



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

December 30, 2015

Ms. Karen McCarthy
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: NFTA Board Minutes

Dear Ms. McCarthy:

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 November 23, 2015.

Very truly yours,

A handwritten signature in black ink, appearing to read "David J. 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
NOVEMBER 23, 2015 12:30 PM
MINUTES**

1. REGULAR BOARD MEETING - November 23, 2015 - MINUTES	
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1. CALL TO ORDER

A. Meeting Called to Order

The Chairman called the meeting to order at approximately 12:35 p.m.

B. Approval of Minutes of the NFTA Regular Board Meeting held on October 22, 2015

It was moved by Commissioner Perry, seconded by Commissioner Demakos that the Minutes of the October 22, 2015 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

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

NOES: NONE

C. Executive Director Report

Executive Director Kimberley Minkel advised the Board that the NFTA Transit Authority Police Department is being recognized by the WNY Chapter of ASIS International for their toy and gift drive. Chief Gast was a recipient of a Harvest of Hope Award presented by the Matt Urban Hope Center for his outreach efforts with the homeless. ECMC sent a letter of appreciation to Metro Systems for providing training on "How to Ride" metro. Instructor Tom Rizzo was praised for his efforts.

She also acknowledged Director of Public Affairs, Doug Hartmayer for his participation October 24th in the 18th Honor Flight Buffalo which has transported over 500 members of Western New York's greatest generation. Doug was there for most of those 4:30 am Saturday morning flights. She reminded the Board that staff will present a balanced budget at the December Board meeting which will include; no fare increases, expenses increasing 2%, MRT in line with current forecast, sales tax increasing 3.4%, enplanements increasing 1% and STOA increasing 3% with the same capital funding as provided last year.

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

AUDIT AND GOVERNANCE COMMITTEE

NOVEMBER 23, 2015

PERFORMANCE REPORTS

OCTOBER 2015 NFTA/METRO PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	668	1,627	959
Revenues and Operating Assistance			3
Expenses			345
Non-Operating/Capital			611
			959
OPER REVENUES & ASST	18,572	18,576	3
BNIA Rental Income - increased overnight gate parking fees			48
BNIA Concessions/Commissions - decreased parking lot/ramp revenue			(146)
Mortgage Tax			124
Federal - PM - reprogramming of federal funds			(49)
All Other			26
			3
TOTAL OPER EXPENSES	15,890	15,544	(345)
Personnel Services			
Metro - higher than anticipated vacancies		(242)	
BNIA - increased overtime		20	
Central Admin - higher police overtime, MIS and engineering consultant fees		49	
All Other		(5)	(177)
Metro Transit Fuel/Power - lower diesel, gasoline and rail traction costs			(56)
Utilities			
Metro - lower electric billings		(10)	
Transportation Centers - lower electric and gas billings at MTC		(9)	
BNIA - lower electric billings		(26)	
All Other		(5)	(50)
Insurance & Injuries			
Metro - lower insurance premiums and reserve appropriations		(91)	
Transportation Centers - increased claim losses at NFITC		24	
All Other		(5)	(72)
All Other			10
			(345)
NON-OPERATING/CAPITAL	(2,015)	(1,404)	611
Capital			
Metro		292	
Central Admin		516	
All Other		10	818
Non-Operating			
Metro MRF Reserve Funding/Other		(190)	
BNIA - Debt Service Entitlement Applied		(17)	(207)
			611

NFTA/METRO
KEY ITEM REPORT
OCTOBER 2015

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	Oct 2015	Oct 2015	<u>Variance</u>	<u>%</u>
	<u>Budget</u>	<u>Actual</u>		
Operating Revenues	9,270	9,225	(44)	-0.5%
Operating Assistance	9,303	9,350	47	0.5%
Total Oper. Revenues & Assistance	18,572	18,576	3	0.0%
Personnel Services	12,109	11,932	(177)	-1.5%
Maintenance & Repairs	1,758	1,826	67	3.8%
Transit Fuel/Power	509	452	(56)	-11.0%
Utilities	362	312	(50)	-13.8%
Insurance & Injuries	363	291	(72)	-19.8%
Safety & Security	1,070	1,156	85	8.0%
General Business/Other	2,002	1,995	(7)	-0.4%
Other	(2,285)	(2,421)	(135)	-5.9%
Total Operating Expenses	15,890	15,544	(345)	-2.2%
Operating Income/(Loss)	2,683	3,031	348	13.0%
Non-Operating/Capital	(2,015)	(1,404)	611	30.3%
Net Surplus/(Deficit)	668	1,627	959	143.7%

