis Room. This component will complete the build out of the main watch floor and the integration of all of the various surveillance feeds. The first phase of the project was broken down into three parts due to the different funding sources for each part.

M.C. Dean was selected to do the overall design based on their expertise designing and building this type of center for federal agencies. Since this project is being funded 100% by federal funds we are able to utilize the GSA contract for the purchase, installation, and programming of all the equipment. MC Dean is an approved and experienced GSA contractor for this work. The New York State Department of Homeland Security, who is acting as our State Security Oversight Agency on this project, has requested that we utilize the GSA contract option so that we can move this project forward. Any subcontracted portions of this project will utilize local contractors.

FUNDING: Funding is provided in Account No. 12-0000000-3188-2-1048.

> **"RESOLVED,** that the Board herby authorizes an Agreement with M.C. Dean for the purchase and installation of equipment for the Advanced Regional Counterterrorism Technology Innovation Center (ARCTIC) as described herein above: and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman be and hereby are authorized to enter into an Agreement with M.C. Dean for the sum of $669,299.00; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to make payments under said Agreement, upon certification by the Director, Risk Management or her designee, that such payments are in order."

CORPORATE:

2. C. (2) **Authorization for Agreement, Eaton Office Supply Company, Inc., Managed Print Services Solutions**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize the NFTA to enter in to a three-year Agreement with Eaton Office Supply Co. Inc. for managed print services solutions in the total amount of $127,332.00 for the three-year period. The service will commence beginning August 1, 2012 and continue until July 31, 2015.

INFORMATION: Eaton Office Supply Co. Inc. offers a managed print services solution under NYS Contract No. PC64674 at a monthly fee of $3,537.00. A three-year analysis of the cost of the NFTA's consumable and printer repairs came to $155,566.50. The managed print solution offered by Eaton Office Supply Co. for a three-year period will cost the NFTA $127,332.00, generating a three-year cost savings of $28,234.50. Included as part of the service offering are 2 HP LaserJet M4345xs multi-function printers valued at $4,709 each. The printers would be used to help facilitate consolidation efforts to continue to reduce printing cost. The anticipated total cost savings is $37,814.50.

The following vendors on NYS Contract were also solicited to provide a quote for managed print services:

- Xerox – Completed printer study and proposed monthly cost of $3,998.98.
- Konica Minolta – Study was conducted but quote for services was not provided.

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

"**RESOLVED,** that the Board hereby authorizes an Agreement with Eaton Office Supply Company, Inc., for managed print services for a total cost of $127,332.00; 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 Eaton Office Supply Company, Inc., for the a total cost of $127,332.00; 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 Manager, MIS, that such payments are in order."

CORPORATE:

2. C. (3) **Authorization for Settlement, Anthony Carfino v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc., Niagara Frontier Transportation Authority, Karen D. Eckstrom and Timothy Eckstrom.**

RECOMMENDATION: The Audit and Governance Committee has reviewed this item and recommends that the Board authorize payment of the settlement amount of $700,000 in the matter of Anthony Carfino v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc., Niagara Frontier Transportation Authority, Karen D. Eckstrom and Timothy Eckstrom.

INFORMATION: This action arises out of two separate motor vehicle accidents that occurred on August 21, 2008 and February 7, 2010, the latter of which involved an NFT Metro bus.

The first accident involved a 2005 Mazda operated by 19 year old Karen Eckstrom that ran a red light and struck the driver side of a 2004 Nissan Frontier pick-up truck operated by then 48 year old Anthony Carfino. He alleged lumbar and cervical disc injuries as a result of the first accident and was actively treating for same up to the date of the second accident.

The February 7, 2010 accident occurred on Genesee Street at the intersection of Route 33 in the Town of Cheektowaga. Mr. Carfino was a passenger in the rear, side-facing "jump seat" of the 2004 Nissan pick-up truck. The Nissan was stopped at a red light when a #24 Metro bus approached and struck the rear bumper of the pick-up and pushed the vehicle forward at least a car length. The bus was equipped with a digital video surveillance system and the accident was captured, downloaded and preserved for litigation. The bus operator offered no excuse for the accident and admitted that he had something on his mind and simply was not paying attention at the time. He was issued a traffic citation for following too closely. In light of the foregoing, we admitted liability.

The Plaintiff testified that he was jolted from side to side on impact and the left side of his body struck the rear window of the pick-up. He was transported via ambulance to St. Joseph's Hospital where he was evaluated for neck pain, back pain, headache and jaw pain. He was diagnosed with a closed head injury and cervical, lumbar and mandibular strain. The following day he developed left knee and left shoulder pain. He followed up with the physician he had been treating with for injuries sustained in the 2008 accident. An MRI conducted in September of 2008 revealed disc protrusions/herniations at C3-C7 and L4-L5. There was a dispute between various surgeons as to whether a repeat MRI in February of 2010 revealed essentially the same findings as the 2008 MRI or progressive pathology.

The Plaintiff alleged that he sustained disc herniations at C3-C7 and L4-L5 as a result of the first accident, which were aggravated in the bus accident to the extent of requiring surgical intervention. The Plaintiff also alleged that he sustained a bucket handle tear of the medial meniscus and a partial thickness tear of the left rotator cuff as a result of the bus accident, both of which were confirmed by MRI.

The Plaintiff's ongoing complaints led to elective surgery on the left knee on June 11, 2010 when his orthopedic surgeon performed arthroscopy of the left knee with partial medial meniscectomy and chondroplasty of the medial tibial plateau. He also underwent elective surgery on his left shoulder in August of 2010, at which time his orthopedic surgeon performed arthroscopy of the shoulder with acromioplasty, bursectomy and excision of the distal clavicle. The Plaintiff has undergone extensive conservative care for the neck and back, which has consisted of chiropractic treatments, epidural injections and pain management.

One mediation session and numerous settlement conferences were unavailing. Plaintiff's counsel initially demanded 3.7 million dollars to settle this case. NFT Metro extended an initial offer of $100,000 and our co-defendant extended a $50,000 offer. After several requests from the Court, the Plaintiff reduced his demand to 2 million dollars, but remained steadfast at that figure. The Court ultimately advised that this was simply a case that had to proceed to trial. The matter proceeded to a jury trial on the issue of damages only before the Honorable Tracey Bannister commencing June 6, 2012.

During the trial, the parties elicited lengthy, complicated medical testimony from four orthopedic surgeons and two neurosurgeons. One of the Plaintiff's experts testified that 60% of the Plaintiff's neck and back complaints were related to the 2008 accident and 40% related to the bus accident, as is the need for neck and back surgery; while the shoulder and knee surgeries were 100% related to the bus accident. Over an objection that the evidence was cumulative, the Plaintiff also offered the opinions of additional treating surgeons, who opined that the recommendation for neck and back surgery was related to the bus accident. The co-defendant's expert testified that the Plaintiff's current neck and back complaints were 40% attributable to the 2008 accident and 60% attributable to the 2010 accident. Contrary to the opinions offered by other surgeons who either treated the Plaintiff or testified in this matter, the physician who performed the neurologic examination for NFT Metro regarding the neck and back reported that the cervical and lumbar complaints were related to the 2008 accident and there was no evidence of any significant change after the 2010 accident. The orthopedic surgeon who examined the Plaintiff at our behest for the knee and shoulder injuries testified that, based upon a delay in complaints related to the knee and shoulder, that he did not sustain any traumatic injury to either body part. However, Plaintiff's own treating orthopedic surgeon testified that the left knee and left shoulder complaints and the resultant need for surgery were causally related to the bus accident.

At the time of the accident, Mr. Carfino was self-employed as a contractor working at the Quality Inn on Genesee Street replacing carpets and renovating bathrooms. His physicians testified that he is not physically able to return to the labor intensive work that he was engaged in prior to the accident and is now only able to perform sedentary to light duty jobs.

