



Niagara Frontier Transportation Authority

ECLEG SEP05'17 AM11:30

August 31, 2017

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 approved Minutes and Attendance from the Niagara Frontier Transportation Authority's Regular Board Meeting held on July 27, 2017.

Very truly yours,

Lisa Flynn  
Assistant to David J. State  
General Counsel

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY  
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.  
REGULAR BOARD MEETING  
JULY 27, 2017 12:30 PM  
MINUTES**

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**6. EXECUTIVE SESSION**

**7. ADJOURNMENT**

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**8. ATTENDANCE**

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**1. CALL TO ORDER**

**A. Meeting Called to Order**

The Chair called the meeting to order at approximately 12:34 a.m.

**B. Approval of Minutes of the NFTA Regular Board Meeting held on June 22, 2017**

It was moved by Commissioner Wilcox, seconded by Commissioner Baynes, that the Minutes of the June 22, 2017 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, BAYNES,  
PERRY, WILCOX**

**NOES: NONE**

**ADOPTED**

**C. Executive Director Report**

Executive Director Kimberley notified the Board that the ribbon cutting ceremony for the new ARFF facility would be held on August 23<sup>rd</sup>. She also reminded the Board that Chief Gast would be conducting a S.I.D.A. badge renewal class for Commissioners whose badges have expired or will be expiring following today's Board Meeting. She advised the Board that a letter was sent to the WNY Delegation regarding the ABO's annual report. The NFTA did very well with expenses growing only .2% over a 5 year period compared to 14.8 % for other state authorities. Expenses for other transportation systems including Rochester, Syracuse and Albany increased 16.1 % for the same 5 year period. The report also showed the NFTA had a 28% decrease in debt service. The Executive Director informed the Board that two independent reports were also included; a June survey of 9500 transit riders which indicated 90% were satisfied or very satisfied with service and a JD Powers report that ranked BNIA number two in all of North America for customer satisfaction.

**2. NFTA CORPORATE REPORT**

- A. Audit, Governance and Finance Committee Report
- B. Consolidated Financial
- C. Corporate Resolutions

JUNE 2017 NFTA/METRO PERFORMANCE  
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	1,548	1,480	(68)
Revenues and Operating Assistance			104
Expenses			(87)
Non-Operating/Capital			(86)
			(68)
OPER REVENUES & ASST	18,592	18,696	104
BNIA Rental Income - decreased compensatory airline billings due to lower expenses			(50)
BNIA Concessions/Commissions - increased parking lot/ramp revenue			113
Erie County Sales Tax			(56)
Federal - PM - reprogramming of federal funds			150
All Other			(52)
			104
TOTAL OPER EXPENSES	15,721	15,808	87
Personnel Services			
Metro - higher instruction labor and overtime, higher health insurance costs due to more expensive Core Ins. Plan and no 10% employee contribution (per terms of ATU contract)		336	
BNIA - higher overtime and fringe benefit costs; temporary help is on payroll, not through a temp agency		104	
Central Admin - higher fringe benefit costs and Metro support labor and police overtime		107	
All Other		14	561
Maintenance & Repairs			
BNIA - lower facility maintenance, janitorial and landscaping expenses and timing in major repair costs		(172)	
Central Admin - timing of MIS software and maintenance agreements		95	
All Other		3	(74)
Utilities			
BNIA - lower electric billings		(56)	
All Other		(5)	(61)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations, partially offset by higher insurance premiums		(56)	
All Other		(14)	(70)
General Business/Other			
Metro - lower professional service and general office costs		(56)	
BNIA - write-off of Delta credits and temporary help is on payroll, not through a temp agency		(107)	
Central Admin - higher outside service costs		20	
All Other		13	(130)
Costs Transferred to Capital Projects			
BNIA - higher labor charges allocated to capital projects		(91)	
All Other		3	(88)
All Other			(51)
			87
NON-OPERATING/CAPITAL	(1,322)	(1,408)	(86)
Capital			
Metro		(104)	
BNIA		(33)	(137)
Non-Operating			
BNIA Net Bond Debt Service		(31)	
BNIA Operating Expense Reserve		48	
BNIA Debt Service - ARFF Building		33	
All Other		1	51

**NFTA/METRO**  
**KEY ITEM REPORT**  
**JUNE 2017**

(\$000 Omitted)

