



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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

EX-113 JUL 19 10 44 AM '13

June 27, 2013

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

Re: NFTA Board Minutes

Dear Mr. Graber:

Enclosed for your information and files, please find a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Regular Meeting held on May 23, 2013.

Very truly yours,

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

David J. State
General Counsel

DJS:lf

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
 NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
 REGULAR BOARD MEETING
 MAY 23, 2013 12:30 PM
 MINUTES**

1. REGULAR BOARD MEETING - MAY 23, 2013- MINUTES	
A. CALL TO ORDER	3
B. APPROVAL OF MINUTES (April 25, 2013)	
C. EXECUTIVE DIRECTOR'S REPORT	4
2. NFTA CORPORATE REPORT	5
A. Audit and Governance Committee Report (Howard Zemsky)	
B. Consolidated Financial (Debbie Leous)	
C. Corporate Resolutions (Kim Minkel)	
1) Authorization for Procurement, Road Salt, BNIA and Metro	7
3. AVIATION BUSINESS GROUP REPORT	8
A. Aviation Committee Report (Adam Perry)	
B. Financial Update (Bill Vanecek)	
C. Business Update (Bill Vanecek)	
D. Aviation Resolutions (Kim Minkel)	
1) Authorization for Agreement, Inland Technologies, Glycol Recovery Vehicle, BNIA	11
2) Authorization for Agreements, Union Concrete and Construction Corporation and Urban Engineers of New York, P.C., Runways 5-23/14-32 Intersection Repaving and Construction Design Support Services, BNIA	14
4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT	17
A. Surface Transportation Committee Report (Eunice Lewin)	
B. Financial Update (Tom George)	
C. Business Update (Tom George)	
D. Surface Transportation Resolutions (Kim Minkel)	
1) Authorization for Agreement, IBI Group, Enhancement Services, NITTEC	20
2) Authorization for Procurement, Corr Distributors, Inc., Floor Scrubbers, LRRT	22
5. PROPERTY RISK/MANAGEMENT GROUP REPORT	23
A. Property/Risk Management Committee Report (Peter Demakos)	
B. Financial Update (Dave State)	
C. Business Update (Dave State)	
D. Property Development Resolutions (Kim Minkel)	
1) Authorization for License Agreement, Carly's Club, Boat Harbor/Gallagher Beach Area	26
2) Authorization for Agreement, Erie County Sheriff's Department, Boat Slips and Staging Area, Boat Harbor	27
3) Authorization for Use, U.S. Army Corps of Engineers, Boat Harbor Facilities, Boat Harbor	28
4) Authorization for Use, WNY Wounded Vets Fishing Tournament, Boat Harbor	29

Facilities, Boat Harbor

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

7. **EXECUTIVE SESSION -**

8. **ADJOURNMENT**

30

1. **CALL TO ORDER**

A. **Meeting Called to Order**

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

B. **Approval of Minutes of the NFTA Annual Board Meeting held on April 25, 2013**

It was moved by Commissioner Sloma, seconded by Commissioner Demakos, that the Minutes of the April 25, 2013, Annual Board 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, HUGHES, PERRY**

NOES: NONE

D. Executive Director's Report:

Executive Director Kimberley Minkel advised the Board that the new Community Police App would be available in June and would help increase public perception of safety and security within the Metro system. The Metro Pride and Heritage display located in the lobby of the Metro Transportation Center has been completed and the Board was invited to view the display. She updated the Board on ABI's new schedule stating that another rail car would be delivered in the near future and subsequent rail cars will be received on a regular basis. She also reminded Commissioners who have not completed the required ABO training to schedule their session on line or contact General Counsel David State for assistance.

2. NFTA CORPORATE REPORT

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

Corporate Resolutions

1. Authorization for Procurement, Road Salt, BNIA and Metro

CORPORATE:

2. C. (1) **Authorization for Procurement, Road Salt, BNIA and Metro**

RECOMMENDATION: Staff recommends that the Board approve participation in the NYS OGS Procurement Services Group Road Salt Bid for the procurement of approximately 2,930 tons of bulk road salt for the winter season of 2013/2014.