At the close of proof, Plaintiff's counsel asked the jury to award his client 2.65 million dollars for past and future pain and suffering and $300,000 for past and future medical expenses. After almost four hours of deliberation, the jury returned a verdict in favor of the Plaintiff.

The breakdown was as follows: Past and future pain and suffering and medical expenses for the 2008 accident - $253,315. Past and future pain and suffering and medical expenses for the 2010 bus accident - $821,553. Following the trial, we were able to negotiate a settlement of $700,000, subject to Board approval.

FUNDING: Provided by NFT Metro System, Inc. through Self-Insurance Reserves.

"**RESOLVED**, that the Board hereby authorizes payment of the settlement amount of $700,000 in the matter concerning the accident which occurred on February 7, 2010; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chairman be and hereby are authorized to execute such payments as necessary to resolve the matter of Anthony Carfino v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc., Niagara Frontier Transportation Authority, Karen D. Eckstrom and Timothy Eckstrom, said authorization providing for payments in the not-to-exceed amount of $700,000; 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 General Counsel, 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. (3)

1. Acquisition of Real Property, 1105 Wehrle Drive, BNIA
2. Authorization for Agreement, Time Warner Cable, Telecommunication Services, NFIA
3. Authorization for Agreement, McFarland-Johnson, Inc., Sustainable Master Plan Update, NFIA

AVIATION:

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

The Executive Director advised that Items 3. D. (1) through 3. 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 Demakos, 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. (3) and dated July 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

AVIATION:

3. D. (1) Acquisition of Real Property, 1105 Wehrle Drive, BNIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize the purchase of a portion of property commonly known as 1105 Wehrle Drive in the Town of Amherst (the "Property") for the price of $550,000 and execution of a purchase agreement.

INFORMATION: The Property is owned by 1105 Wehrle Limited Partnership. The principal partners are Karen Wetzel and Jeff Wetzel. The Property is located at the southeast corner of Wehrle Drive and Cayuga Road. The Property includes a one story brick and concrete block building and was recently operated as a Mobil service station. The Property comprises approximately .63 acres of land and is located at the approach end of Runway 14 at Buffalo Niagara International Airport (BNIA) and in the Runway Protection Zone (RPZ).

The NFTA, as a condition of receiving Federal Grants for BNIA improvement projects, provides grant assurances regarding the use, operation and maintenance of BNIA. One such grant assurance requires the NFTA to take appropriate action to protect instrument and visual operations and take appropriate action to clear and remove airport hazards and prevent the establishment and creation of future airport hazards. Since the Property is located within the RPZ, the NFTA has a contractual grant obligation to make reasonable attempts to clear and remove any visual and physical obstructions to aircraft within the Property. The FAA encourages airport operators to acquire property within the RPZ. The NFTA has consulted with the FAA regarding the acquisition of the Property and the FAA has confirmed that the acquisition of the Property is eligible to receive grant funding and supports the NFTA's acquisition of the Property. Acquisition of the Property would enable the NFTA to demolish the building and associated structures and thereby eliminate these obstructions from the RPZ and ensure public and property safety.

The Property was listed with Realty USA for $669,000. Staff commissioned an appraisal of the Property which established a market value of $490,000 based upon the highest and best use of the Property, which is the continued use as a gas station. The Property owner did not accept the appraised value offer and countered at $590,000. The NFTA negotiated an administrative settlement with the property owner for $550,000. The FAA concurs with the administrative settlement. FAA encourages airport sponsors to resolve property value disputes amicably through negotiation and generally considers an administrative settlement within ten percent of the appraised value to be reasonable. The negotiated administrative settlement is approximately 12% of the appraised value. As part of the administrative settlement the owner has agreed to undertake the closure of the underground storage tanks, remove the above ground dispensers, sumps and associated lines and remove the hydraulic lifts in the garage in accordance with applicable regulatory requirements, which would not be required in the event the property continued to be used as a gas station. The contract terms provide for $60,000 to be placed in an escrow account at closing to ensure that the seller satisfactorily completes the closure work. The NFTA estimates that the value of the closure work to be undertaken by the owner at a minimum equals the administrative settlement amount of $60,000.

The NFTA cannot control the development of the Property because it does not possess zoning powers. Any new development of the Property will result in further hazards and obstructions and serve to increase the market value of the Property. The acquisition of the Property will allow the NFTA to comply with its federal grant assurances and remove the RPZ hazards and obstructions at the approach end of Runway 14 and control the development of the Property.

FUNDING: Funding will be provided by the FAA Airport Improvement Plan as follows:

- FAA Share (75%) $412,500
- NYS Share (12.5%) 68,750
- PFC Share (12.5%) 68,750

"**RESOLVED,** that the Board hereby authorizes the purchase of 1105 Wehrle Drive in the Town of Amherst, which is located at the approach end of Runway 14 at the Buffalo Niagara International Airport for the reasons and costs 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 the necessary legal documents to effectuate the purchase of 1105 Wehrle Drive in the Town of Amherst 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; and

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

AVIATION:

3. D. (2) Authorization for Agreement, Time Warner Cable, Telecommunication Services, NFIA

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board authorize an Agreement with Time Warner Cable to provide telecommunication access at the Niagara Falls International Airport (NFIA) for a term of three years commencing October 2012 at a total cost of $71,632.00.

INFORMATION: Telecommunication lines are required between NFIA and the OCC data center which provide high speed and high capacity broadband service to support video surveillance, security alarms, building management systems, telephone / data communications, and internet access.

Time Warner Cable will provide a 50 MB Ethernet private line to accommodate the telecommunication demands of NFIA at a total cost of $71,632.00. The service is provided under NYS Contract No. PS63596 at a monthly cost of $1,962.00 (including excise taxes and regulatory fees) for a term of 3 years commencing October 2012. Additionally, there is a $1,000.00 installation charge.

FUNDING: Funding for this Agreement is included in the FY2013 NFIA operating budget.

"**RESOLVED,** that the Board hereby authorizes an Agreement with Time Warner Cable for telecommunication access at the Niagara Falls International Airport for a total cost of $71,632.00, 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 Time Warner Cable for a total cost of $71,632.00, 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. (3) Authorization for Agreement, McFarland-Johnson, Inc., Sustainable Master Plan Update, Niagara Falls International Airport

RECOMMENDATION: The Aviation Committee has reviewed this item and recommends that the Board award the subject consultant services to McFarland-Johnson, Inc for the cost plus fixed fee amount not-to-exceed $1,297,737 contingent upon execution of the associated FAA and State grants.

INFORMATION: This work provides for an Airport Sustainable Master Plan Update from the previous plan dated 1994. The Master Plan Update will be conducted in accordance with all the guidelines and requirements of the Federal Aviation Administration (FAA) Advisory Circular 150/5070-6B, Airport Master Plans. The primary goal for the project is to meet the growing needs of NFIA. This goal includes identification and implementation of realistic targets and practices to both increase and develop the airport's environmental sustainability. This will include review of alternatives which may recommend innovative but practical "green" procedures and practices to enhance cost effective operations, profitability and customer service at the NFIA.

The consultant selection process began by publically soliciting Request for Proposals (RFPs), pursuant to FAA/NFTA procurement guidelines. Technical proposals were received May 18, 2012. Presentations were conducted on June 18 and 19, 2012.

The Consultant Selection committee consists of the Director of Aviation, Assistant Director of Aviation, Business Development Manager NFIA, NFIA Manager, Airfield Superintendant, Project Manager Engineering, and Senior Aviation Planner. The consultants were evaluated and numerically ranked on both their technical proposal and their presentations. Evaluations were based upon experience and technical qualifications and were ranked in the following order with McFarland-Johnson the highest.

