



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

BUCKLE UP FOR THE FUTURE

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September 18, 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 August 28, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read "DJS", is 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
AUGUST 28, 2014 12:30 PM
MINUTES**

1. REGULAR BOARD MEETING - August 28, 2014 - AGENDA	
A. CALL TO ORDER	3
B. APPROVAL OF MINUTES (July 24, 2014 Regular Meeting)	
C. EXECUTIVE DIRECTOR'S REPORT	4
2. NFTA CORPORATE REPORT	5
A. Audit and Governance Committee Report (Henry Sloma)	
B. Consolidated Financial (John Cox)	
C. Corporate Resolutions (Kim Minkel)	
1) Authorization for Renewal of Maintenance Agreement, Software Support Services, NFTA and Metro	7
3. AVIATION BUSINESS GROUP REPORT	9
A. Aviation Committee Report (Adam Perry)	
B. Financial Update (Bill Vanecek)	
C. Business Update (Bill Vanecek)	
D. Aviation Resolutions (Kim Minkel)	
1) Adoption of ACDBE Goals for Participation of Airport Concessions and Car Rental Agencies, BNIA	12
2) Authorization to Amend Parking Rates, NFIA	13
3) Authorization for Procurement, Wire Wafers, Spacers and Poly Wafers, BNIA and NFIA	14
4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT	16
A. Surface Transportation Committee Report (Bonita Durand)	
B. Financial Update (Tom George)	
C. Surface Transportation Resolutions (Kim Minkel)	
D. Business Update (Tom George)	
1) Authorization for Lease Agreement, Upstate Cellular, d/b/a Verizon Wireless, NFTC	19
2) Authorization for Agreement, CNG Facility Upgrade, Metro	25
3) Authorization for Agreement, Microwave Data Connection, Metro	27
4) Authorization for Agreement, Access Enhancement Study for Canalside and Cobblestone Districts, Metro	28
5) Authorization for College/University Pass Agreement, Canisius College	30
6) Authorization for Agreement, CAD/AVL Upgrade, Metro	31
7) Authorization for Local Project Agreement Supplement No. 1, New York State Department of Transportation, Regional Signal Coordination Feasibility Study, GBNRTC	33
5. PROPERTY RISK/MANAGEMENT GROUP REPORT	34
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 Agreement, Roof Refurbishment, 485 Cayuga Road	37
2) Authorization for Permanent Easement, National Fuel Gas Distribution Corporation, Right-Of-Way Property, Tonawanda	39
6. GENERAL COUNSEL REPORT (Dave State)	
7. EXECUTIVE SESSION	
8. ADJOURNMENT	40

1. **CALL TO ORDER**

A. **Meeting Called to Order**

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

B. **Approval of Minutes of the NFTA Regular Board Meeting held on July 24, 2014**

It was moved by Commissioner Hughes, seconded by Commissioner Demakos, that the Minutes of the July 24, 2014 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES,
HUGHES, PERRY, WILCOX**

NOES: NONE

C. Executive Director Report

Executive Director Kimberley Minkel acknowledged Public Transit Director Tom George and his staff for their efforts in coordinating the route 57 flex service and getting ready for the new school year. She also acknowledged Bill Vanecek and Pascal Cohen for the new international service at BNIA, Sunwing Airlines.

The Executive Director also recognized Chief Financial Officer John Cox along with Pat Ellis, Bill Vanecek, Pascal Cohen, Lee Weitz, Mary Perla, Gary Weibel and all the other staff members who contributed to the success of the bond issuance project. She praised NFTA first responders to the August 14 small plane crash at Buffalo Niagara International Airport. Chief McDonald, Capitan Chiodo, Lee Wietz and Public Information Officer Douglas Hartmayer did an outstanding job in the aftermath of the crash.

ARFF Captain Bill Major was recognized for outstanding customer service and dedication for his efforts in coordinating a flight for a terminally ill cancer patient who was attempting to attend a family reunion.

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

Corporate Resolutions

1. Authorization for Renewal of Maintenance Agreement, Ventyx USA, Inc., Software Support Services, NFTA and Metro

CORPORATE:

2. C. (1) **Authorization for Renewal of Maintenance Agreement, Ventyx USA, Inc., Software Support Services, NFTA and Metro**

RECOMMENDATION: Staff recommends that the Board authorize a renewal of the Ventyx Ellipse Enterprise Management Software Annual Maintenance Agreement, in the amount of \$111,322.79. Ventyx, an ABB Company, was formerly known as Mincom, Inc.