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

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

Whereupon, it was moved by Commissioner Hughes, seconded by Commissioner Durand, that the following Resolutions be adopted:

“RESOLVED, that the Board hereby authorizes participation in the NYS OGS Procurement Services Group Road Salt Bid for the procurement of approximately 2,930 tons of bulk road salt as described hereinabove; and

BE IT FURTHER RESOLVED, that the Procurement Manager is authorized to issue Purchase Orders for the procurement of approximately 2,930 tons of bulk road salt to the successful bidder on the NYS OGS Procurement Services Group Salt Bid for the 2013/2014 winter season; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to make payments under said Purchase Orders, upon certification by the respective facilities managers, or their designees, that such payments are in order.”

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

NOES: NONE

ADOPTED

CORPORATE 2. C. (1)

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. (2)
1. Authorization for Agreement, Inland Technologies, Glycol Recovery Vehicle, BNIA
2. Authorization for Agreements, Union Concrete and Construction Corporation and Urban Engineers of New York, P.C., Runways 5-23/14-32 Intersection Repaving and Construction Design Support Services, BNIA

AVIATION:

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

The Executive Director advised that Items 3. D. (1) through 3. 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 Demakos, seconded by Commissioner Perry, 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. (2) and dated May 23, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) **Authorization for Agreement, Inland Technologies, Glycol Recovery Vehicle, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of a glycol recovery vehicle from Inland Technologies, Nova Scotia, Canada, for a total cost of \$390,240.00.

INFORMATION: BNIA airfield staff is responsible for providing a safe environment for aircraft pursuant to Federal Aviation Regulation Part 139, Certification of Operation. Use of glycol recovery vehicles are an integral component to the airport's environmental compliance. The glycol recovery vehicles vacuum and store the overspray of de-icing fluid from the ramp surfaces and discharge the glycol into the wetlands area for treatment. This procurement represents the planned replacement of a glycol recovery vehicle which was purchased in year 2001 and has exceeded its useful life.

Staff issued Request for Proposal (RFP) 4260 in accordance with NFTA Procurement guidelines to procure the glycol recovery vehicle. The NFTA review team including members from the BNIA Airfield Department and NFTA Procurement Department evaluated the proposals from two respondents taking into consideration:

- Compliance with technical specifications and operations
- Cost
- Qualifications and experience including references and warranties.

Staff recommends the procurement of the glycol recovery vehicle from Inland Technologies for a total cost of \$390,240.00. Inland Technologies has successfully supplied this equipment to many airports throughout North America. Inland Technologies' proposal was ranked the highest and it was the lowest cost.

FUNDING: Funding is provided with 100% Passenger Facility Charges.

“RESOLVED, that the Board hereby authorizes an Agreement with Inland Technologies for the purchase of a glycol recovery vehicle at a cost of \$390,240.00; 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 Inland Technologies for a cost of \$390,240.00; and

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

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

RFP # 4260 - GLYCOL RECOVERY VEHICLE

5/24/2013

RFP DOCUMENTS REQUIRED (Completed by Procurement)	JOE JOHNSON EQUIPMENT (USA) INC. Rochester, NY	INLAND TECHNOLOGIES Truro, Nova Scotia Canada
Cover Letter	X	X
Description of services	X	X
Firm, Mgmt & Staff Qualifications	X	X
References	X	X
Itemized Cost Proposal	X	X
Non-Collusive Cert	X	X
Disclosure of Prior Non-rep Determinations	X	X
Bidder's/Proposer's Affirmation & Certification	X	X
Contractor Certification Form (ST 200 - If over 100k)	X	X
SELECTION CRITERIA (Completed by Team)	Rate on a score of 1 - 10 with 10 being the highest	
Technical Criteria 50% - Compliance with technical specifications, design and operating system proposed.	5.60	8.25
Cost - 30%	9.51	10.00
Qualifications & Experience 20% - Demonstrated ability in the industry, references, past performances, and warranty/delivery.	8.00	8.25
TOTAL	7.25	8.78
COST		
ONE -(1) GRV	\$409,512.00	\$379,900.00
Training	included	\$3,500.00
Radios	included	\$6,840.00
Mid mount spray bar	\$953.00	included
	\$410,465.00	\$390,240.00

AVIATION:

3. D. (2) **Authorization for Agreements, Union Concrete and Construction Corporation and Urban Engineers of New York, P.C., Runways 5-23/14-32 Intersection Repaving and Construction Design Support Services, BNIA**

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Union Concrete and Construction Corporation for the lump sum amount of \$1,089,500.00. In addition, Staff recommends that the Board award the construction design support services contract to term consultant Urban Engineers of New York P. C. for a cost plus fixed fee not-to-exceed amount of \$18,831.16 and the construction monitoring contract to term consultant Urban Engineers of New York P. C. for a cost plus fixed fee not-to-exceed amount of \$65,886.94.