McFarland-Johnson Binghamton, NY Richard J. Brauer, President/CEO

URS Buffalo, NY Mark Lange, Vice President
CHA Buffalo, NY Greg Topping, Vice President
C&S Companies Buffalo, NY Aileen-Maguire-Meyer, Planning Manager

The McFarland –Johnson sub-consultants include:

- InterVISTA
- Cannon Design

- VHB
- Niagara University
- Roy D. McQueen (W/MBE)
- Frandina Engineering (W/MBE)

Independent Engineers Estimate	$1,329,000
Initial Cost proposal	$1,580,400
Negotiated Cost Proposal	$1,297,737

WMBE participation as reviewed and concurred with by Affirmative Action is 23.3%.

FUNDING: Funding will be provided as follows:

- **Empire State Development** **$970,000**
- **Niagara Falls Bridge Commission** **$100,000**
- **FAA/NYSDOT/NFTA (90/5/5)*** **$227,737**

Total **$1,297,737**

*** Components of FAA AIP grant:**

o FAA 90%	$204,963
o NYSDOT 5%	$11,387
o NFTA 5% -future PFC	$11,387
o Total	$227,737

"**RESOLVED**, that the Board hereby authorizes an Agreement with McFarland-Johnson, Inc. to provide consulting services for an airport master plan at Niagara Falls International Airport; 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 McFarland-Johnson, Inc. to provide consulting services for a airport master plan at Niagara Falls International Airport for an amount not-to-exceed $1,297,737.00 as described hereinabove; 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 of 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. (9)

1. Authorization for Agreement, IBI Group, Intelligent Transportation System (ITS) Strategic Plan, Metro
2. Authorization for Agreement, Bergmann Associates, Niagara Street Corridor, Metro
3. Authorization for Supplemental Agreement No. 5 and Change Orders, Gillig, LLP, Metro
4. Authorization for Agreement, Lamar Transit Advertising, NFT Metro
5. Authorization for Agreement, Global Industrial Services, Cleaning of Advertising Bus Shelters, NFT Metro
6. Authorization to Adopt NFTA Metro Bus and Rail Service Delivery and Evaluation Guidelines
7. Authorization for Procurement, DeLacy Ford, Four Sport Utility Vehicles, Metro
8. Authorization for Procurement, NOCO Distribution, LLC, Multi-Grade Engine Oil, Metro
9. Authorization for Site Access Agreement, FNUB, Inc., Allen Medical Campus Station

SURFACE:

4. D. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (9)

The Executive Director advised that Items 4. D. (1) through 4. D. (9) 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 Perry, 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. (9) and dated July 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

ABSTENTION: **PERRY [*Item 4. D. (2); Item 4. D. (8) and Item 4. D. (9)]**
EAGAN [Item 4. D. (4)]**

NOES: **CROCE [Item 4. D. (4) only]**

ADOPTED

SURFACE:

4. D. (1) Authorization for Agreement, IBI Group, Intelligent Transportation System (ITS) Strategic Plan, Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board award the subject study to the term consultant, IBI Group, for the lump sum amount of $65,144.82.

INFORMATION: The transit industry has become complex in its service requirements and operation. It requires state of the art tools to provide coordinated, cost effective, safe, and efficient service to the public. In order to improve and provide the best service, Metro will develop an Intelligent Transportation System (ITS) Strategic Plan to guide future implementation of projects for the next three to five years.

The project will follow a systems engineering approach. It will begin by assessing the current operation of Metro, as well as, the operational needs, objectives, and deficiencies. This will be followed by a survey of available technologies to address the needs, a concept of operation, and culminating in the strategic Master Plan for the deployment of the new ITS systems.

The strategic plan will consider other initiatives currently in progress with the NFTA, including the following:

- Real Time Information Signs integration,
- Interactive Voice Response (IVR) System Procurement,
- Computer-Aided Dispatch/Automatic Vehicle Location (CAD/AVL) System,
- Train Control & SCADA system,
- Fare Collection System,
- 800 MHz radio system upgrades.

The IBI Group possesses extensive experience in Information Technology, Intelligent Transportation Systems, and transit systems. They will work closely with the NFTA staff to assess the transit operations and develop a plan that best suits the service and management goals of the NFTA. Staff has reviewed the cost proposal from IBI Group. All parties are in agreement with the scope of work and the final negotiated lump sum cost shown below.

	Initial Proposal	Negotiated Cost
Engineer's Estimate	$70,000.00	$70,000.00
IBI Group	$65,144.02	$65,144.02

FUNDING: Funding for this project is 100% NFTA and is included in Metro's capital budget.

"**RESOLVED**, that the Board authorizes an Agreement with IBI Group for the development of an Intelligent Transportation System (ITS) Strategic Plan for the lump sum amount of $65,144.82, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute an Agreement with IBI Group for the lump sum amount of $65,144.82, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that 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 upon the terms of the Agreement upon certification by the Director, Engineering, that such payments are in order."

SURFACE 4. D. (1)

SURFACE:

4. D. (2) Authorization for Agreement, Bergmann Associates, Niagara Street Corridor, Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board award the subject design contract to the term consultant, Bergmann Associates, for the lump sum amount of $139,149.26.

INFORMATION: The purpose of this project is to create a comprehensive urban transit corridor in the City of Buffalo that will improve NFTA bus service delivery; advance the FTA's livability standards; and act as a model for future corridors in the NFTA service area and throughout the United States. The project will focus on Niagara Street (Metro Route No. 5) as a high demand urban transit corridor servicing a minimum of five different routes. It will provide an opportunity for neighborhood revitalization, transit oriented development, and improved livability for local citizens.

The project consists of design document preparation for the following;

- integration of local traffic signals to assist buses on maintaining bus route schedules.
- assessment, enhancement, and relocation of bus shelters along Niagara Street.
- construction of a transit facility to accommodate five bus routes.
- the implementation of an Intelligent Transportation System that will provide real time bus arrival information to patrons.

Bergmann Associates possesses extensive transportation design experience. They are currently contracted by the City of Buffalo to design the rehabilitation road work for Niagara Street. The consultant will work closely with NFTA staff to assess our needs and develop a design that best suits the goals of this project. Staff reviewed the cost proposal from Bergmann Associates and all parties are in agreement with the scope of work and the final negotiated lump sum cost shown below.

	Initial Proposal	Negotiated Cost
Engineer's Estimate	$130,000.00	$130,000.00
Bergmann Associates	$335,144.02	$139,149.26

FUNDING: Funding source for this project is as follows:

FTA :	80%		$ 111,319.42
NYSDOT	10%		$ 13,914.92
NFTA:	10%		$ 13,914.92
		TOTAL	$ 139,149.26

"**RESOLVED**, that the Board authorizes an Agreement with Bergmann Associates for the creation of a comprehensive urban transit corridor in the City of Buffalo for the lump sum amount of $139,149.26, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute an Agreement with Bergmann Associates for the lump sum amount of $139,149.26, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that 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 upon the terms of the Agreement upon certification by the Director, Engineering, that such payments are in order."

SURFACE:

4. D. (3) Authorization for Supplemental Agreement No. 5 and Change Orders, Gillig, LLP, Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends the Board authorize the listed change orders and supplemental agreement with Gillig LLP of Hayward, CA. to purchase one additional bus at a net increased cost of $111,560.00.

INFORMATION: This supplemental agreement and change orders will change the previously authorized procurement of five BAE hybrid drive buses to two Allison hybrid drive buses (NFTA's current standard hybrid drive system) and four clean diesel buses outfitted with a trolley package. A portion of this funding mandates the purchase of hybrid vehicles while the remainder of the funding can be used for clean diesel buses.