INFORMATION: The NFTA currently uses the Ellipse Management software and its Enterprise Management application to support our business activities. The software maintenance agreement helps to maintain an efficient operating system and entitles the NFTA to new version releases and fixes. Ventyx USA is the only vendor capable of providing this service. This agreement provides support for the following modules:

- Maintenance / Work Orders
- Purchasing
- Inventory
- General Ledger
- Accounts Receivable
- Account Payable
- Capital Appropriation
- Fixed Assets

FUNDING: Funding is provided in the FYE 15 operating budget.

Whereupon, in combination with the Surface Transportation Resolution approvals, it was moved by Commissioner Baynes, seconded by Commissioner Hughes, that the following Resolutions be adopted:

“RESOLVED, that the Board hereby authorizes the renewal of the Maintenance Agreement with Ventyx USA, Inc., in the amount of \$111,322.79 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 the Maintenance Agreement with Ventyx USA, Inc., for the total amount of \$111,322.79 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 Chief Information Officer, that such payments are in order.”

AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES, HUGHES, PERRY, WILCOX

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. (3)
 - 1. Adoption of ACDBE Goals for Participation of Airport Concessions and Car Rental Agencies, BNIA
 - 2. Authorization to Amend Parking Rates, NFIA
 - 3. Authorization for Procurement, M-B Companies, Inc., Wire Wafers, Spacers and Poly Wafers, BNIA and 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 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. (3) and dated August 28, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

AVIATION 3. D. (i) • PAGE -i-

AVIATION:

3. D. (1) **Adoption of ACDBE Goals for Participation of Airport Concessions and Car Rental Agencies, BNIA**

RECOMMENDATION: Staff recommends that the Board of Commissioners adopt two overall Airport Concessions Disadvantaged Business Enterprises (ACDBE) goals of 10% for participation by car rentals and 10% participation for airport concessions other than car rentals under its ACDBE Program for BNIA covering a three year period commencing October 1, 2014 through September 30, 2017.

INFORMATION: As a condition of eligibility for FAA financial assistance, the NFTA is required to have an approved ACDBE Program and adopt two separate overall goals for airport concessions. One goal is required for car rentals and another goal is required for airport concessions other than car rentals. The goal setting process must be narrowly tailored and reflect the relative availability of ready, willing, and able ACDBEs.

In establishing the goals for BNIA, an analysis of data obtained from the County Business Pattern database, the City of Buffalo and County of Erie minority business involvement programs, the Authority's directory of certified disadvantaged business enterprises and the Authority's review of existing ACDBE participation was considered. Based upon this analysis, Staff has determined that a DBE goal of 10% for participation by car rentals and 10% participation for airport concessions other than car rentals is reasonable and achievable.

FUNDING: No funding is required.

“RESOLVED, that the Board authorizes the adoption of two overall Airport Concessions Disadvantaged Business Enterprises (ACDBE) goals of 10% for participation by car rentals and 10% participation for airport concessions other than car rentals under its ACDBE Program for BNIA covering a three-year period commencing October 1, 2014, as described hereinabove.”

AVIATION:

3. D. (2) Authorization to Amend Parking Rates, NFIA

RECOMMENDATION: Staff recommends that the Board authorize an adjustment in parking rates at the Niagara Falls International Airport (NFIA) effective October 1, 2014.

INFORMATION: NFIA has experienced consistent passenger growth since the opening of the new Terminal during December 2009 which necessitated the expansion and addition of parking lots to accommodate passengers. The parking lots have undergone improvements including land clearing, paving, and fencing. The lots are serviced by SP Plus (formerly Standard Parking) which includes the operation of passenger shuttle service from off-site parking lot No. 3 to the terminal building. There are designated parking spaces in the parking lot adjacent to the old terminal building where “meet and greet” patrons can park for free up to two hours.

Parking fees were initiated during January 2011 and previously adjusted on April 1, 2012. Staff is recommending the following rate change (including New York State sales tax) effective October 1, 2014:

	<u>Maximum</u>	<u>Maximum</u>
	<u>Daily Rate</u>	<u>Weekly Rate</u>
Current rate	\$10.00	\$50.00
Proposed rate	\$12.00	\$60.00

The rate adjustment is estimated to increase revenues by approximately \$167,000 during the remainder of fiscal year 2015 and \$278,000 during the upcoming fiscal year 2016 which will partially offset NFIA operating deficits impacted by higher operating costs and lower subsidies from BNIA airlines.

FUNDING: No funding is required.