NFTA/METRO YEAR TO DATE OCTOBER 2015 PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	10,946	13,492	2,546
Revenues and Operating Assistance			49
Expenses			2,057
Non-Operating/Capital			440
			<u>2,546</u>
OPER REVENUES & ASST	126,962	127,012	49
Metro Other Operating Revenues - advertising income above minimum annual guarantee			120
Transportation Centers Rental Income - holdover rents from our MTC tenants			179
BNIA Concessions/Commissions - decreased parking lot/ramp and auto rental revenue, partially offset by higher retail stores and other miscellaneous concession revenues			(608)
BNIA Resales & Rebillings - decreased electric and fuel farm service billings			(102)
Property Development Rental Income - increased rents from our 247 Cayuga, 485 Cayuga and Terminal A properties			258
Erie County Sales Tax			(377)
Mortgage Tax			756
Federal - PM - reprogramming of federal funds			(151)
All Other			(24)
			<u>49</u>
TOTAL OPERATING EXPENSES	106,839	104,782	(2,057)
Personnel Services			
Metro - higher than anticipated vacancies and lower instruction labor, partially offset by higher overtime			(866)
BNIA - higher than anticipated vacancies and decreased overtime			(122)
Central Admin - vacancies in Executive, General Counsel, Public Affairs and Metro support branches and lower police overtime			(426)
All Other			14
			<u>(1,399)</u>
Maintenance & Repairs			
Metro - higher revenue vehicle maintenance costs, partially offset by lower facility and environmental expenses			323
Transportation Centers - increased facility maintenance costs and materials/supplies expense at MTC, partially offset by lower service costs			123
BNIA - decreased facility maintenance costs, major facility repairs, automotive and and environmental expenses			(266)
NFIA - increased facility maintenance costs			66
Central Admin - timing of MIS software and maintenance agreements			98
All Other - increased service costs at our 485 Cayuga Property			34
			<u>379</u>
Metro Transit Fuel/Power - lower diesel, gasoline and rail traction costs			(209)
Utilities			
Metro - lower electric billings, partially offset by higher water billings			(67)
Transportation Centers - lower electric and gas billings at MTC			(50)
BNIA - lower electric, gas and telephone billings			(192)
Property Development - lower electric billings at 485 Cayuga			(28)
All Other - lower electric billings at NFIA			(18)
			<u>(355)</u>
Insurance & Injuries			
Metro - lower insurance premiums and reserve appropriations			(468)
BNIA - decreased insurance premiums and claim losses			(24)
All Other - increased transpo centers claim losses, partially offset by lower NFIA claim losses			10
			<u>(481)</u>
All Other			8
			<u>(2,057)</u>
NON-OPERATING/CAPITAL	(9,177)	(8,738)	440
Capital			
Metro			176
NFIA			(34)
Property Development			(191)
Central Admin			381
All Other			(5)
			<u>327</u>
Non-Operating			
Metro MRF Reserve Funding/Other			(190)
BNIA Net Bond Debt Service			(41)
BNIA Operating Expense Reserve			138
BNIA - Debt Service Entitlement Applied			205
All Other			1
			<u>113</u>
			<u>440</u>

NFTA/METRO
KEY ITEM REPORT
OCTOBER YTD 2015

(\$000 Omitted)

	Oct 2015	Oct 2015		
<u>YTD ACTUAL TO BUDGET</u>	<u>YTD Budget</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	61,751	61,665	(86)	-0.1%
Operating Assistance	65,211	65,346	135	0.2%
Total Oper. Revenues & Assistance	126,962	127,012	49	0.0%
Personnel Services	81,587	80,187	(1,399)	-1.7%
Maintenance & Repairs	10,163	10,542	379	3.7%
Transit Fuel/Power	4,016	3,807	(209)	-5.2%
Utilities	2,747	2,392	(355)	-12.9%
Insurance & Injuries	2,544	2,063	(481)	-18.9%
Safety & Security	7,001	7,047	46	0.7%
General Business/Other	13,816	13,466	(350)	-2.5%
Other	(15,034)	(14,722)	312	2.1%
Total Operating Expenses	106,839	104,782	(2,057)	-1.9%
Operating Income/(Loss)	20,123	22,230	2,107	10.5%
Non-Operating/Capital	(9,177)	(8,738)	440	4.8%
Net Surplus/(Deficit)	10,946	13,492	2,546	23.3%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
OCTOBER YTD 2015

(\$000 Omitted)