These transactions are options of a three year agreement to purchase transit buses that was approved by the Board on February 24, 2010. The affected buses were previously authorized by the Board on May 23, 2011.

Change Order to Supplemental Agreement No. 2. Change Three Hybrid Buses to Three Clean Diesel Buses Outfitted with a Trolley Package. Delete $406,536

The resulting savings achieved by changing from hybrid to clean diesel buses will be applied to a fourth clean diesel bus that is the subject of Supplemental Agreement #5. These buses will be rescheduled for delivery in April 2013.

Change Order to Supplemental Agreement No. 4 to Change the Hybrid Drive System on Two Hybrid Buses Add $19,680

This change order will permit a hybrid drive system of different manufacture to be installed on two buses. Design changes in the technology of the ordered systems and events in the transit industry have indicated that this new technology may not be the best fit for Metro's operating characteristics. Staff has determined the best course of action is to revert to the hybrid system that is currently used on 96 buses within the transit bus fleet. These buses will be rescheduled for delivery in March 2013.

Supplemental Agreement No. 5, Purchase One Clean Diesel Bus Outfitted with a Trolley Package Add $498,416

This Supplemental Agreement will provide for the procurement of one clean diesel bus outfitted with a trolley package. This bus will be scheduled for delivery in April 2013.

FUNDING: Funding is as listed below:

Cost	Source
$ 89,248	FTA
$ 11,156	NYSDOT
$ 11,156	NFTA
$ 111,560	

"**RESOLVED**, that the Board authorizes Supplemental Agreement No. 5 and the Change Orders with Gillig, LLP resulting in a net increased cost of $111,560.00, 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 Supplemental Agreement No. 5 and the Change Orders with Gillig, LLP resulting in a net increase of $111,560.00, with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Supplemental Agreement No. 5 and the Change Orders shall include such terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

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

SURFACE:

4. D. (4) Authorization for Agreement, Lamar Transit Advertising, NFT Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve a five year agreement with Lamar Transit Advertising to sell advertising space on Metro vehicles and property. The agreement will commence September 1, 2012, continuing through August 31, 2017. The agreement will result in guaranteed pre-paid revenues of $2,350,000 over the five-year period, with additional media trade and advertising production credits valued at $875,000.

INFORMATION: Request For Proposal No. 4166 was issued pursuant to NFTA Procurement Guidelines requesting a proposal to sell advertising within Metro's bus and rail system. Selling advertising space on buses, in transit centers, rail stations and rail cars generates a prime source of revenue and promotion for Metro. Utilizing a national advertising vendor maximizes the assets' revenue potential and offers Metro its best chance at a stable revenue stream over the next five years.

Proposals were reviewed and evaluated by the selection team comprised of the Director of Public Affairs; Superintendent, Communications & Advertising; Metro Manager Finance and Administration; Metro Equipment Engineer; General Manager Rail; Manager Facilities Maintenance Department; and Procurement Manager, based on the criteria listed on the attached spreadsheet.

Two businesses responded to the RFP, with the current vendor abstaining. While Lamar's proposal provides a slightly less Minimal Annual Guarantee, they will pre-pay their MAG at the onset of each contract year, and provide an additional $175,000 annually in the form of media trade and production credit for Metro to use ($150,000 in media trade and $25,000 in production credits.) In addition, Lamar is offering a 50 percent revenue share when annual sales surpass: Year 1 - $840,000, Year 2 - $890,000, Year 3 - $940,000, Year 4 - $990,000 and Year 5 - $1,040,000. All of Lamar's references rendered positive reviews of the company's current and past performance.

Lamar Transit Advertising is a subsidiary of Lamar Obie, a publicly traded advertising company with annual revenues of $1.1 billion. With a transit sales office in Albany, New York, Lamar has 152 offices across North America, currently serving 70 transit agencies. Lamar will establish an office in Western New York, staffing it appropriately, and sell contracts for available advertising space on 307 Metro buses, 202 bus shelters, 125 rail station emplacements and 27 rail cars.

FUNDING: No funding is required.

"**RESOLVED**, that the Board authorizes a five year Agreement with Lamar Transit Advertising to sell advertising within Metro's bus and rail system, 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 five year Agreement with Lamar Transit Advertising, with terms and conditions as set forth above and as negotiated; and

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

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Lamar Obie Corp Albany, NY	Gateway Outdoor Advertising Hackettstown, NJ
Non-Collusive Cert	x	x
Disclosure of Contacts Form	x	x
Disclosure of Prior Non-responsibility	x	x
Form ST-220	x	x
Lobbying Cert	x	x
Cover Letter	x	x
Description of services	x	x
Mgmt & Staff Qualifications	x	x
Resumes	x	x
References	x	x
Itemized Cost Proposal	x	x
SELECTION CRITERIA (Completed by Team)	(Rate on a score of 1 -10, with 10 being the highest)	
Revenue 50%	10.00	8.37
Technical criteria: compliance with technical requirement, approach, methods 30%	8.75	7.00
Qualifications and experience in soliciting, managing, installing and maintaining advertising for transit properties,references, past performance,management, financial stability. 20%	9.00	4.00
RATING	9.43	7.09
MAG		
Year 1 MAG	$420,000	$450,000
Gross Media Trade	$150,000	
Production Credit	$25,000	
Total	$595,000	
Year 2 MAG	$445,000	$500,000
Gross Media Trade	$150,000	
Production Credit	$25,000	
Total	$620,000	
Year 3 MAG	$470,000	$550,000
Gross Media Trade	$150,000	
Production Credit	$25,000	
Total	$645,000	
Year 4 MAG	$495,000	$575,000
Gross Media Trade	$150,000	
Production Credit	$25,000	
Total	$670,000	
Year 5 MAG	$520,000	$625,000
Gross Media Trade	$150,000	

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Lamar Obie Corp Albany, NY	Gateway Outdoor Advertising Hackettstown, NJ
Production Credit	$25,000	
Total	$695,000	
Grand Total	**$3,225,000**	**$2,700,000**
REVENUE SHARE		
Year 1	50%	50%
Year 2	50%	55%
Year 3	50%	55%
Year 4	50%	55%
Year 5	50%	55%

SURFACE:

4. D. (5) Authorization for Agreement, Global Industrial Services, Cleaning of Advertising Bus Shelters, NFT Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board approve a three year agreement with Global Industrial Services for the cleaning of advertising bus shelters. The agreement will commence September 1, 2012. The agreement may be extended at the discretion of the NFTA for two additional one-year periods. The annual fee for each year is $99,743.

INFORMATION: Request for Proposal 4170 was issued to pursuant to Procurement Guidelines requesting a proposal for cleaning advertising shelters. Proposals were evaluated by a selection team comprised of the Director of Public Affairs; Superintendent, Communications & Advertising; Metro Manager Finance and Administration; Metro Equipment Engineer; General Manager Rail; Manager Facilities Maintenance Department; and Procurement Manager, based on the criteria listed on the attached spreadsheet.

Global Industrial Services was found to be technically compliant and well qualified to provide the services required. Global is a national company with headquarter in Syosset, New Jersey, with a local office in West Seneca. They have been servicing various Verizon offices nationally and locally with bus shelter cleaning experience with Rochester Genesee Regional Transportation Authority.

FUNDING: Funding is provided in Metro's operating account.

"**RESOLVED**, that the Board authorizes an Agreement with Global Industrial Services for the cleaning of advertising bus shelters for the annual fee of $99,743.00, as described hereinabove; and

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

BE IT FURTHER RESOLVED, that 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 upon the terms of the Agreement upon certification by the Director, Surface Transportation, that such payments are in order."