“RESOLVED, that the parking rates at the Niagara Falls International Airport be revised as set forth above; and

BE IT FURTHER RESOLVED, that staff be and hereby is authorized to take such action necessary to implement the revised parking rates as set forth hereinabove.”

AVIATION:

3. D. (3) **Authorization for Procurement, M-B Companies, Inc., Wire Wafers, Spacers and Poly Wafers, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board authorize the procurement of wire wafers, spacers, and poly wafers for high speed runway sweepers used in the removal of snow and water on runways at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA). The lowest bid was received from M-B Companies, Inc., New Holstein, Wisconsin at a cost of \$100,481.80 per year for a contract term of 5 years including 2 one-year options at the sole discretion of the NFTA. The total cost of the wafers and spacers over the 5 year term is \$502,409.00.

INFORMATION: BNIA and NFIA are responsible for providing a safe environment for aircraft using the airfield, pursuant to Federal Aviation Regulation Part 139, Certification and Operation. Use of high speed runway sweepers to remove both snow and standing water is a key component to maintaining runways and taxiways throughout the year but particularly during winter operations.

In accordance with NFTA procurement guidelines, staff issued Bid No. 4421 for 4,508 wire wafers, 4,608 spacers, and 118 poly wafers to be used annually on high speed runway sweepers at BNIA and NFIA for the removal of snow and water during winter operations for a 5-year term including 2 one-year options at the sole discretion of the NFTA. Two responsive bids were received as identified on the attached summary.

Staff recommends acceptance of the lowest bid totaling \$502,409.00 from M-B Companies, New Holstein, Wisconsin.

FUNDING: Funding is provided in the BNIA and NFIA operating budgets.

“RESOLVED, that the Board hereby authorizes the procurement from M-B Companies, Inc. of wire wafers, spacers and poly wafers at a cost of \$502,409.00 as described hereinabove; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to M-B Companies, Inc. for the procurement of wire wafers, spacers and poly wafers 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 he is hereby authorized to make payments under said Purchase Order upon certification by the Director, Aviation, that such payments are in order.”

NFTA INFORMAL BID ANALYSIS

BID NO: 4421 REPLACEMENT BRISTLES FOR HIGH SPEED RUNWAY DEPT: BNIA MAINTENANCE BID DATE: 7/18/2014		M-B COMPANIES, INC. New Holstein, WI	UNITED ROTARY BRUSH CORP. Lenexa, KS
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YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5				
ITEM #	ESTIMATED QUANTITY	DESCRIPTION	MANUFACTURER / MODEL/ PART NUMBER	UNIT AMT BID	TOTAL AMT BID	MANUFACTURER / MODEL/ PART NUMBER	UNIT AMT BID	TOTAL AMT BID
1	4508	Wire Wafers	101-168142	\$20.50	\$92,414.00	101-168142	\$21.95	\$98,950.60
2	4608	Spacers	402-94314	\$1.40	\$6,451.20	402-94314	\$1.39	\$6,405.12
3	118	Poly Wafers	101-137212	\$13.70	\$1,616.60	101-137212	\$16.12	\$1,902.16
Subtotal:					\$100,481.80			\$107,257.88
YEAR 2								
1	4508	Wire Wafers	101-168142	\$20.50	\$92,414.00	101-168142	\$21.95	\$98,950.60
2	4608	Spacers	402-94314	\$1.40	\$6,451.20	402-94314	\$1.39	\$6,405.12
3	118	Poly Wafers	101-137212	\$13.70	\$1,616.60	101-137212	\$16.12	\$1,902.16
Subtotal:					\$100,481.80			\$107,257.88
YEAR 3								
1	4508	Wire Wafers	101-168142	\$20.50	\$92,414.00	101-168142	\$21.95	\$98,950.60
2	4608	Spacers	402-94314	\$1.40	\$6,451.20	402-94314	\$1.39	\$6,405.12
3	118	Poly Wafers	101-137212	\$13.70	\$1,616.60	101-137212	\$16.12	\$1,902.16
Subtotal:					\$100,481.80			\$107,257.88
YEAR 4								
1	4508	Wire Wafers	101-168142	\$20.50	\$92,414.00	101-168142	\$21.95	\$98,950.60
2	4608	Spacers	402-94314	\$1.40	\$6,451.20	402-94314	\$1.39	\$6,405.12
3	118	Poly Wafers	101-137212	\$13.70	\$1,616.60	101-137212	\$16.12	\$1,902.16
Subtotal:					\$100,481.80			\$107,257.88
YEAR 5								
1	4508	Wire Wafers	101-168142	\$20.50	\$92,414.00	101-168142	\$21.95	\$98,950.60
2	4608	Spacers	402-94314	\$1.40	\$6,451.20	402-94314	\$1.39	\$6,405.12
3	118	Poly Wafers	101-137212	\$13.70	\$1,616.60	101-137212	\$16.12	\$1,902.16
Subtotal:					\$100,481.80			\$107,257.88
TOTAL					\$502,409.00			\$536,289.40
Lead Time					30 days			3-45 days