<b><u>MONTH ACTUAL TO BUDGET</u></b>	<b>Jun 2017 <u>Budget</u></b>	<b>Jun 2017 <u>Actual</u></b>	<b><u>Variance</u></b>	<b><u>%</u></b>
<b>Operating Revenues</b>	8,862	8,872	10	0.1%
<b>Operating Assistance</b>	9,730	9,824	94	1.0%
<b>Total Oper. Revenues &amp; Assistance</b>	18,592	18,696	104	0.6%
Personnel Services	11,915	12,476	561	4.7%
Maintenance & Repairs	1,717	1,643	(74)	-4.3%
Transit Fuel/Power	370	331	(38)	-10.4%
Utilities	389	329	(61)	-15.6%
Insurance & Injuries	367	297	(70)	-19.0%
Safety & Security	1,040	1,096	57	5.5%
General Business/Other	2,185	2,056	(130)	-5.9%
Other	(2,262)	(2,420)	(158)	-7.0%
<b>Total Operating Expenses</b>	15,721	15,808	87	0.6%
<b>Operating Income/(Loss)</b>	<b>2,871</b>	<b>2,888</b>	<b>17</b>	<b>0.6%</b>
<b>Non-Operating/Capital</b>	(1,322)	(1,408)	(86)	-6.5%
<b>Net Surplus/(Deficit)</b>	1,548	1,480	(68)	-4.4%



NFTA/METRO YEAR TO DATE JUNE 2017 PERFORMANCE  
(\$000's)

	BUDGET	ACTUAL	VARIANCE
<b>NET SURPLUS/(DEFICIT)</b>	<b>4,772</b>	<b>4,724</b>	<b>(48)</b>
Revenues and Operating Assistance			(188)
Expenses			213
Non-Operating/Capital			(74)
			<u>(48)</u>
<b>OPER REVENUES &amp; ASST</b>	<b>55,812</b>	<b>55,624</b>	<b>(188)</b>
Metro Passenger Fares			(77)
BNIA Concessions/Commissions - increased parking lot/ramp revenue, partially offset by lower auto rental revenue			230
Erie County Sales Tax			(113)
Mortgage Tax			(357)
Federal - PM - reprogramming of federal funds			150
All Other			(22)
			<u>(188)</u>
<b>TOTAL OPERATING EXPENSES</b>	<b>47,327</b>	<b>47,113</b>	<b>(213)</b>
Personnel Services			
Metro - higher health insurance costs due to more expensive Core Ins. Plan and no 10% employee contribution (per terms of ATU contract)		335	
BNIA - higher overtime and fringe benefit costs; temporary help is on payroll, not through a temp agency		123	
Central Admin - higher fringe benefit costs and Metro support labor, Engineering and Police overtime		118	
All Other		<u>43</u>	620
Maintenance & Repairs			
BNIA - lower facility maintenance, janitorial, environmental and landscaping expenses and timing in major repair costs		(266)	
Central Admin - timing of MIS software and maintenance agreements		109	
All Other		<u>55</u>	(101)
Metro Transit Fuel/Power - lower diesel costs			(106)
Utilities			
BNIA - lower electric and gas billings		(88)	
Transportation Centers - lower electric billings at MTC and NFITC		(17)	
All Other		<u>(36)</u>	(141)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations, partially offset by higher insurance premiums		(148)	
BNIA - lower insurance premiums and claim loss reserves		(27)	
All Other		<u>(16)</u>	(190)
General Business/Other			
Metro - lower professional service costs and general office expenses		(69)	
BNIA - write-off of Delta credits and temporary help is on payroll, not through a temp agency		(137)	
Central Admin - higher technology and equipment costs and general office expenses		37	
All Other		<u>22</u>	(148)
Costs Transferred to Capital Projects			
BNIA - higher labor charges allocated to capital projects		(177)	
All Other		<u>39</u>	(138)
All Other			(8)
			<u>(213)</u>
<b>NON-OPERATING/CAPITAL</b>	<b>(3,713)</b>	<b>(3,786)</b>	<b>(74)</b>
Capital			
Metro		(122)	
BNIA		(56)	
All Other		<u>8</u>	(170)
Non-Operating			
BNIA Net Bond Debt Service		(96)	
BNIA Operating Expense Reserve		85	
BNIA Debt Service - ARFF Building		98	
All Other		<u>9</u>	96

**NFTA/METRO**  
**KEY ITEM REPORT**  
**JUNE YTD 2017**

(\$000 Omitted)

	<b><u>Jun 2017</u></b>	<b><u>Jun 2017</u></b>		
<b><u>YTD ACTUAL TO BUDGET</u></b>	<b><u>YTD Budget</u></b>	<b><u>YTD Actual</u></b>	<b><u>Variance</u></b>	<b><u>%</u></b>
<b>Operating Revenues</b>	27,159	27,266	108	0.4%
<b>Operating Assistance</b>	28,653	28,357	(296)	-1.0%
<b>Total Oper. Revenues &amp; Assistance</b>	55,812	55,624	(188)	-0.3%
Personnel Services	36,506	37,126	620	1.7%
Maintenance & Repairs	4,703	4,602	(101)	-2.2%
Transit Fuel/Power	1,100	994	(106)	-9.6%
Utilities	1,143	1,002	(141)	-12.3%
Insurance & Injuries	1,101	910	(190)	-17.3%
Safety & Security	3,335	3,453	118	3.5%
General Business/Other	6,388	6,240	(148)	-2.3%
Other	(6,950)	(7,214)	(264)	-3.8%
<b>Total Operating Expenses</b>	47,327	47,113	(213)	-0.5%
<b>Operating Income/(Loss)</b>	<b>8,485</b>	<b>8,510</b>	<b>25</b>	<b>0.3%</b>
<b>Non-Operating/Capital</b>	(3,713)	(3,786)	(74)	-2.0%
<b>Net Surplus/(Deficit)</b>	4,772	4,724	(48)	-1.0%