RFP 4170
Bus Shelter Cleaning

7/24/2012

RFP DOCUMENTS REQUIRED (Completed by Procurement)	P.S. Elliot Services Kenmore, NY	RJS Janitorial Buffalo, NY	NYSID Albany, NY	Global West Seneca NY	Aftermath West Seneca NY	Sheen & Shine Rochester, NY
Non-Collusive Cert	x	x	x	x	x	x
Disclosure of Prior Non-rep Determinations	x	x	x	x	x	x
Cover Letter	x	x	x	x	x	x
Description of services	x	x	x	x	x	x
Mgmt & Staff Qualifications		x	x	x	x	x
References	x	x	x	x	x	x
Cost Proposal	x	x	x	x	x	x
SELECTION CRITERIA (Completed by Team)	(Rate on a scale of 1 - 10, with 10 being the highest) Team Consensus					
Cost 50%	2.41	5.45	5.55	10.00	4.97	3.52
Technical Criteria -project approach, compliance with specifications 30%	4.00	6.00	6.00	8.00	7.00	5.00
Qualifications and experience - references, management 20%	4.00	6.00	6.00	9.00	7.00	5.00
RATING	3.21	5.73	5.78	**9.20**	5.99	4.26
Cost Proposals						
Annual Fee	$413,136	$182,735	$179,615	$99,743	$200,668	$283,296

SURFACE:

4. D. (6) Authorization to Adopt NFTA Metro Bus and Rail Service Delivery and Evaluation Guidelines

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board authorize the adoption of NFTA Metro Bus and Rail Service Delivery and Evaluation Guidelines.

INFORMATION: Transit service delivery and evaluation guidelines provide an objective basis for assessing the performance of existing transit service, identifying unmet transit service needs, designing and evaluating new service proposals and recommending changes and/or improvements to existing service. The NFTA Board of Commissioners initially approved service standards in 1992 and reaffirmed them in 1995. These revised/new service delivery and evaluation guidelines were developed based on current industry practices and the service framework and guiding principles for change recommended in the Erie County Transit Service Restructuring and Fare Study-Strategic Assessment (2010). Adoption of the new guidelines does not change the existing NFTA policy regarding the Soliciting of Public Comment on Transit Service and Fare Changes or Metro's requirements to comply with Title VI.

FUNDING: No funding is required.

"**RESOLVED**, that the Board hereby approves the adoption of the Revised New Service Delivery and Evaluation Guidelines as generally described hereinabove and as set forth in the attachment hereto."

Niagara Frontier Transportation Authority Metro Bus & Rail Service Delivery and Evaluation Guidelines

June 2012

NFTA-METRO
Serving Buffalo Niagara

Niagara Frontier Transportation Authority

Metro Bus & Rail

Service Delivery and Evaluation Guidelines

Introduction

Transit service delivery and evaluation guidelines provide an objective basis for assessing the performance of existing transit service, identifying unmet transit service needs, designing and evaluating new service proposals and recommending changes and/or improvements to existing service. The NFTA Board of Commissioners initially approved service standards in 1992 and reaffirmed them in 1995. These revised/new service guidelines and standards were developed based on current industry practices and the service framework and guiding principles for change recommended in the recently completed Erie County Transit Service Restructuring and Fare Study-Strategic Assessment. The service framework and principles are summarized as follows. Metro should:

- Serve key markets and focus on high demand areas and corridors to achieve greater ridership and productivity.
- Design service and fare structures to be easy to understand and to use.
- Encourage spontaneous use with regular and frequent service.
- Provide for a positive customer experience.
- Maximize network cost effectiveness and efficiency.
- Design highly efficient service in terms of routes and schedules.
- Design and plan a financially sustainable system and provide a platform for future transit investment.

Metro will regularly monitor and update transit service statistics and metrics quarterly and will review the performance of each route annually. That review will provide the basis for developing service adjustments to best meet local needs within the framework of the service guidelines and standards and the funding and resources available.

Route Types

It is important to distinguish among the various types of routes operated by Metro. These routes types are defined below. A number of service guideline categories have different requirements depending on route type.

- **Primary/Core** routes generally operate along major travel corridors mostly in Buffalo and the first ring suburbs and provide a high level of service. These routes also generally exhibit above average ridership (e.g. more than 2,000 average weekday boardings) and financial performance. Metro Rail is included in this category.

- **Secondary routes** generally operate along secondary corridors including crosstown service in Buffalo and service oriented to suburban areas. In most cases they are designed to connect with and support the primary routes.
- **Limited Express** routes provide commuter type service between suburban areas and outlying municipalities and downtown Buffalo during peak periods. They operate in both Erie and Niagara Counties and mostly over Expressways. They provide regional service with fewer stops to provide a more direct experience.
- **Local Collector Express** routes provide commuter type service between suburban areas or outlying municipalities and downtown Buffalo during peak periods. They operate in both Erie and Niagara Counties over both local roads and Expressways.
- **Community Circulator** routes provide localized service in specific communities. They operated in both Erie and Niagara Counties.
- **School Day Only** routes operate primarily within the City of Buffalo and are designed and adjusted annually based on high school enrollment and student travel patterns to supplement regular fixed route service during peak periods.

Guidelines & Standards for Design and Delivery of Service

Service Coverage:

Coverage refers to the geographic extent of fixed route transit service within Metro's service area. Transit systems are not able to provide transit service to every potential rider who needs or wants service as such universal service would be prohibitively expensive. Metro's service coverage guidelines prescribe transit availability based on transit demand potential along with development patterns and significant activity centers. Transit demand potential is measured by a transit orientation composite index that summarizes five key transit supportive demographic characteristics including population density, financially disadvantaged (in poverty) population, zero vehicle households, youth population and senior population for each census tract/traffic analysis zone in Metro's service area. Each census tract/traffic analysis zone is ranked as having very high, high, moderate, low or very low transit demand potential. Based on these rankings the following guidelines for service coverage should apply.

- Metro fixed route service should be available within:
  - ¼ mile of areas with high or very high transit demand potential.
  - ½ mile of areas with moderate transit demand potential.
- Areas with low or very low transit demand potential do not warrant regular fixed route service: however, limited fixed route or alternative services will be evaluated based on a demonstrated demand, the cost of providing service and the availability of resources.
- Metro will also strive to provide service within ¼ mile of significant activity centers, such as employers, health care facilities, regional retail centers, educational institutions and social service facilities.

Route Design –Directness

Metro routes shall be designed to operate as directly as possible to and/or from a major destination in order to minimize passenger travel time.

- Routes should operate on major arterial streets as much as possible.
- To the extent possible, two-way service should be provided on the same street.
- Express service should be routed in the most direct manner with the least number of stops possible.
- Deviations from the basic route alignment to serve activity center or high potential demand neighborhoods should only be made when they have the potential to attract a significant number of new riders equal to or exceeding the riders per hour standard for the corresponding route category.
- Additional time to operate route deviations should not exceed five minutes (one-way) or ten percent of the one-way run time, whichever is less.

Route Design – Variations

It is sometimes more efficient to provide service to a certain area with one route having several branches than to operate several different routes. In addition, some bus trips on a route may not go to the end of the line due to very low ridership in that area at certain times during the day (i.e. turn back/short turn). To provide a user-friendly service and to encourage maximum use of the system by all current and potential riders, the following guidelines shall apply:

- A route should have no more than two distinct branches/variations.
- A route should have no more than one turn back/short turn.

Span of Service/Hours of Operation

Span of service refers to the hours that service is available and is measured as the time between the first trip and last trip operated on a route. A wider span allows for more flexibility for passengers who work second shifts or use transit for non-work trips, but requires more service and higher operating costs. The table below displays the span of service guidelines by route type. Ridership levels on individual routes and funding levels may determine a shorter or longer span of service than the guideline listed.