INFORMATION: This project will re-grade the intersection of Runway Nos. 5/23 and 14/32 to reduce water ponding at this location. Construction is scheduled to begin September 7, 2013 and continue for ten consecutive nights. Both runways will be closed from 10:45 p.m. to 6:00 a.m. each night. During this period there will be no flights allowed to arrive or depart Buffalo Niagara International Airport. The Contractor will be required to have Runway 5-23 open and prepared for airline traffic by 6:00 a.m. every day.

Construction:

The project was publicly advertised in accordance with the NFTA Procurement Guidelines. Five sets of contract documents were distributed to potential bidders and one bid was received.

	Bid Amount	Final Amount
Engineer's Estimate	\$888,330	\$1,007,550
Union Concrete and Construction Corp. West Seneca, NY Gary Hill, Vice President	\$1,395,500	\$1,089,500

Upon receipt of the single bid, Urban was directed to re-assess their Engineer's Estimate. They were advised to consider the multiple staging of equipment for each day, potential liquidated damages, and other risk elements. As a result, Urban revised their Engineer's Estimate to \$1,007,550.00.

Per the terms of the bid documents, the NFTA elected to negotiate with the single bidder. Based on the negotiations, Union Concrete and Construction Corporation provided a best and final offer of \$1,089,500.00.

A detailed bid evaluation was performed. The evaluation included inquiry to prospective potential bidders. Four potential bidders responded to the inquiries to determine why they did not bid. They indicated that project work hour constraints, staging requirements, liquidated damages, and difficulty obtaining P-401 asphalt as reasons for not providing a bid.

A single bid audit was performed. A detail price analysis concluded that the Union Concrete and Construction Corporation's final proposal falls within the anticipated range of prices with consideration for the current bidding climate and proposed construction means and methods.

It was concluded that Union Concrete and Construction Company has the knowledge, understanding, and ability to successfully accomplish the project work.

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

Design Support:

Construction design support scope of services includes the following items:

- Review and approval of submittals
- Respond to contractor requests for information
- Preparation of "as built" record drawings
- Professional services requiring an Engineer licensed to practice in the State of New York
- Consultation and project coordination

Design Support	
Engineer's Estimate	\$21,670.00
Consultant's Proposal	\$21,613.00
Negotiated Cost	\$18,831.16

Urban's subconsultant is McQueen & Associates.

Construction Monitoring:

Construction monitoring scope of services includes the following items:

- Full time inspection
- Measurement and verification of the quantity of materials installed
- Material Testing

Construction Monitoring	
Engineer's Estimate	\$62,893.70
Consultant's Proposal	\$95,467.34
Negotiated Cost	\$65,886.94

FUNDING: Funding for this project is from the following accounts:

	Funding	Account No.
Construction	100% ADF	3188-2-2524
Design Support	100% ADF	3113-2-2524
Construction Monitoring	100% ADF	3113-2-2524

“RESOLVED, that the Board authorizes Agreements with Union Concrete and Construction Corporation and Urban Engineers of New York, P.C. for the intersection repaving and the construction design support services at the Buffalo Niagara International Airport at the costs set forth above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute Agreements with Union Concrete and Construction Company and Urban Engineers of New York, P.C. for the lump sum amounts, 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; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and she is hereby authorized to make payments upon the terms of the Agreements 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) through 4. D. (2)
 1. Authorization for Agreement, Enhancement Services, IBI Group, NITTEC
 2. Authorization for Procurement, Corr Distributors, Inc., Floor Scrubbers, LRRT

SURFACE:

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

The Executive Director advised that Items 4. D. (1) through 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 Gurney, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. D. (1) through 4. D. (2) and dated May 23, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Agreement, IBI Group, Enhancement Services, NITTEC**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with IBI Group to provide services to enhance the Niagara International Transportation Technology Coalition (NITTEC) Advanced Traffic Management System (ATMS) for an amount not-to-exceed \$150,000.