- 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. (7)
1. Authorization for Lease Agreement, Upstate Cellular, d/b/a Verizon Wireless, NFTC
2. Authorization for Agreement, Trason Development Corporation, CNG Facility Upgrade, Metro
3. Authorization for Agreement, Transwave Communications Systems, Inc., Microwave Data Connection, Metro
4. Authorization for Agreement, Parsons Brinckerhoff, Inc., Access Enhancement Study for Canalside and Cobblestone Districts, Metro
5. Authorization for College/University Pass Agreement, Canisius College
6. Authorization for Agreement, IBI Group, CAD/AVL Upgrade, Metro
7. Authorization for Local Project Agreement Supplement No. 1, New York State Department of Transportation, Regional Signal Coordination Feasibility Study, GBNRTC

SURFACE:

4. D. (i) Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (7)

The Executive Director advised that Items 4. D. (1) through 4. D. (7) 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 Baynes, seconded by Commissioner Hughes, 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. (7) and dated August 28, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Lease Agreement, Upstate Cellular, d/b/a Verizon Wireless, NFTC**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Upstate Cellular Network, d/b/a Verizon Wireless, of approximately 2,500 square feet of vacant land at the Niagara Falls Transportation Center for the construction of a cell tower and make a determination under the State Environmental Quality Review Act (SEQRA) that the proposed action will not result in any significant adverse environmental impacts.

INFORMATION: The NFTA leases approximately four acres of real property from NF3rd Associates LLC (a Benderson entity) for use as the Niagara Falls Transportation Center (“NFTC”) pursuant to a 25-year lease that commenced in 2006. At the conclusion of the lease the NFTA will own the real property. The NFTA was approached by Verizon Wireless for the possibility of using a small portion of vacant land on the premises for construction and operation of an 80’ high cell tower. The NFTA issued a Request for Proposals advertising the space and received only one response from Verizon Wireless.

The proposed term is five years with four five-year extensions. The initial rent is \$14,400 per year and escalates 15% for each five-year extension. The term commences upon the start of construction of the tower. Upon execution of the Agreement the NFTA is entitled to a \$5,000 signing bonus for the time frame within which Verizon Wireless will be seeking zoning approval for the project.

The Project is an Unlisted Action under SEQRA. To assess any environmental impacts, NFTA staff prepared the attached Short Environmental Assessment Form and determined based on the information and analysis contained therein that the proposed action will not result in any significant adverse environmental impacts. Thus, staff recommends that the Board make a determination that the proposed action will not result in any significant adverse environmental impacts. Notice of this determination of non-significance shall be filed to the extent required by the applicable regulations under SEQRA or as may be deemed advisable by the General Counsel.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby approves and adopts the information and analysis contained in the attached Short Environmental Assessment Form and determines that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes a Lease Agreement with Upstate Cellular Network, d/b/a Verizon Wireless, for the installation and operation of a cell tower at the NFTC; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute a Lease Agreement with Upstate Cellular Network, d/b/a Verizon Wireless, for the operation and maintenance of a cell tower; and

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

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Niagara Frontier Transportation Authority (NFTA)			
Name of Action or Project: Verizon Wireless Telecommunications Facility (cell tower)			
Project Location (describe, and attach a location map): 2250 Factory Outlet Boulevard, Niagara Falls NY, 14304			
Brief Description of Proposed Action: Upstate Cellular Network d/b/a Verizon Wireless is proposing to install an 80 foot monopole with panel antenna arrays mounted at 76 feet above ground level on property currently being leased and serviced by the NFTA at 2250 Factory Outlet Boulevard, Niagara Falls NY, 14304. In addition, a 12-ft by 30-ft equipment building on a concrete slab within a 32-ft by 78.1-ft fenced yard area with a gravel access drive for maintenance is also being proposed to support this action. Additional site improvements include a telecommunications cabinet, transformer and meterboard.			
Name of Applicant or Sponsor: Niagara Frontier Transportation Authority		Telephone: 716-855-7388	
		E-Mail: timothy_carvana@nfta.com	
Address: 181 Ellicott Street			
City/PO: Buffalo		State: New York	Zip Code: 14203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Site Plan Approval - Town of Niagara Planning Board Tower Permit - Town of Niagara Board Approval of Lease Agreement - NFTA Board of Commissioners			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		5.24 acres	
b. Total acreage to be physically disturbed?		3837 sqft/0.08 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2500 sqft/0.06 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Solid Waste Management</u> <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Pre-manufactured shelter design plans prepared by VFP Inc.	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The proposed action does not require potable water for operation and maintenance activities.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The proposed action does not have any related activity that generates wastewater.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There are wetlands adjacent to the property, to the west of I-190 within Necco Park; however, the planned action is within an existing footprint of a disturbed area, which will not encroach upon adjacent wetland areas.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
Necco Park, Site Code: 932047 is west of the proposed project parcel on the west side to route I-190. An inactive, hazardous waste and industrial waste landfill of approximately 25 acres.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
Necco Park (Site Code: 932047), which is west of the property of the proposed action.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation, with minimal storm run-off.

Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources. The Project is a public utility which must be located as and where necessary to provide essential wireless telecommunications service. Although a facility of this nature will be visible, it has been sited responsibly so as to minimize visual impact.

Vegetation, Fish, Wildlife, Significant, Habitats, Threatened or Endangered Species: No plant or animal life will be adversely affected by the Project.

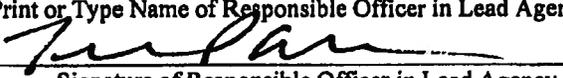
Community Plans, Use of Land or Natural Resources: The Project is in keeping with the official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

Growth, Subsequent Development, etc.: The Project will not induce any significant or adverse growth or subsequent development.

Long Term, Short Term, Cumulative, or Other Effects: The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

Critical Environmental Area : The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

Public Health and Safety: The Project will have no adverse impacts on the public health. The Project will enable Verizon Wireless to provide reliable wireless telecommunications service to the community, enabling individuals, businesses and emergency service provider's access to this essential service. The Project will promote the general health, safety and welfare of the citizens of the community by providing access to a modern, reliable system of wireless telecommunications service. The Project will be constructed to permit requirements with co-locations, thereby: (a) diminishing the need for additional towers in the area, and (b) providing all available tower resources for municipal and/or NFTA communications needs as those needs arise.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Niagara Frontier Transportation Authority	8-20-2014
Name of Lead Agency	Date
Timothy P. Carvana	Director, HSEQ
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

RESET

SURFACE:

4. D. (2) Authorization for Agreement, Trason Development Corporation, CNG Facility Upgrade, Metro

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Trason Development Corporation for a total lump sum bid amount of \$1,999,000.00.

INFORMATION: The project objective is to operate, maintain, and store CNG fueled transit vehicles inside the Frontier Bus Garage building. The project scope of work includes upgrades to the heating ventilation and air conditioning (HVAC) systems; modifications to the building management system; power wiring; modifications to existing walls and doors; and the installation of a new gas detection system within the maintenance shop.

This project was publicly advertised in accordance with NFTA Procurement Guidelines. Twelve (12) sets of contract documents were distributed to potential prime bidders with three (3) responding as follows:

Company	Total Bid Amount of Bid
Trason Development Corporation Hamburg, NY Tracy Hirsch, President	\$1,999,000.00
Sicoli Construction Services, Inc. Niagara Falls, NY Benjamin R. Sicoli, President	\$2,082,700.00
D.V. Brown & Associates, Inc. Tonawanda, NY Omar J. Abdallah, Vice President	\$2,095,000.00

It has been determined that the low bidder, Trason Development Corporation, has the knowledge, understanding, and ability to successfully accomplish the scope of work for this project. The NFTA Affirmative Action/EEO office has been briefed on the bid results and concurs with the recommendation for Board approval.

FUNDING: Funding for construction will be supported by an assigned account number, pending approval of the PAA.

80%	FTA	\$1,599,200
10%	NYS DOT	\$ 199,900
10%	NFTA	\$ 199,900
	TOTAL	\$1,999,000

“RESOLVED, that the Board hereby authorizes an Agreement with Trason Development Corporation, for the CNG Facility Upgrade project for a cost of \$1,999,000.00 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 Trason Development Corporation as described above, for the total amount of \$1,999,000.00; 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 he is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order.”

SURFACE:

4. D. (3) **Authorization for Agreement, Transwave Communications Systems, Inc., Microwave Data Connection, Metro**

RECOMMENDATION: Staff recommends that the Board approve a three-year service agreement with Transwave Communications Systems, Inc. to provide a microwave data connection between 93 Oak Street (Operations Control Center) and 1124 Portage Road (Niagara Falls Transit Center) from September 1, 2014 to August 31, 2017, for a lump sum cost of \$21,240.00.