Span of Service		
Weekday		
Primary/Core	6:00 am to 12:00 am	18 Hours
Secondary	6:00 am to 9:00 pm	15 Hours
Limited Express	AM and PM peaks	
Collector Express	AM and PM peaks	
Community Circulator	Will vary by route based on demand	
School Day Only	AM and PM peaks	

Span of Service		
Saturday		
Primary/Core	7:00 am to 11:00 pm	16 Hours
Secondary	7:00 am to 7:00 pm	12 Hours
Limited Express	No Service Operated	
Collector Express	No Service Operated	
Community Circulator	Will vary by route based on demand	
School Day Only	No Service Operated	

Span of Service		
Sunday		
Primary/Core	7:00 am to 10:00 pm	15 Hours
Secondary	9:00 am to 7:00 pm	10 Hours
Limited Express	No Service Operated	
Collector Express	No Service Operated	
Community Circulator	Will vary by route based on demand	
School Day Only	No Service Operated	

Service Frequency

Service frequency can have a major influence on transit ridership and attracting new riders, but at the same time frequency has a significant impact on transit operating costs and vehicle requirements. Therefore it is important to balance service frequency with existing ridership, the potential to attract new riders and available resources. The frequency of service on a particular route (i.e. headway of time interval between scheduled trips) will be based on the existing and/or projected ridership. Service will operate more frequently on high-demand routes and during peak periods. Guidelines for service frequency are listed below and will be applied to assure that a reliable and attractive, but appropriate level of service is available throughout the day. Clock face headways (e.g. every 15, 20, 30 or 60 minutes) should be maintained whenever possible. This helps make the service easier to understand, more predictable to the rider and can help facilitate better transfer connections.

Service Frequency					
	Weekday			Saturday	Sunday
Route Type	**Peak**	**Base**	**Evening**	**Base**	**Base**
Primary/Core	10 min.	30 min.	60 min.	60 min	60 min
Secondary	15 min.	40 min.	120 min.	120 min.	120 min.
Limited Express	As needed during peak periods			No Service Operated	
Collector Express	As needed during peak periods			No Service Operated	
Community Circulator	As needed will vary by route				
School Day Only	As needed during peak periods			No Service Operated	

Passenger Load Guidelines

The intent of load guidelines is to balance passenger comfort and safety with operating costs and efficiencies. Most passengers should be able to obtain a seat on a Metro vehicle for at least a major portion of the trip. During peak travel periods, some patrons may be required to stand. There is an acceptable number of standees before the bus is considered overcrowded. Also, the maximum time that an individual passenger should be expected to stand on a given trip is 15 minutes. The load guidelines shown below represent the total number of riders as a percent of the number of seats on the vehicle.

Passenger Load Guidelines		
Route Type	**Peak Hours**	**Off-Peak Hours and Weekends**
Primary/Core	140%	120%
Secondary	120%	100%
Limited Express	100%	No Service Operated
Collector Express	100%	No Service Operated
Community Circulator	120%	100%
School Day Only	140%	No Service Operated

If routes or trips exceed the maximum load factor on a regular basis or over a sustained period of time, Metro will evaluate the potential for improving the service frequency or adjusting schedule times.

Service Reliability

It is critical that Metro customers have confidence and a reasonable guarantee that Metro service will operate reliably and in accordance with published timetables. No Metro vehicles should arrive before the scheduled time; however, vehicles may operate late for a variety of reasons including varying traffic and weather conditions, construction activity, mechanical breakdowns, detours and accidents. Every effort will be made to ensure that all Metro vehicles operate on-time and the following on-time performance standard shall apply for all types of service.

- 84% of all vehicles should arrive at scheduled time points on-time.

If a route or individual trip is consistently running late, then a review of the schedule will be conducted to determine the cause and modifications to the schedule or running times will be initiated at the earliest opportunity.

Metro, like all other transit agencies, occasionally misses scheduled trips due to mechanical problems, accidents or shortage of drivers or vehicles. Every effort is made to operate 100 % of scheduled trips; however, the following annual guidelines for missed trips shall apply for all types of service.

- A minimum of 99% of annual scheduled trips shall be operated.

Bus Stop Placement and Spacing

Bus stop location and spacing are important to existing and potential passengers in terms of the accessibility of transit. Bus stop placement requires a balance between maximizing customer access and minimizing service delays as well as a sensitivity to adjacent land uses. With an inadequate number of stops, passengers may be discouraged from accessing the system. With too many stops, the service is slowed and can become less attractive to customers. In addition, customers must feel comfortable waiting at a stop and the impacts on adjacent property owners should be minimized to the extent possible. The following factors are considered by Metro in the placement of bus stops.

- Walking access distance for passengers traveling to and from stops.
- Operational safety for buses and bus operators.
- Providing a relatively safe and comfortable waiting area for passengers.
- Minimizing operating delays in terms of the proximity of adjacent stops.
- Impacts on adjacent properties.

Generally, bus stop spacing should be closer together in urbanized areas and further apart in suburban and outlying areas. In rural areas "flag stops" may be offered. Metro's current bus stop spacing guidelines are related to residential density along a route as listed below.

Bus Stop Placement and Spacing	
Persons per Sq. Mile	**Stop Spacing**
Over 5,000	Every Other Block
2,000 – 5,000	5 to 7 per mile
Under 2,000	Flag Stop

Productivity and Economic Performance Guidelines

Metro uses ridership productivity and economic performance as its primary measures of transit performance. Ridership productivity is measured in terms of the number of passengers carried for each hour of service provided and economic performance is measured in terms of farebox recovery or the ratio of farebox revenue to operating costs. A target performance guideline for each of these measures is calculated for each route type as the average of all routes in the route type. Routes that fall below the productivity and economic performance guideline will be targeted for review and a range of actions will be recommended to improve ridership and productivity.

Ridership Productivity

Passenger boardings per revenue hour are calculated by dividing the number of average weekday boardings per route (reported by Metro's Automatic Passenger Counter (APC) data) by the weekday number of revenue hours of service. This measure is calculated and monitored quarterly. The passenger per revenue hour guideline is based on existing

conditions, historical trends, vehicle capacity, comparison with peer agencies, and nature of route type.

Passengers per Hour Guideline			
Route Type	**Weekday**	**Saturday**	**Sunday**
Primary/Core	37	37	26
Secondary	24	21	15
Limited Express	18	No Service Operated	
Collector Express	20	No Service Operated	
Community Circulator	8	8	8
School Day Only	28	No Service Operated	

Farebox Recovery

The ratio of farebox revenue to operating costs is an important measure of the economic effectiveness of Metro's service. System wide farebox recovery is calculated and monitored monthly. Route level farebox recovery is calculated and monitored quarterly. The farebox recovery for each route type as shown below is based on existing conditions, historical data, comparison with other peer agencies' recovery, productivity and efficiency of operational resource utilization.

Farebox Recovery Guideline			
Route Type	**Weekday**	**Saturday**	**Sunday**
Primary/Core	40%	39%	27%
Secondary	25%	22%	16%
Limited Express	19%	No Service Operated	
Collector Express	21%	No Service Operated	
Community Circulator	7%	8%	8%
School Day Only	26%	No Service Operated	

Service Evaluation Process

The objectives of the service evaluation process are to determine that the service being operated represents the most cost-effective use of available resources and to improve service design and productivity. The application of the productivity and economic standards described in the previous section is a flexible process and other factors may be considered in the evaluation process. An annual report detailing the performance evaluation and recommendations for addressing poorly performing service will be prepared and reviewed with the NFTA Board.

