



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

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August 29, 2014

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 Regular Board Meeting held on July 24, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. State", is written over the typed name and title.

David J. State
General Counsel

DJS:lf

Enclosure

C. Executive Director Report

Executive Director Kimberley Minkel updated the Board on the Rail Car Rebuild project and informed them that the seventh railcar is scheduled for service the second week of August. She also informed the Board that Deputy General Counsel Vicky-Marie J. Brunette will be honored this year at the Women of Influence Awards being held on September 16, 2014.

- 2. NFTA CORPORATE REPORT**
 - A. Audit and Governance Committee Report
 - B. Consolidated Financial
 - C. Corporate Resolutions

Corporate Resolutions

There are no Corporate Resolutions at this time.

- 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, Kandey Company, Inc., Westside Waterline Replacement, BNIA
 2. Authorization for Lease and Concession Agreement, Rainbow Air, Inc., Helicopter and Fixed Wing Aircraft Sightseeing Tour Operation, NFIA

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 Baynes, 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 July 24, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, DEMAKOS, BAYNES, DURAND, GURNEY, HUGHES

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreement, Kandey Company, Inc., Westside Waterline Replacement, BNIA

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Kandey Company, Inc. for the total bid amount of \$978,545.00, contingent upon FAA concurrence to award a construction contract.

INFORMATION: The existing six-inch water line supplying potable water and fire protection to the Buffalo Niagara International Airport airfield operations center; electrical and snow removal maintenance buildings; the triturator building; the glycol treatment building; ARFF; and Air Cargo; was constructed in 1943 and 1970. The facilities served are experiencing issues with low pressure attributable to the age of the system, potential leaks, and increased demand.

The project scope of work is to install an eight-inch water main loop system and appurtenances in order to correct the low water pressure and insure adequate firefighting capacity. The scope includes new meters (2), hot boxes (2), backflow preventers (2), directional drilling under Taxiway M, and pavement restoration.

The project was publicly advertised in accordance with the NFTA Procurement Guidelines. Seven sets of contract documents were distributed to potential prime bidders with two responding as follows:

Company	Total Bid Amount
Kandey Company, Inc. West Seneca, NY Joseph Kandefer, Vice President.	\$978,545.00
Mark Cerrone, Inc. Niagara Falls, NY Stephanie Churakos, President	\$1,017,000.00
Engineers Estimate	\$856,831.00

The prime contractors that chose not to bid were contacted in order to document their reason for not bidding. Two contractors indicated that they were too busy to bid. Two contractors decided upon further investigation that they were not interested in the project. The fifth contractor was unwilling to meet the federal Disadvantaged Business Enterprise (DBE) requirements.

As part of the bid analysis, the Engineer's estimate was compared to the bids received. The main differences were found in the cost of the water line pipe, reconnection of water services, and the required above-ground enclosures. These differences were attributed to increased costs for labor and material on waterline work and a busy construction season which leads to less aggressive pricing.

It has been determined that the low bidder, Kandey Company, Inc. has the knowledge, understanding, and ability to successfully accomplish the project work.

The NFTA Affirmative Action/EEO office has been briefed on the bid results. The contractor anticipates meeting the DBE goal of 17%.

FUNDING: The funding source for construction will be provided through a pending FAA construction grant. The account code is 3188-2-2596. The anticipated funding distribution is as follows:

FAA	75.0%	\$733,908.76
NYS DOT	12.5%	\$122,318.12
PFC	12.5%	\$122,318.12

“RESOLVED, that the Board hereby authorizes an Agreement with Kandey Company, Inc., for the Westside Waterline Replacement construction project at a cost of \$978,545.00 as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Kandey Company, Inc., for the total amount of \$978,545.00 as described hereinabove; 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 he is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order.”

AVIATION:

3. D. (2) **Authorization for Lease and Concession Agreement, Rainbow Air, Inc., Helicopter and Fixed Wing Aircraft Sightseeing Tour Operation, NFIA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease and Concession Agreement with Rainbow Air, Inc. (Rainbow Air) providing for the non-exclusive right to operate a helicopter and fixed wing aircraft sightseeing tour operation for a one-year term commencing August 1, 2014, with four one year renewal options at the NFTA's sole discretion.

INFORMATION: Rainbow Air previously operated a helicopter and fixed wing aircraft sightseeing tour operation at the old terminal building at NFIA including the leasing of space. Rainbow Air, Inc. will lease approximately 293 square feet of space in the old terminal building at an annual rate of \$10.00 per square foot. The location of the leased premises is situated in the old restaurant area at NFIA. Rainbow Air will pay the NFTA a concession fee of 5% of gross revenues generated from the sightseeing operations generated at NFIA.