	Oct 2015	Oct 2015		
	<u>YTD Budget</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	7,267	7,775	508	7.0%
NFIA	(540)	(642)	(102)	-18.9%
Transportation Centers	(722)	(730)	(9)	-1.2%
Property Development	(8)	155	163	2084.2%
NFTA Total	5,998	6,558	560	9.3%
Metro	4,948	6,934	1,987	40.2%
NFTA/Metro	10,946	13,492	2,546	23.3%

OCTOBER NFTA/METRO PERFORMANCE
FYE 2016 vs. FYE 2015
(\$000's)

	Oct 2014 Actual	Oct 2015 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	1,583	1,627	43
Revenues and Operating Assistance			292
Expenses			159
Non-Operating/Capital			(407)
			43
OPER REVENUES & ASST	18,284	18,576	292
BNIA Concessions/Commissions - decreased parking lot/ramp revenue, partially offset by increased auto rental revenue			(58)
Boat Harbor Fees - NFTA no longer operates this property			(117)
Erie County Sales Tax			96
Mortgage Tax			119
Local - 88c Funds			(228)
State - MTOAF			(176)
State - Additional General Fund			391
State - Capital Spending			324
Federal - PM - reprogramming of federal funds			(49)
All Other			(10)
			292
TOTAL OPERATING EXPENSES	15,703	15,544	(159)
Metro Transit Fuel/Power - lower diesel, gasoline and rail traction costs			(235)
Utilities			
Metro - lower electric billings			(10)
BNIA - lower electric billings			(31)
All Other			4
			(37)
Insurance & Injuries			
Metro - increased reserve appropriations			23
Transportation Centers - higher claim losses at NFITC			25
All Other			3
			52
General Business/Other			
Metro - increased support labor, rent and general office expenses			109
Transportation Centers - increased temporary help costs			22
Property Development - no Boat Harbor temporary help costs or purchases of gasoline for sale as the property is not operated by NFTA, and lower outside service costs			(70)
All Other			(1)
			60
All Other			1
			(159)
NON-OPERATING/CAPITAL	(997)	(1,404)	(407)
Capital			
Metro			(79)
BNIA			70
Property Development			17
All Other			(2)
			6
Non-Operating			
Metro MRF Reserve Funding/Other			(460)
BNIA Net Bond Debt Service			(126)
BNIA - Debt Service Entitlement Applied			(53)
BNIA - Capital Funding Reallocation			105
NFIA Debt Service			165
NFIA Seneca Proceeds			(17)
All Other			(28)
			(413)

NFTA/METRO
KEY ITEM REPORT
FYE 2016 vs. FYE 2015
OCTOBER

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	<u>Oct 2014</u>	<u>Oct 2015</u>	<u>Variance</u>	<u>%</u>
	<u>Actual</u>	<u>Actual</u>		
Operating Revenues	9,370	9,225	(145)	-1.5%
Operating Assistance	8,914	9,350	436	4.9%
Total Oper. Revenues & Assistance	18,284	18,576	292	1.6%
Personnel Services	11,896	11,932	36	0.3%
Maintenance & Repairs	1,822	1,826	4	0.2%
Transit Fuel/Power	688	452	(235)	-34.2%
Utilities	349	312	(37)	-10.5%
Insurance & Injuries	240	291	52	21.5%
Safety & Security	920	1,156	236	25.6%
General Business/Other	1,935	1,995	60	3.1%
Other	(2,147)	(2,421)	(274)	-12.8%
Total Operating Expenses	15,703	15,544	(159)	-1.0%
Operating Income/(Loss)	2,581	3,031	450	17.5%
Non-Operating/Capital	(997)	(1,404)	(407)	-40.8%
Net Surplus/(Deficit)	1,583	1,627	43	2.7%

NFTA/METRO YEAR TO DATE OCTOBER PERFORMANCE
FYE 2016 vs. FYE 2015
(\$000's)