INFORMATION: The NITTEC ATMS is used to improve traffic safety on the roadway network by reducing the number of incidents, increase the capacity of the roadway network by managing traffic congestion, and minimize the motorist frustration by providing them with traffic information. The ATMS is comprised of a variety of field devices used to continuously gather roadway/traffic information, software to receive information from the roadside devices, and a Graphical User Interface (GUI) used by the operators to interface with the system. The GUI is used to display traffic information and to manage and monitor roadway events. Traffic information is entered and maintained in the GUI for dissemination of information to the public and other agencies. The information from the GUI is also used to populate the traveler information on the NITTEC website.

The consultant will be responsible for enhancements to the Crossroads system, including Crossroads Support and Maintenance, Border Crossing Bluetooth Data Feed Integration, DMS Display Format Review and Response Corrections, Integration Support for Expansion of I3B Data, Travel Time Message Sign Integration, Lewiston/Queenston Queue Warning System Integration, and NITTEC Travel Time Performance and Activity Report. Additional tasks may be identified during the term of the contract.

IBI Group installed the NITTEC ATMS under a contract with the New York State Department of Transportation. The system that IBI installed includes proprietary software. In accordance with the NFTA Procurement Guidelines, this is based on single source conditions. The use of IBI Group for this effort is critical because of the propriety nature of the software and their knowledge of the system configurations and operations.

It is appropriate for the NFTA to enter into an agreement on behalf of NITTEC since it serves as the Host agent for all types of NITTEC monies.

FUNDING: Consultant funds identified specifically for Consultant services to complete the referenced tasks are included in the NITTEC SFY 2013-2014 Budget. The initial contract period shall be from Notice to Proceed until March 31, 2014.

“RESOLVED, that the Board hereby authorizes an Agreement with IBI Group, for enhancement services to NITTEC’s Advanced Traffic Management System as described above and for a cost not-to-exceed \$150,000.00; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with IBI Group, for the total amount not-to-exceed \$150,000.00; and

SURFACE 4. D. (1)

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, Surface Transportation, that such payments are in order.”

SURFACE:

4. D. (2) **Authorization for Procurement, Corr Distributors, Inc., Floor Scrubbers, LRRT**

RECOMMENDATION: Staff recommends that the Board authorize an agreement with Corr Distributors Inc, in the amount of \$71,091.00 for the procurement of (9) Floor Scrubbers.

INFORMATION: Request for Proposal No. 4297 was advertised in April 2013. There were seven proposals submitted, however, only one vendor was responsive. An internal audit was conducted and confirmed the price quoted was both fair and reasonable.

The Floor Scrubber's primary function is to wash and vacuum up debris in the Metro Rail Stations. The current floor machines are beyond their useful life and are in need of replacement. The machines are used daily to clean all three levels of each station. A scrubber will be assigned to each of the eight underground stations as well as the Yards and Shop facility.

“RESOLVED, that the Board hereby authorizes the procurement of nine (9) floor scrubbers from Corr Distributors, Inc. as described above and at a cost of \$71,091.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Corr Distributors, Inc. for the procurement of nine (9) floor scrubbers to be used as described hereinabove; and

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

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

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. (4)
1. Authorization for License Agreement, Carly's Club, Boat Harbor/Gallagher Beach Area
2. Authorization for Use, Erie County Sheriff's Department, Boat Slips and Staging Area, Boat Harbor
3. Authorization for Use, U.S. Army Corps of Engineers, Boat Harbor Facilities, Boat Harbor
4. Authorization for Use, WNY Wounded Vets Fishing Tournament, Boat Harbor Facilities, 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 Demakos, seconded by Commissioner Durand, 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. (4) and dated May 23, 2013 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) **Authorization for License Agreement, Carly's Club, Boat Harbor/Gallagher Beach Area**

RECOMMENDATION: Staff recommends that the Board authorize a License Agreement with Carly's Club, a subsidiary of the Roswell Park Alliance Foundation, (Robin Hace, Program and Event Manager) for use of Boat Harbor/Gallagher Beach area facilities for the 11th Annual Carly's Crossing and 2nd Summer Splash.