Evaluation of Existing Service

Route performance will be evaluated on an annual basis or as necessary based on funding considerations using the following measures:

- **Average number of weekday riders** and the trend over a 3-year time period.
- **Riders per revenue hour** compared to the established standard.
- **Farebox recovery** compared to the established standard.
- **Community service needs**, such as the existence of medical facilities, locations that service seniors, people with disabilities or low income populations that depend on public transportation.
- **Business arrangements**, either existing or proposed with employees, colleges/universities or other institutions will be considered.

Actions to Improve Ridership and Productivity

Routes that are identified as underperforming based on the above noted target guidelines will be evaluated in an appropriate level of detail to determine the causes of the below average performance. In addition, employee, customer and stakeholder input may be considered.

Following are a series of potential actions to be recommended to improve a route's performance:

- **Routing adjustments** such as realigning or discontinuing unproductive segments of a route or reorganizing a group of routes.
- **Marketing and promotional strategies.**
- **Operational adjustments**, including adjusting headways or frequency of service, adjusting the span of service, eliminating service at specific time periods or deleting specific trips.

If service productivity cannot be improved through any of the above actions or if budgetary considerations require it, then a poor performing route should be considered for elimination.

In addition, the evaluation of existing routes is not intended to preclude changes to routes that meet minimum target guidelines and are performing adequately. It may be possible to improve the productivity of these routes by making minor changes to service frequency, span of service or trip times. There will always be a need for minor changes and operational adjustments on a regular basis based on performance monitoring, customer comments and employee feedback.

Evaluation of New Service Proposals

New service proposals or requests will be evaluated in terms of market potential, community or business support, public/private partnership opportunities, vehicle and operator availability and cost to determine the likelihood of meeting or exceeding performance standards. New or significantly modified routes require at least a year to mature and build ridership and will only be subject to the annual service performance evaluation after operating for a year.

Cost Recovery Model

In addition to the traditional service guidelines, new service requests will be initially evaluated based on the possibility to seek 100% cost recovery for service requests. Upon a formal request for service the following application process will be followed:

- Planners develop customer needs assessment for applicant
- Evaluate options based on company location & existing service
- Present service options to applicant
- Develop contract
- Implement service
- Develop customized marketing plan – Company Branded Schedule
- Monitor and evaluate service

Service Monitoring & Evaluation Timeline

Transit service evaluation is ongoing and continuous. The following evaluation process timeline is designed to provide direction to service planning and coordinate the process with other organizational planning, such as the budget process.

Data collection and monitoring - Continuous
June –August - Performance Evaluation
October - Annual Performance Report

NFTA Existing Fixed Routes

Route #	Name	Existing Service Type	Proposed Service Type
1	WILLIAM	Secondary Route	No Change
2	CLINTON	Secondary Route	No Change
3	GRANT	Primary Route	No Change
4	BROADWAY	Primary Route	No Change
5	NIAGARA-KENMORE	Primary Route	No Change
6	SYCAMORE	Primary Route	No Change
7	BAYNES-RICHMOND	Secondary Route	No Change
8	MAIN	Secondary Route	No Change
11	COLVIN	Secondary Route	No Change
12	UTICA	Primary Route	No Change
13	KENSINGTON	Primary Route	No Change
14	ABBOTT	Secondary Route	No Change
15	SENECA	Secondary Route	No Change
16	SOUTH PARK	Secondary Route	No Change
18	JEFFERSON	Secondary Route	No Change
19	BAILEY	Primary Route	No Change
20	ELMWOOD	Primary Route	No Change
22	PORTER-BEST	Secondary Route	No Change
23	FILLMORE-HERTEL	Primary Route	No Change
24	GENESEE	Primary Route	No Change
25	DELAWARE	Primary Route	No Change
26	DELAVAN	Primary Route	No Change
27	ERIE COUNTY HOME	Secondary Route	No Change
29	WOHLERS	Secondary Route	No Change
32	AMHERST	Primary Route	No Change
34	NIAGARA FALLS BLVD	Secondary Route	No Change
35	SHERIDAN	Secondary Route	No Change
36	HAMBURG	Secondary Route	No Change
40	GRAND ISLAND	Niagara	Collector Express
42	LACKAWANNA	Secondary Route	No Change
44	LOCKPORT	Secondary Route	No Change
46	LANCASTER	Secondary Route	No Change
47	YOUNGS ROAD	Secondary Route	No Change
48	WILLIAMSVILLE	Secondary Route	No Change
49	MILLARD SUBURBAN	Secondary Route	No Change
50	MAIN-NIAGARA	Niagara	Secondary
52	HYDE PARK	Niagara	Secondary
54	MILITARY	Niagara	Secondary
55	PINE AVENUE	Niagara	Primary
55 T	Trolley	Niagara	Community Circulator
57	TONAWANDAS	Niagara	Community Circulator
60	NIAGARA FALLS	Express	Limited Express
61	DELAWARE	Express	Collector Express
64	LOCKPORT	Express	Limited Express
66	WILLIAMSVILLE	Express	Collector Express
67	CLEVELAND HILL	Express	Collector Express
68	GEORGE URBAN	Express	Collector Express
69	ALDEN	Express	Collector Express
69E	ALDEN	Express	Limited Express
70	EAST AURORA	Express	Collector Express
72	ORCHARD PARK	Express	Collector Express
72E	ORCHARD PARK	Express	Limited Express
74	HAMBURG	Express	Collector Express
75	WEST SENECA	Express	Collector Express
76	LOTUS BAY	Express	Collector Express
79	TONAWANDA	Express	Collector Express
81	EAST SIDE	Express	Collector Express
101	NORTH	School Days Only	No Change
102	BAILEY	School Days Only	No Change
103	EAST SUBURBAN	School Days Only	No Change
104	SOUTH CENTRAL	School Days Only	No Change
106	SOUTH SUBURBAN	School Days Only	No Change
110	WEST NORTH	School Days Only	No Change
111	SOUTH MICHIGAN	School Days Only	No Change
112	GRANT NORTH	School Days Only	No Change
114	NORTH CENTRAL	School Days Only	No Change
118	OGDEN	School Days Only	No Change
201	LOCKPORT	Metrolink	Community Circulator (Metrolink)
204	AIRPORT-DOWNTOWN EXPRESS	Metrolink	Limited Express (Metrolink)
206	BUFFALO STATE	Metrolink	Community Circulator (Metrolink)
211	ECC CIRCULATOR	Metrolink	Community Circulator (Metrolink)

SURFACE:

4. D. (7) **Authorization for Procurement, DeLacy Ford, Four Sport Utility Vehicles, Metro**

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends the Board approve the purchase of four flex fuel sport utility vehicles for $116,168.00 from DeLacy Ford of Elma, New York.

INFORMATION: The requested vehicles are required on a daily basis for Bus Operations staff to perform various duties throughout the Metro system and will replace four similar vehicles that have exceeded their useful lives. The procurement was advertised and three proposals were received and evaluated in accordance with the NFTA Procurement Guidelines. The proposals were evaluated and ranked based on compliance with the technical specification, cost and Proponent qualifications and experience (spreadsheet attached). The evaluation team consisted of the Assistant Procurement Manager, Equipment Engineer and an Operations Supervisor.

FUNDING: Funding for this procurement is provided in Account Code 1200000003209 and is shared on an 80% FTA, 10% NYS and 10% NFTA basis.

"**RESOLVED**, that the Board authorizes the procurement of four sport utility vehicles from DeLacy Ford for a cost of $116,168.00, 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 the procurement of four sport utility vehicles to be used as described hereinabove; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to make payments upon the terms of said Purchase Orders upon certification by the Director, Surface Transportation, that such payments are in order."