	Oct 2014 YTD Actual	Oct 2015 YTD Actual	VARIANCE
NET SURPLUS/(DEFICIT)	8,558	13,492	4,935
Revenues and Operating Assistance			2,406
Expenses			1,005
Non-Operating/Capital			1,523
			4,935
OPER REVENUES & ASST	124,606	127,012	2,406
Metro Passenger Fares			532
Transportation Centers Rental Income - holdover rents from our MTC tenants			226
BNIA Airport Fees & Services - lower compensatory billings based on decreased expenses and bond debt service costs, a capped reimbursement of NFIA's net deficit, and decreased terminal ramp fees			(382)
BNIA Rental Income - increased compensatory airline billings due to lower PFC credit and higher overnight gate parking fees			547
BNIA Concessions/Commissions - decreased parking lot/ramp revenue, partially offset by higher retail stores and other miscellaneous concession revenues			(301)
NFIA Concessions/Commissions - increased parking lot revenue			99
Boat Harbor Fees - NFTA no longer operates this property			(1,255)
Boat Harbor Retail Sales - gasoline sales discontinued as NFTA no longer operates this property			(404)
Erie County Sales Tax			298
Mortgage Tax			1,017
Local - 88c Funds			(1,599)
State - MTOAF			(1,230)
State - Additional General Fund			2,740
State - Capital Spending			2,265
Federal - PM - reprogramming of federal funds			(151)
All Other			5
			2,406
TOTAL OPERATING EXPENSES	105,787	104,782	(1,005)
Maintenance & Repairs			
Metro - higher revenue vehicle maintenance costs and rail escalator maintenance expenses			411
Transportation Centers - increased facility maintenance costs and materials/supplies expense at MTC			162
BNIA - timing in annual pavement maintenance program expenses in FYE15, lower facility maintenance, automotive and environmental costs			(528)
Property Development - no further maintenance costs at Boat Harbor			(117)
Central Admin - timing of MIS software and maintenance agreements			194
All Other			37
			158
Metro Transit Fuel/Power - lower diesel, gasoline and rail traction costs			(886)
Utilities			
Metro - decreased electric billings			(93)
Transportation Centers - lower electric billings at MTC			(29)
BNIA - decreased electric billings			(168)
Property Development - no further utility billings at Boat Harbor			(61)
All Other			(17)
			(368)
General Business/Other			
Metro - higher support labor, rent, timing of software maintenance/license agreement and Normal Communications bad debt expense in FYE16			370
Transportation Centers - increased temporary help and reserves for potential holdover rent payments in FYE16			162
BNIA - increased advertising, training and general office expenses			44
NFIA - higher parking management costs and advertising expenses			156
Property Development - no Boat Harbor temporary help costs or purchases of gasoline for sale as the property is not operated by NFTA			(733)
All Other			38
			37
All Other			53
			(1,005)
NON-OPERATING/CAPITAL	(10,261)	(8,738)	1,523
Capital			
Metro			370
BNIA			(118)
NFIA			(96)
Property Development			(179)
Central Admin			308
All Other			(10)
			275
Non-Operating			
Metro MRF Reserve Funding/Other			(435)
BNIA Net Bond Debt Service			(494)
BNIA - Debt Service Entitlement Applied			(52)
BNIA - Capital Funding Reallocation			736
BNIA - ADF Funding			(56)
NFIA Debt Service			1,111
NFIA Seneca Proceeds			483
All Other			(45)
			1,248
			1,523

NFTA/METRO
KEY ITEM REPORT
FYE 2016 vs. FYE 2015

OCTOBER YTD

(\$000 Omitted)

<u>YTD PRIOR YEAR COMPARISON</u>	Oct 2014	Oct 2015	<u>Variance</u>	<u>%</u>
	Prior <u>YTD Actual</u>	Current <u>YTD Actual</u>		
Operating Revenues	62,462	61,665	(797)	-1.3%
Operating Assistance	62,143	65,346	3,203	5.2%
Total Oper. Revenues & Assistance	124,606	127,012	2,406	1.9%
Personnel Services	80,154	80,187	34	0.0%
Maintenance & Repairs	10,384	10,542	158	1.5%
Transit Fuel/Power	4,692	3,807	(886)	-18.9%
Utilities	2,760	2,392	(368)	-13.3%
Insurance & Injuries	2,087	2,063	(24)	-1.1%
Safety & Security	6,861	7,047	186	2.7%
General Business/Other	13,429	13,466	37	0.3%
Other	(14,579)	(14,722)	(143)	-1.0%
Total Operating Expenses	105,787	104,782	(1,005)	-1.0%
Operating Income/(Loss)	18,818	22,230	3,411	18.1%
Non-Operating/Capital	(10,261)	(8,738)	1,523	14.8%
Net Surplus/(Deficit)	8,558	13,492	4,935	57.7%

Corporate Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (5)
1. Authorization for Lease Agreement, Erie Canal Harbor Development Corporation, Port Terminal A
2. Authorization for Lease Amendment, Olson Brothers Marine, Inc., 901 Fuhrmann Blvd.
3. Authorization for Lease Amendment, Executive Flight Service, Inc., 485 Cayuga Road
4. Authorization for Lease Agreement, Integrity Computer Solutions, 247 Cayuga Road
5. Authorization for Lease Agreement, World Dental Supply, Inc., 247 Cayuga Road

CORPORATE:

2. C. (i) **Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (5)**

The Executive Director advised that Items 2. C. (1) through 2. C. (5) 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 Hughes, that the following Resolution be adopted:

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (1) through 2. C. (5) and dated November 23, 2015 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY*, SLOMA, DEMAKOS, ANSARI, GURNEY, HICKS, HUGHES, PERRY

ABSTENTION: ZEMSKY [*Item 2. C. 1 only]

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Lease Agreement, Erie Canal Harbor
Development Corporation, Port Terminal A**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Erie Canal Harbor Development Corporation (ECHDC) for the lease of certain warehouse space at Port Terminal A.