INFORMATION: Metro currently operates three video surveillance cameras and one customer service kiosk at the Portage Road Transit Center in Niagara Falls. Data from these operating devices is transmitted via a microwave network to the Operations Control Center console in Buffalo. Service access includes transport access at a bandwidth of 3Mbps and Internet Access at a bandwidth of 1Mbps. The proposed services would entail a contract renewal with Transwave Communications Systems, Inc.

Transwave is a sole source provider because it is the only provider of common carrier fixed point to point microwave service in the Buffalo region and remains the only commercial entity with an active license that provides Internet service via microwave. In addition, Transwave provides the radio equipment for the connection between the sites. Changing the type of service would require the purchase or lease of new equipment from a new provider.

FUNDING: Funding is included in the Transportation Center's operating budget.

“RESOLVED, that the Board hereby authorizes an Agreement with Transwave Communications Systems, Inc. for the microwave data connection between 93 Oak Street and 1124 Portage Road at a cost of \$21,240.00 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 Transwave Communications Systems, Inc. as described above, for the total amount of \$21,240.00; 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 he is hereby authorized to make payments under said Agreement upon certification by the Director, Public Transit, that such payments are in order.”

SURFACE:

4. D. (4) **Authorization for Agreement, Parsons Brinckerhoff, Inc., Access Enhancement Study for Canalside and Cobblestone Districts, Metro**

RECOMMENDATION: Staff recommends that the Board award the subject contract to the consultant, Parsons Brinckerhoff, Inc., for the lump sum amount of \$300,000.

INFORMATION: The Consultant services for this project will identify and evaluate alternatives for enhancing Metro transit access to serve existing and proposed development in the Canalside and Cobblestone Districts in downtown Buffalo.

In addition to improving transit access, an objective of the project is to support current and proposed development, (i.e. the upper level of NFTA's DL&W terminal property) and to identify any needs for future transit expansion. The result of the project will be a recommendation for service adjustments and capital projects that could range from improvements to existing Metro Rail service and stations, relocation of stations to more optimal locations or a short extension of Metro Rail service. Opportunities to provide new or improved multimodal connections including with Amtrak's Exchange Street Station will also be evaluated.

The consultant selection process was initiated by publically soliciting Request for Proposals, pursuant to FTA/NFTA procurement guidelines, from interested consulting teams on May 21, 2014. Technical proposals were received on June 18, 2014.

The consultant selection committee, consisting of Manager, Grants & Government Affairs, Executive Director, GBNRTC, Manager, Service Planning, Manager, Procurement and Assistant Grants Manager evaluated the technical proposals and presentations. The proposals were evaluated on scope of work, task description, relevant experience, management methods, organization of project, and project personnel. The committee ranked the respondents in the following descending order of selection:

- Parsons Brinckerhoff, Inc.
- URS Corporation

Parsons Brinckerhoff was evaluated as the highest ranked qualified technical proposer. Negotiations were conducted with Parsons Brinckerhoff to finalize the scope of work and cost. Their consultant team consists of the following three consulting firms:

1. Hatch Mott MacDonald
2. Sowinski Sullivan Architects (WBE)
3. Resource Systems Group, Inc.

The MWBE/DBE participation for this project is 25%. The EEO/Diversity office has been briefed of the proposed DBE participation.

The results of negotiations are shown below.

	Initial Proposal	Negotiated Cost
Engineer's Estimate	\$300,000.00	\$300,000.00
Parsons Brinckerhoff	\$365,000.00	\$300,000.00

FUNDING: Funding for this project is included in Metro's and GBNRTC's current budgets with the following breakdown of funding sources:

NFTA	53.4%	\$ 160,000.00
ESDC	13.3%	\$ 40,000.00
GBNRTC	33.3%	\$ 100,000.00

“RESOLVED, that the Board hereby authorizes an Agreement with Parsons Brinckerhoff, Inc., for an enhancement study in the Canalside and Cobblestone Districts at a cost of \$300,000.00 as describe herein 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 Parsons Brinckerhoff, Inc. as described above, for the total amount of \$300,000.00; 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 he is hereby authorized to make payments under said Agreement upon certification by the Director, Public Transit, that such payments are in order.”

SURFACE:

4. D. (5) **Authorization for College/University Pass Agreement, Canisius College**

RECOMMENDATION: Staff recommends that the NFTA enter into a new one-year College/University Pass Agreement with Canisius College.