FUNDING: No funding is required.

“RESOLVED, that the Board authorizes a Lease and Concession Agreement with Rainbow Air, Inc., for non-exclusive right to operate a helicopter and fixed wing aircraft sightseeing tour operation as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease and Concession Agreement with Rainbow Air, Inc., 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.”

- 4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
 - A. Surface Transportation Committee Report
 - B. Financial Update
 - C. Business Update
 - D. Resolutions

Surface Transportation Resolutions

1. Authorization for Staff to Implement Service Adjustments, Metro

SURFACE:

4. D. (1) Authorization for Staff to Implement Service Adjustments, Metro

RECOMMENDATION: Staff recommends that the Board authorize staff to implement the following service adjustments.

INFORMATION: In May staff requested that the Board authorize public hearings to solicit comment on (1) replacement of the existing Route 57 Tonawanda with a fixed route flex service pilot program, and (2) elimination of the Route 27 Wende.

During the week of June 23, 2014, staff conducted two public hearings on the proposed service adjustments as part of a public comment process. Written and e-mailed comments were also received through June 27, 2014. A total of 63 persons attended the hearings of which 26 provided oral comments and 25 written comments have been received.

The majority of the comments regarding the proposed Route 57 Flex Service were favorable and many were supportive of the new service. Staff believes that the fact that the proposed route services a number of stores and medical institutions is an indicator that the flex route could be successful.

Concerns were expressed regarding the complete elimination of Route 27 Wende and the impact on accessing jobs and inmate visits/release process at Erie County Correctional Facility. In response to those concerns, staff is proposing that the Route 27 Wende be reduced from five to three round trips and the route readjusted to better serve the business community and Erie County Correctional Facility.

Both service adjustments will be evaluated for three to nine months after implementation and will be discontinued if ridership or productivity guidelines are not met.

FUNDING: No funding is required.

Whereupon, it was moved by Commissioner Sloma, seconded by Commissioner Hughes, that the following Resolution be adopted:

“RESOLVED, that the Board hereby authorizes staff to implement the service adjustments as set forth hereinabove.”

AYES: ZEMSKY, SLOMA, DEMAKOS, BAYNES, DURAND, GURNEY, HUGHES

NOES: NONE

ADOPTED

SURFACE 4. D. (1)

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

Property/Risk Management Resolutions

1. Authorization for Lease Agreement, All In Sports Complex, Inc., 485 Cayuga Road

PROPERTY:

5. D. (1) Authorization for Lease Agreement, All In Sports Complex, Inc., 485 Cayuga Road

RECOMMENDATION: Staff recommends that the Board authorize a lease agreement with All In Sports Complex, Inc. for space at 485 Cayuga Road.

INFORMATION: All In Sports Complex, Inc. will be leasing 23,354 square feet of space for a baseball training facility. The four-year lease term will begin on September 1, 2014 and end on August 31, 2018. Rent will begin on November 1, 2014 at a rate of \$5.20 per square foot, or \$121,440 per year, for the first year. The rent will increase to \$129,265 in Year 2, \$137,112 in Year 3, and \$143,125 in Year 4. Tenant will have two two-year renewal options. The rent will increase by 3% for the first two-year option and 3.5% for the second two-year term. As part of the lease agreement, the NFTA is committing to perform certain improvements to the premises, such as removal of interior walls, non-essential electric and duct work as well as installation of two new exterior doors for an estimated cost of \$6,500.00. In addition the Tenant will be required to post with the NFTA for the first two years of the lease a Letter of Credit equal to the second year's annual rent.

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

FUNDING: Funds for the improvements are contained in operating budget account number 0808185205000. Funds for the real estate broker are contained in operating budget account number 0800995719900.

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

“RESOLVED, that the Board hereby authorizes a Lease Agreement with the All In Sports Complex, Inc. for use of space at 485 Cayuga Road as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with the All In Sports Complex, Inc. as set forth above and as negotiated; and

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

**AYES: ZEMSKY, SLOMA, DEMAKOS, BAYNES, DURAND,
GURNEY, HUGHES**

NOES: NONE

ADOPTED

6. General Counsel Report – Written
7. Executive Session - None
8. Adjournment

At approximately 12:44 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 Gurney, 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, BAYNES, DURAND,
GURNEY, HUGHES**

NOES: NONE