INFORMATION: ECHDC operates various facilities at Canalside. They have requested the use of 5,000 square feet in Terminal A for the upcoming winter to store equipment in cold storage. The lease would be for six months commencing December 1, 2015 and ending May 31, 2016. The rent, which would be paid, in full, in advance will be at a rate of \$1.00 per square foot/per year or \$2,500 for the six month term. If ECHDC requires more square feet, the rental rate for any such additional space will be \$1 per square foot/per year, payable in advance of occupancy.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Erie Canal Harbor Development Corporation for use of space at Port Terminal A 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 Erie Canal Harbor Development Corporation with terms and conditions 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.”

CORPORATE:

2. C. (2) **Authorization for Lease Amendment, Olson Brothers Marine, Inc., 901 Fuhrmann Blvd.**

RECOMMENDATION: Staff recommends that the Board authorize an Amendment (the "Amendment") to that certain Lease, dated September 1, 2015, between the Niagara Frontier Transportation Authority and Olson Brothers Marine, Inc. (Olson) for certain interior and exterior space located at 901 Fuhrmann Boulevard, Buffalo, New York (the Property).

INFORMATION: Olson is a marine repair and storage business that has been leasing space at 901 Fuhrmann since September 1, 2015. They are in need of additional interior storage space as well as exterior space to temporarily stage and move boats. The interior space will be 5,000 square feet of cold storage in the low bay area of Terminal A. This space would be leased for six months beginning December 1, 2015 and ending May 31, 2016 at a rental rate of \$.50 per square foot/per year or \$1,250 for six months. The exterior space would include non-exclusive use of the entrance area and roadway for the temporary staging and movement of boats at a rental rate of \$100 per year for the remaining nine months of the lease for a total of \$900.00. This area will be used mainly in the spring and fall when boats are being transferred in and out of the marina.

FUNDING: No funding is necessary.

"RESOLVED, that the Board hereby authorizes the Amendment with Olson Brothers Marine, Inc. for use of additional space at 901 Fuhrmann Boulevard as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be, and hereby are, authorized to execute and deliver the Amendment with Olson Brothers Marine, Inc. for use of additional space at 901 Fuhrmann Boulevard on the terms and conditions as set forth above, among others; and

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

CORPORATE:

2. C. (3) **Authorization for Lease Amendment, Executive Flight Service, Inc.,
485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize an amendment (the "Amendment") to that certain Lease between Executive Flight Services, Inc., and the NFTA relating to certain space located at 485 Cayuga Road, Cheektowaga, New York.

INFORMATION: Executive Flight Services, Inc. ("EFS") is an aircraft management corporation that is a subsidiary of Executive AirShare, Inc. ("EAS"), a regional provider of fractional ownership jets. EAS guarantees EFS' performance under the Agreement.

The premises subject to the existing Lease consist of 8,546 square feet of office space and 52,837 square feet of hangar space. In addition, EFS has non-exclusive use of 48,023 square feet of apron space that is adjacent to the leased premises which leases for a rental rate equal to \$0.105 per square foot/per year, subject to escalation at a rate equal to two and one-half percent (2.5%) annually during the term.

EFS desires to expand its current apron space to accommodate the arrival of two (2) additional managed aircraft. EFS desires up to an additional 18,994 square feet of apron space subject to field measurement following the placement of asphalt by an EFS contractor, with the cost therefor to be paid by EFS. The current rental rate and terms would apply to all additional apron space leased by EFS and result in an increase in annual rental revenue equal to \$1,994.37 for the NFTA.

A three percent (3%) real estate commission will be paid to Hunt Commercial Real Estate ("Hunt") by the NFTA pursuant to a broker agreement between the NFTA and Hunt.

FUNDING: Payment of the commission to Hunt will be made from account 08-0099-571-9900.

"RESOLVED, that the Board hereby authorizes the Amendment with Executive Flight Services, Inc. relating to the space located 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 the Amendment with Executive Flight Services, Inc. as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, that the Amendment 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 he hereby is, authorized to remit payment to Hunt in accordance with the agreement between the NFTA and Hunt following receipt of notice by Manager, Property and Facilities that such payment is due and owing.”