INFORMATION: Carly's Club is sponsoring their 11th Annual open water swim event, Carly's Crossing, on Sunday, August 11, 2013 at NFTA's Boat Harbor/Gallagher Beach area. The event attracts swimmers of all ages who raise funds through pledges for their completing various stages of the swim course. In addition the 2nd Annual "Summer Splash" cocktail party will be held on Friday, August 9, 2013 in the same area. This event will be a pre-sale ticketed adult (21 and over) event, not open to the general public.

The Roswell Park Alliance Foundation, as well as the caterer for Friday night's event, will be required to provide all appropriate insurance coverages. No additional operating costs will be incurred by the NFTA.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes a License Agreement with Carly's Club, for use of the Boat Harbor/Gallagher Beach area facilities for their annual Carly's Crossing and Summer Splash, 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 Carly's Club, as set forth above and as negotiated; and

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

PROPERTY:

5. D. (2) **Authorization for Use, Erie County Sheriff's Department, Boat Slips and Staging Area, Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize the Erie County Sheriff's Department to use space at the Boat Harbor this summer.

INFORMATION: The Sheriff's Department has requested the use of two slips and a staging area for a 26' trailer. The trailer will be staged in Parking Lot A near Fuhrmann Boulevard and used as a command center. Two 30' slips with power at the end of B dock will be provided for the Sheriff's boats. These slips are among the last to sell due to the amount of wave action in that area. Staff feels that having a police presence on the property will be a deterrent for crime.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes the Erie County Sheriff's Department to use two boat slips and a staging area as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with the Erie County Sheriff's Department, as described above; and

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

PROPERTY:

5. D. (3) **Authorization for Use, U.S. Army Corps of Engineers, Boat Harbor Facilities, Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize the U.S. Army Corps of Engineers to temporarily use space at the Boat Harbor.

INFORMATION: The U.S. Army Corps of Engineers (USACE) is conducting an in-house small boat operator training session on June 18-21, 2013. They have requested use of Parking Lot D at the Boat Harbor on Wednesday, June 19, to practice trailer training with boats. The other days of training will be conducted on the water. Therefore, they would like the use of two slips for their pontoon boats overnight for three nights and use of the launch ramps. The USACE will provide the NFTA with indemnification.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes the U.S. Army Corps of Engineers to use Boat Harbor facilities as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with the U.S. Army Corps of Engineers, as described above; and

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

PROPERTY:

5. D. (4) **Authorization for Use, WNY Wounded Vets Fishing Tournament, Boat Harbor Facilities, Boat Harbor**

RECOMMENDATION: Staff recommends that the Board authorize a License Agreement with the WNY Wounded Vets Fishing Tournament (James Hanley, Event Coordinator).

INFORMATION: The WNY Wounded Vets Tournament is a charity fishing event for wounded military to be held on June 6, 2013 at the NFTA Boat Harbor. The tournament is a fundraiser as well as a thank you to the wounded veterans of western New York. Mr. Hanley will be joined by approximately 25-30 other local boat captains. Each captain will take 2 or 3 wounded veterans out on their boat to fish in the tournament. After fishing there will be a picnic lunch for the fishermen and their families.

Mr. Hanley and the other boat captains will be required to provide all appropriate insurance coverages. No additional operating costs will be incurred by the NFTA. The NFTA will receive the benefit of additional gasoline sales.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes the WNY Wounded Vets Fishing Tournament to use Boat Harbor facilities as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with the WNY Wounded Vets Fishing Tournament as described above; and

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

6. General Counsel Report - Written

7. Executive Session

At approximately 12:55 p.m., it was moved by Commissioner Demakos, seconded by Commissioner Hughes, that the Commissioners convene in Executive Session to discuss matters regarding the property dispositions and Board evaluations.

Following discussion, at approximately 1:25 p.m., it was moved by Commissioner Sloma, seconded by Commissioner Durand, that the Executive Session be adjourned and that the Board resume the Regular Session.

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

NOES: NONE

8. Adjournment

At approximately 1:27 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Sloma, seconded by Commissioner Hughes, 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, CROCE, DURAND, GURNEY,
HUGHES, PERRY**

NOES: NONE