INFORMATION: The Board has previously approved a College/University Pass Agreement with Canisius College that entitled all registered undergraduate students and international students unlimited access to regular Metro fixed route service. Staff negotiated a new one-year College/University Pass Agreement with Canisius College for a payment of \$45.00 per student per semester, an increase of \$3.00 over the rate approved by the Board last year. The additional revenue generated by this agreement is estimated to be \$260,000. All other terms and conditions of the new agreement remain the same.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Agreement with Canisius College for a one-year College/University Pass Program that allows students access to fixed route service for the school calendar year of 2014-2015 as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute the Agreement with Canisius College for the school calendar year of 2014-2015 with terms and conditions as set forth above and negotiated; and

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Director to execute future College/University Pass Agreements with Canisius College if there is no material change to the terms authorized by the Board in this resolution; and

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

SURFACE:

4. D. (6) **Authorization for Agreement, IBI Group, CAD/AVL Upgrade, Metro**

RECOMMENDATION: Staff recommends that the Board award the subject consulting services contract to the term consultant, IBI Group, for the lump sum amount of \$129,678.30.

INFORMATION: The NFTA utilizes a Computer Aided Dispatch / Automatic Vehicle Location (CAD/AVL) system that became operational in February 1999. It was supplied by the Harris Corporation and is known by the product name of FleetLynx™. In 2007, approximately one third of the bus fleet was upgraded with the CAD/AVL product named ORB Star, which was supplied by Xerox. It is the intent of the Metro to provide a CAD/AVL system that is compatible with the Intelligent Transportation Systems (ITS) Strategic Plan, the new Mobile Router Network, and the new Fare Collection System.

The IBI Group will develop the Request for Proposal, including technical specifications, for the Computer Aided Dispatch / Automatic Vehicle Location (CAD/AVL) system. Additionally, the IBI group will provide technical support throughout the proposal review and negotiation process of the procurement.

The IBI Group possesses extensive experience in Intelligent Transportation Systems (ITS). It will work closely with staff to assess project needs and develop procurement documents that meet the ITS goals. Staff reviewed the cost proposal from IBI Group as well as the scope of work. The final negotiated lump sum cost is shown below.

	Initial Proposal	Negotiated Cost
Engineer's Estimate	\$128,275.00	\$128,275.00
IBI Group	\$135,144.02	\$129,678.30

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

FUNDING: Funding source for this project is 100% NFTA.

“RESOLVED, that the Board hereby authorizes an Agreement with IBI Group for the CAD/AVL Upgrade at a cost of \$129,678.30 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 IBI Group for the CAD/AVL Upgrade at a cost of \$129,678.30 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.”

SURFACE:

4. D. (7) **Authorization for Local Project Agreement Supplement No. 1, New York State Department of Transportation, Regional Signal Coordination Feasibility Study, GBNRTC**

RECOMMENDATION: Staff recommends that the Board execute a Local Project Agreement-Supplement 1 with New York State Department of Transportation (NYSDOT) for an additional contract change and project completion on signal optimization project by GBNRTC.

INFORMATION: At the August 22, 2013 the Board authorized execution of a Local Project Agreement with NYSDOT to complete field changes to the current contract and allow project completion, including revised signal timing plans for Sheridan Drive and Niagara Falls Boulevard. Modifications to the existing contract required a Local Project Agreement to execute a total change of \$30,000. CMAQ funds were assigned in that amount, no match or NFTA funds were involved. Subsequently, \$15,000 more work has been identified as being needed to complete the project, especially for a new item, the HAWK controlled bike path crossing of Sheridan Drive. Additional federal funds in the amount of \$15,000 have been assigned to this project; again no match or NFTA funds are involved.

FUNDING: Funding for this project is included in PIN 5757.12; addition of \$15,000 in new federal funds revises the Agreement total to \$45,000.

“RESOLVED, that the Board hereby authorizes a Local Project Agreement – Supplement No. 1 with the New York State Department of Transportation, for final contract changes for the Regional Signal Coordination Feasibility Study, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or Chairman, be and are hereby authorized to execute a Local Project Agreement – Supplement No. 1 with the New York State Department of Transportation, for the amount as described above; and

BE IT FURTHER RESOLVED, that said Agreement shall include terms, conditions and safeguards to the Authority as deemed appropriate by 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, GBNRTC that said 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. (2)
1. Authorization for Agreement, Jameson Roofing Co., Inc., Roof Refurbishment, 485 Cayuga Road
2. Authorization for Permanent Easement, National Fuel Gas Distribution Corporation, Right-of-Way Property, Tonawanda

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 Gurney, seconded by Commissioner Wilcox, 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 August 28, 2014 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

PROPERTY:

5. D. (1) Authorization for Agreement, Jameson Roofing Co., Inc., Roof Refurbishment, 485 Cayuga Road

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Jameson Roofing Co., Inc. for a total lump sum bid amount of \$555,867.00.