CORPORATE:

2. C. (4) **Authorization for Lease Agreement, Integrity Computer Solutions, 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Integrity Computer Solutions (Joseph LaMastra, Owner), for office space at 247 Cayuga Road.

INFORMATION: Integrity Computer Solutions is a computer repair business that is proposing to relocate from Main Street in Williamsville to 247 Cayuga Road. They propose to lease 168 square feet of Class C+ office space that is currently unoccupied. The two-year lease would commence on December 1, 2015 and expire on November 30, 2017. The rental rate will be \$11.50 per square foot per year, or \$1,932 for the first year, with a 3% increase in the second year.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby a Lease Agreement with Integrity Computer Solutions for use of space at 247 Cayuga Road as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be, and hereby are, authorized to execute and deliver the Lease Agreement with Integrity Computer Solutions for use of space at 247 Cayuga Road on the terms and conditions as set forth above, among others; 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.”

CORPORATE:

2. C. (5) **Authorization for Lease Agreement, World Dental Supply, Inc., 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with World Dental Supply, Inc. (George Samoel, President) for warehouse space at 247 Cayuga Road.

INFORMATION: World Dental Supply has been a tenant at this location since 2010. They are requesting to renew their lease for an additional five years. This leased area is open, unfinished warehouse space and is classified C--. This lease is for 1,400 square feet at a rental rate of \$3.28 per square foot, or \$4,592 per year. The new lease has an increase of 3% from last year. The rent is fully gross and will increase each year by 3%. The premises are being leased as is. The term is for five years commencing December 1, 2015 and expiring November 30, 2020.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with World Dental Supply, Inc., for use of space at 247 Cayuga Road as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with World Dental Supply, Inc., with terms and conditions 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.”

- 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. Authorization for Amendment to Extend Lease Agreement and Grant Option to Lease Additional Space, United States Government, NFIA
2. Authorization for Procurement, Seneca Sales and Supply, LLC, Potassium Acetate, BNIA
3. Authorization for Agreement, Schindler Elevator Corporation, Elevator/Escalator Maintenance, 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 Perry, seconded by Commissioner Hicks, 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 November 23, 2015 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, DEMAKOS, ANSARI, GURNEY, HICKS, HUGHES, PERRY

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) **Authorization for Amendment to Extend Lease Agreement and Grant Option to Lease Additional Space, United States Government, NFIA**

RECOMMENDATION: Staff recommends that the Board authorize an amendment (the "Amendment") to that certain Lease with the United States Government in order to extend the term of its existing lease of 465 square feet of space at the Niagara Falls International Airport (NFIA) in the terminal at an annual rental rate of \$7,458.27 for use by the Transportation Security Administration (TSA) for a term of five years. Also, the NFTA will grant the U.S. Government the option to lease additional areas totaling approximately 314 square feet for an estimated incremental annual cost of \$5,036.56 within the same lease term.

INFORMATION: The General Services Administration (GSA), on behalf of the TSA, desires to renew its lease of 465 square feet of office space in the NFIA terminal. The space is needed to support TSA's security screening operations at NFIA. The GSA has the right to terminate the lease after 36 months from the commencement of the extension terms upon providing the NFTA with a 120 day written notice. The GSA will be given the option to lease an additional 314 square feet. The existing space is leased at an annual rate of \$7,458.27 and, if the option to lease the aforementioned additional space is exercised, the annual lease amount would increase by \$5,036.56. The lease rate is linked to annual adjustments in the Consumer Price Index.

FUNDING No funding is required.

"RESOLVED, that the Board hereby authorizes the Amendment to extend the Lease with the United States Government, for the lease and use of approximately 465 square feet of office space at Niagara Falls International Airport for use by the Transportation Security Administration as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, his designee and/or the Chairman, be and hereby are authorized to execute the Amendment with the United States Government, for the lease and use of approximately 465 square feet of office space at the Niagara Falls International Airport for use by the Transportation Security Administration as set forth above and as negotiated; and

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

AVIATION:

3. D. (2) **Authorization for Procurement, Seneca Sales and Supply, LLC, Potassium Acetate, BNIA**

RECOMMENDATION: Staff recommends that the Board approve the procurement of an estimated 25,000 gallons of potassium acetate from Seneca Sales and Supply, LLC (“Seneca”) of Erie, Pennsylvania at a price per gallon of \$4.73 and an estimated aggregate cost of \$118,250.00.