RFP 4202 FOUR WHEEL DRIVE SPORT UTILITY VEHICLES

7/24/2012

RFP DOCUMENTS REQUIRED (Completed by Procurement)	MILLER FORD Lumberton, NJ	DELACY FORD Elma, NY	JOE BASIL CHEVROLET Depew, NY
Cover Letter	X	X	X
Description of services	X	X	X
Firm, Mgmt & Staff Qualifications	X	X	X
References	X	X	X
Itemized Cost Proposal	X	X	X
M/WBE Forms (state funding over 25k)	X	X	X
Disclosure of Prior Non-rep Determinations	X	X	X
Bidder's/Proposer's Affirmation & Certification	X	X	X
Non-Collusive Cert	X	X	X
Certification Regarding Lobbying (if over 100k)	X	X	X
Buy America Certificate (if over 100k)	X	X	X
SELECTION CRITERIA (Completed by Team)			
SPECIALTY VEHICLES:			
Technical Criteria - Compliance with technical specifications 50%.	9.00	9.00	8.00
Cost - 30%	9.00	10.00	8.00
Qualifications & Experience - Demonstrated ability in the industry, warranty/delivery 20%.	9.00	9.00	8.00
TOTAL	**9.00**	**9.30**	**8.00**
COST PROPOSALS			
Three - 5 Passenger SUV (per vehicle)	**$28,183.10**	**$27,541.00**	**$30,774.00**
One - 6 Passenger SUV (per vehicle)	**$34,613.00**	**$33,545.00**	**$29,980.00**
TOTAL (for all 4 vehicles)	**$119,162.30**	**$116,168.00**	**$122,302.00**

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SURFACE:

4. D. (8) Authorization for Procurement, NOCO Distribution, LLC, Multi-Grade Engine Oil, Metro

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends the Board approve the purchase of up to 12,000 gallons multi-grade engine oil at a cost of $6.60 per gallon as required during the period August 1, 2012 through February 28, 2013 from NOCO Distribution, LLC of Tonawanda, New York.

INFORMATION: Multi-grade engine oil is used in each transit bus as a lubricant and is changed during routine maintenance. Bids were solicited in accordance with NFTA procurement guidelines and two bids were received:

Name	Address	Cost per Gallon
NOCO Distribution LLC	Tonawanda, NY	$6.60
Superior Lubricants	North Tonawanda, NY	$6.80

FUNDING: Funding is contained in Metro's operating budget.

"**RESOLVED**, that the Board authorizes the procurement of up to 12,000 gallons of multi-grade engine oil for the period August 1, 2012 through February 28, 2013 at a cost of $6.60 per gallon, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to NOCO Distribution, LLC for the procurement of up to 12,000 gallons of multi-grade engine oil at a cost of $6.60 per gallon to be used as described hereinabove; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to make payments upon the terms of the Purchase Orders upon certification by the Director, Surface Transportation, that such payments are in order."

SURFACE:

4. D. (9) Authorization for Site Access Agreement, FNUB, Inc., Allen Medical Campus Station

RECOMMENDATION: The Surface Transportation Committee has reviewed this item and recommends that the Board authorize a Site Access Agreement with FNUB, Inc., an affiliate of the UB Foundation, for access to the NFTA's property at the Allen Medical Campus Station in order to conduct a soil compaction/suitability and environmental assessment.

INFORMATION: The University of Buffalo is moving forward with planning efforts regarding the construction of a new medical campus near the NFTA's property at the Allen Medical Campus station. As part of this planning process they are requesting access to our property to test the soil for compaction and/or suitability and the building materials for the presence of lead or asbestos. FNUB will be providing insurance at the levels requested by the NFTA and indemnifying the NFTA for their activities while on our property. All NFTA safety protocols will be observed and the NFTA's Engineering Department will ensure that any excavation, boring or drilling is conducted at appropriate locations.

FUNDING: No funding is required.

"**RESOLVED**, that the Board authorizes a Site Access Agreement with FNUB, Inc., at Allen Medical Campus Station, 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 Site Access Agreement with FNUB, Inc., with terms and conditions as set forth above and as negotiated; and

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

5. PROPERTY/RISK MANAGEMENT GROUP REPORT

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

Property/Risk Management Resolutions

i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (2)

1. Authorization for License Agreement, Erie Canal Harbor Development Corporation, Gallagher Beach
2. Authorization for Permit Agreements, Eclipse Multisport, LLC, NFTA Boat Harbor

PROPERTY:

5. D. (i) Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (2)

The Executive Director advised that Items 5. D. (1) through 5. 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 Eagan, 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. (2) and dated July 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety."

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

NOES: **NONE**

ADOPTED

PROPERTY:

5. D. (1) Authorization for License Agreement, Erie Canal Harbor Development Corporation, Gallagher Beach

RECOMMENDATION: Staff recommends that the Board authorize a License Agreement with Erie Canal Harbor Development Corporation to allow access to Gallagher Beach to conduct a sand sustainability study.

INFORMATION: Erie Canal Harbor Development Corporation would like to have sand placed on Gallagher Beach in three separate sections this fall to monitor over the winter whether the sand will stay in place or be removed from the shore by wind and wave action. The ultimate goal of the study is to determine whether Gallagher Beach is a good candidate for the installation of a sand beach.

Erie Canal Harbor Development Corporation will be paying for the cost of the sand study and providing the NFTA with the appropriate insurance certificates from its contractors.

FUNDING: No funding is necessary.

> **"RESOLVED**, that the Board hereby authorizes a License Agreement with Erie Canal Harbor Development Corporation for use of the NFTA's Gallagher Beach 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 License Agreement with Erie Canal Harbor Development Corporation 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."

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PROPERTY:

5. D. (2) **Authorization for Permit Agreements, Eclipse Multisport, LLC, NFTA Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize Permits for Temporary Access to NFTA Property with Eclipse Multisport, LLC, (Dan Horan, President) for use of Gallagher Beach and a portion of the Boat Harbor property for the Shore to Shore Triathlon and the Nickel City Triathlon.

INFORMATION: Last year Eclipse Multisport, LLC, in conjunction with the Buffalo Niagara Convention and Visitors Bureau, was successful in competing for the right to host the Elite National Championship race for professional triathletes. This race, the Nickel City Triathlon, is scheduled to be held again on September 15 and 16, 2012. This race will involve some closures to Fuhrmann Boulevard, which are being coordinated with the City of Buffalo.

Eclipse Multiport has also requested permission to use Boat Harbor facilities for the Shore to Shore Triathlon on August 18, 2012. This race will involve closing the Skyway for approximately 45 minutes from 7:00 to 7:45 a.m. the morning of the 18th, which is a Saturday.

The race organizers would like to use Gallagher Beach for the swim portion of the events and the parking and grass area of the property between Gallagher Beach and the Boat Harbor to be the start/finish line for the bike portion of the event and as a temporary storage area for the competitor's bicycles. It is anticipated that there will be approximately 1,500 persons in attendance at each event. Eclipse Multisport, LLC, will perform any necessary coordination with governmental agencies such as the Coast Guard and the Department of Health and will obtain insurance covering the NFTA. Slipholders and other customers of the Boat Harbor will receive advance notification of any street closures.

FUNDING: No funding is necessary.

> "**RESOLVED**, that the Board hereby authorizes Permit Agreements with Eclipse Multisport, LLC for use of Boat Harbor facilities 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 Permit Agreements with Eclipse Multisport, LLC with terms and conditions as set forth above and as negotiated; and
>
> **BE IT FURTHER RESOLVED**, that said Permit Agreements 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 -

8. Adjournment

At approximately 12:52 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 Sloma, 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, DEMAKOS, CROCE, DURAND, EAGAN, GURNEY, PERRY, WILCOX**

NOES: **NONE**