INFORMATION: The project scope of work is to refurbish the roof over hangar bays Nos. 6 and 7 and a portion of bay No. 5 at 485 Cayuga Road. The work includes removal of the roof gravel, necessary repairs, and recoating of the roof.

In addition, the project includes replacement of the lower roof adjacent to hangar bay No. 7, as well as the vestibule roof adjacent to hangar bay No. 4.

This project was publicly advertised in accordance with NFTA Procurement Guidelines. Five (5) sets of contract documents were distributed to potential prime bidders with three (3) responding as follows:

Company	Total Bid Amount of Bid
Jameson Roofing Co., Inc. Dunkirk, NY J. William Farrell, President	\$555,867.00
Weaver Metal & Roofing, Inc. Buffalo, NY Anthony R. Byrne, President	\$675,000.00
Progressive Roofing, Inc. Buffalo, NY Stuart Jenkins, President	\$876,800.00

It has been determined that the low bidder, Jameson Roofing Co., Inc., has the knowledge, understanding, and ability to successfully accomplish the work for this project. The NFTA Affirmative Action/EEO office has been briefed on the bid results and concurs with the recommendation for Board approval.

MWBE participation is projected to be 5%.

FUNDING: Funding for construction will be supported by the following account number 120000000-3188-2-8034.

100% NFTA Funds \$555,867.00

PROPERTY 5. D. (1)

“RESOLVED, that the Board hereby authorizes an Agreement with Jameson Roofing Co., Inc., for the Roof Refurbishment to Bay Numbers 6 and 7 at 485 Cayuga Road at a cost of \$555,867.00 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 Jameson Roofing Co., Inc. as described above, for the total amount of \$555,867.00; 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 he is hereby authorized to make payments under said Agreement upon certification by the Director, Engineering, that such payments are in order.”

PROPERTY:

5. D. (2) **Authorization for Permanent Easement, National Fuel Gas Distribution Corporation, Right-of-Way Property, Tonawanda**

RECOMMENDATION: Staff recommends that the Board authorize a Permanent Easement Agreement with National Fuel Gas Distribution Corporation (“National Fuel”) for implementation of a New York State Department of Environmental Conservation (“DEC”) remedial work plan and related activities at the NFTA’s East Niagara Street right-of-way property in Tonawanda.

INFORMATION: The property in question is a 1.29-acre portion of the NFTA’s Niagara Falls Secondary right-of-way property that was acquired from Conrail in 1988. An adjacent property, the Gastown Former Manufactured Gas Plant site, has been under remedial investigation by the DEC for many years. The DEC has maintained a portion of a collection and treatment system on the NFTA’s property as part of the investigation since 1998. In 2008, National Fuel and DEC entered into an Order of Consent that provides for National Fuel to conduct more testing and eventually remediate the site. In 2009, the Board authorized a Temporary Easement to permit National Fuel to perform testing on the property.

As a result of the testing National Fuel and DEC have developed a Work Plan to remediate the site. The remediation effort will require that National Fuel have a permanent easement to the NFTA’s property for remediation and ongoing testing. This work is being performed at no cost to the NFTA. National Fuel and its contractors will provide insurance and have agreed to indemnify the NFTA.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Permanent Easement Agreement with National Fuel Gas Distribution Corporation, 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 Permanent Easement Agreement with National Fuel Gas Distribution Corporation with terms and conditions as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that said Permanent Easement Agreement shall include such 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 Hughes, seconded by Commissioner Gurney, that the Commissioners convene in Executive Session to discuss the ATU strategy and negotiation updates.

Following discussion, at approximately 1:12 p.m., it was moved by Commissioner Demakos, seconded by Commissioner Perry, that the Executive Session be adjourned and that the Board resume the Regular Session.

**AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES,
HUGHES, PERRY, WILCOX**

NOES: NONE

8. Adjournment

At approximately 1:15 p.m., the Vice Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Hughes, seconded by Commissioner Wilcox, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: SLOMA, DEMAKOS, GURNEY, ANSARI, BAYNES,
HUGHES, PERRY, WILCOX**

NOES: NONE