INFORMATION: BNIA airfield staff is responsible for snow and ice removal for all ramps, runways, and roadways during winter operations. Potassium acetate is a fluid used for the prevention and removal of frozen deposits of frost and/or ice. It is more effective and efficient in preventing and removing frozen deposits of frost and ice compared to solid compounds, especially in windy conditions, and it generally causes less damage to pavement and structural bridges. BNIA used potassium acetate during the 2014-2015 winter season the first time with very positive results. Staff estimates it will require approximately 25,000 gallons of potassium acetate for the 2015-2016 winter season.

In accordance with NFTA Procurement Guidelines (the “Guidelines”), Staff issued Invitation to Bid #4522 for potassium acetate. Seneca was the sole respondent, with a per gallon cost proposal of \$4.73, which translates into an aggregate cost proposal equal to \$118,250.00 for 25,000 gallons. As required by the Guidelines, NFTA’s Internal Audit Department reviewed the Seneca bid and determined it was fair and reasonable.

FUNDING: Payment to Seneca will be made from Airport Development funds.

“RESOLVED, that the Board hereby authorizes the procurement of potassium acetate from Seneca Sales and Supply, LLC for use at the Buffalo Niagara International Airport as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order(s) to Seneca Sales and Supply, LLC for the hereinabove-described procurement of potassium acetate; and

BE IT FURTHER RESOLVED, that said purchase order(s) 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 hereby is, authorized to make payments from time to time in accordance with said Purchase Order(s) upon notice from the Director, Aviation, that such payments are in order based upon receipt of quantities ordered and all required supporting documentation.”

AVIATION 3. D. (2)

AVIATION:

3. D. (3) **Authorization for Agreement, Schindler Elevator Corporation, Elevator/Escalator Maintenance, BNIA and NFIA**

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Schindler Elevator Corporation of Williamsville, New York for elevator, escalator, and moving walkway preventative maintenance services at the terminal and parking structures located at the Buffalo Niagara International Airport (BNIA) and the terminal building at the Niagara Falls International Airport (NFIA). The term of the contract is two (2) years commencing December 1, 2015, with the option to renew for three (3) additional one-year periods at the sole discretion of the NFTA. The cost of scheduled preventative maintenance over the 5 year term is \$687,456. The cost for non-routine and emergency service, to be performed on an "as needed basis," is estimated at \$107,650, depending on straight time, overtime and other specified factors. The total combined cost over the five (5) year term is estimated at \$795,106.

INFORMATION: Maintenance of elevators, escalators and moving walkways is a highly specialized field which requires skills from trained, certified tradesmen. The NFTA issued Request for Proposal No. 4513 (RFP) in accordance with NFTA Procurement Guidelines. The RFP identified specifications for preventative maintenance of 23 elevators, 5 escalators, and 4 moving walkways at BNIA and NFIA based upon manufacturers' recommendations. The preventative maintenance schedule identifies required maintenance/inspection tasks on a monthly, quarterly, semi-annual, and annual basis. The RFP also identifies the requirement to perform additional non-routine and emergency services on an "as needed basis" based upon hourly rates.

Proposals were received from the following two respondents:

- Schindler Elevator Corporation, Williamsville, N.Y.
- D.C.B. Elevator, Lewiston, N.Y.

The NFTA review team, comprised of members from BNIA Terminal Operations, the NFTA Legal Department, and the NFTA Procurement Department, evaluated the proposals received taking into consideration:

- Qualifications and experience,
- Technical criteria including compliance with technical specifications, reporting, and project approach, and
- Cost.

The team determined that Schindler Elevator Corporation ranked the highest and possesses the qualifications and resources required to perform the services. Schindler Elevator is the original manufacturer and installer of the elevators, escalators, and moving walkways in the BNIA and NFIA terminal buildings and has performed maintenance services in a very satisfactory manner during the past eight years.

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

“RESOLVED, that the Board hereby authorizes an Agreement with Schindler Elevator Corporation, for the elevator and escalator maintenance at the Buffalo Niagara International Airport and at the Niagara Falls International Airport as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chairman, be, and hereby are, authorized to execute an Agreement with Schindler Elevator Corporation for the elevator and escalator maintenance at the Buffalo Niagara International Airport and at the Niagara Falls International Airport 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; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be and he is hereby authorized to make payments under said Agreement upon notification by the Director, Public Transit that such payments are in order based upon receipt of all required supporting documentation.”

- 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, ECC Technologies, Rail Passenger Information System, LRRT
2. Authorization for Agreement, Mark Cerrone, Inc., Fastener and Pad Replacement Project Phase 8, 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 Demakos, 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 November 23, 2015 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ZEMSKY, SLOMA, DEMAKOS, ANSARI, GURNEY, HICKS, HUGHES, PERRY

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) **Authorization for Agreement, ECC Technologies, Rail Passenger Information System, LRRT**

RECOMMENDATION: Staff recommends that the Board award the subject contract to the Term IT consultant, ECC Technologies, for the total lump sum amount of \$124,649.00.

INFORMATION: The goal of this project is to provide real time information for train arrivals to the LRRT system riders. In order to implement the display of the train arrival information, the train travel information is required to be extracted from the Alstom train control system and then placed into the transit data cloud for access into the display software.

In order to accomplish this, it was determined that the display software is required to be integrated with the existing train control system and the real time data be placed into a new and separate SQL Database. ECC Technologies will provide the IT services to develop a noninvasive interface between the Alstom train control system and the passenger information display system. The interface will not affect the stability of the current train control system. ECC Technologies will install a Code Server, utilizing a set of windows servers, to capture the data transmissions between field controllers and the Alstom train control system in OCC. The new system will be capable of communicating in different protocols, such as, DT8 or Genisys. This will allow future upgrades to the field units, if necessary, without changes to train control system.

ECC Technologies possesses extensive experience in Information Technology and Intelligent Transportation Systems. The scope of work was reviewed with the Business Center. The Engineer's estimate for the work is \$130,325.00. The cost proposal was reviewed and considered fair and reasonable.

FUNDING: The account code is 12-0000000 3107-2-3441 and funding from the Federal Transit Administration, NYS DOT, 88c and NFTA.

“RESOLVED, that the Board hereby authorizes an Agreement with ECC Technologies for the rail passenger information system as described above and for a lump sum cost of \$124,649.00; 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 ECC Technologies 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; 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 based upon receipt of all required supporting documentation.”

SURFACE:

4. D. (2) **Authorization for Agreement, Mark Cerrone, Inc., Fastener and Pad Replacement Project Phase 8, LRRT**

RECOMMENDATION: Staff recommends that the Board award the subject construction contract to Mark Cerrone, Inc. for the lump sum amount of \$1,016,000.00.

INFORMATION: This project is a continuation of the previous fastener and pad replacement projects in the LRRT system. The work area for this project is on Track No. 2 (outbound) and begins south of Humboldt Hospital Station and continues to the north beyond Humboldt Hospital Station crossover entry switch and turnout.

The condition of the fasteners, pads, rail, and concrete pads in this section have deteriorated due to corrosion from ice and snow melting chemicals that are used on the mall and the city cross streets. These substances are picked up by railcars on the mall and dropped in the tunnel during normal operations.

The scope of work for this project includes the following:

- Construction survey
- Stray current testing
- Direct fixation fastener and pad assembly replacement
- Rail replacement in specified areas
- Selected floating concrete pad replacements
- Selected floating concrete pad refurbishments
- Concrete sealing

In order to minimize single tracking requirements, the project construction is scheduled to be continuous shifts. The anticipated single tracking duration is 5 weeks.

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

Bidder	Total Amount Bid
Engineer Estimate	\$1,118,025.04
Mark Cerrone, Inc. Niagara Falls, NY Stephanie Churakos, President & Treasurer	\$1,016,000.00
Patterson-Stevens Tonawanda, NY Randy H. Dowling, President	\$1,074,500.00

Analysis of the bids confirmed that the low bidder, Mark Cerrone, Inc., has demonstrated the knowledge, understanding, and ability to successfully complete the construction work. Mark Cerrone, Inc. is a certified WBE and will be performing 97.6% of the work. The remaining 2.4% of the work is planned to be performed by their proposed MBE participant. NFTA Affirmative Action/EEO office has been briefed on the bid results.

FUNDING: The account code is 3188-2-9377. Funding is as follows:

Metro Replacement Fund (MRF)	52%	\$ 528,320.00
NFTA	48%	\$ <u>487,680.00</u>
	TOTAL	\$1,016,000.00

“RESOLVED, that the Board hereby authorizes an Agreement with Mark Cerrone, Inc., for the replacement of broken and deteriorated rail fasteners and pad assemblies on the LRRT, for the lump sum of \$1,016,000.00, 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 Mark Cerrone, Inc. 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; 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 based upon receipt of all required supporting documentation.”

6. General Counsel Report

The General Counsel updated the Board on the November 20, 2015 Decision in the Westover Car Rental, LLC, d/b/a Thrifty Car Rental, and Westover Car Rental, LLC d/b/a Thrifty Airport Parking v. NFTA matter.

7. Executive Session - None

8. Adjournment

At approximately 1:00 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Perry, 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, DEMAKOS, ANSARI, GURNEY,
HICKS, HUGHES, PERRY**

NOES: NONE