**NFTA/METRO**  
**BUSINESS CENTERS**  
**NET SURPLUS/(DEFICIT)**  
**JUNE YTD 2017**

(\$000 Omitted)

	<b><u>Jun 2017</u></b>	<b><u>Jun 2017</u></b>		
	<b><u>YTD Budget</u></b>	<b><u>YTD Actual</u></b>	<b><u>Variance</u></b>	<b><u>%</u></b>
NFTA				
BNIA	1,700	2,375	675	39.7%
NFIA	87	(15)	(102)	-117.3%
Transportation Centers	(309)	(254)	54	17.6%
Property Development	73	139	66	91.4%
<b>NFTA Total</b>	1,551	2,245	694	44.7%
 Metro	3,221	2,479	(742)	-23.0%
 <b>NFTA/Metro</b>	4,772	4,724	(48)	-1.0%

JUNE NFTA/METRO PERFORMANCE  
FYE 2018 vs. FYE 2017  
(\$000's)

	Jun 2016 Actual	Jun 2017 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	2,016	1,480	(536)
Revenues and Operating Assistance			216
Expenses			(1,015)
Non-Operating/Capital			263
			(536)
OPER REVENUES & ASST	18,480	18,696	216
Metro Passenger Fares			(202)
BNIA Airport Fees & Services - higher compensatory billings based on increased expenses			54
BNIA Concessions/Commissions - increased parking lot/ramp revenue			79
Mortgage Tax			(142)
Local - 88c			195
State - MTOAF			54
State - DMTTF			54
Federal - PM - reprogramming of federal funds			119
All Other			5
			216
TOTAL OPERATING EXPENSES	14,793	15,808	1,015
Personnel Services			
Metro - higher overtime, health insurance and workers' compensation costs		729	
BNIA - increased contractual salaries, overtime, health insurance and pension costs; temporary help is on payroll, not through a temp agency		200	
Central Admin - higher police and engineering overtime, Metro support labor, and increased health insurance and pension costs		337	
All Other		35	1,302
Metro Transit Fuel/Power - lower diesel costs			(54)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations, partially offset by higher insurance premiums		(162)	
Transportation Centers - lower claim loss reserves at MTC		(19)	
All Other		(11)	(192)
All Other			(40)
			1,015
NON-OPERATING/CAPITAL	(1,671)	(1,408)	263
Capital			
Metro		51	
BNIA		(41)	
Property Development		17	
All Other		16	43
Non-Operating			
Metro - MRF Reserve Funding/Other		266	
BNIA Net Bond Debt Service		(63)	
BNIA Debt Service - ARFF Building		59	
Property Development - Gain on Sale/Other		(47)	
All Other		6	220

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**NFTA/METRO**  
**KEY ITEM REPORT**  
**FYE 2018 vs. FYE 2017**  
**JUNE**

(\$000 Omitted)

<b><u>MONTH PRIOR YEAR COMPARISON</u></b>	<b><u>Jun 2016</u></b>	<b><u>Jun 2017</u></b>	<b><u>Variance</u></b>	<b><u>%</u></b>
<b>Operating Revenues</b>	8,943	8,872	(71)	-0.8%
<b>Operating Assistance</b>	9,537	9,824	287	3.0%
<b>Total Oper. Revenues &amp; Assistance</b>	18,480	18,696	216	1.2%
Personnel Services	11,174	12,476	1,302	11.6%
Maintenance & Repairs	1,631	1,643	12	0.7%
Transit Fuel/Power	385	331	(54)	-14.0%
Utilities	338	329	(9)	-2.8%
Insurance & Injuries	489	297	(192)	-39.2%
Safety & Security	1,013	1,096	84	8.3%
General Business/Other	1,922	2,056	133	6.9%
Other	(2,161)	(2,420)	(259)	-12.0%
<b>Total Operating Expenses</b>	14,793	15,808	1,015	6.9%
<b>Operating Income/(Loss)</b>	<b>3,687</b>	<b>2,888</b>	<b>(799)</b>	<b>-21.7%</b>
<b>Non-Operating/Capital</b>	(1,671)	(1,408)	263	15.8%
<b>Net Surplus/(Deficit)</b>	2,016	1,480	(536)	-26.6%

NFTA/METRO YEAR TO DATE JUNE PERFORMANCE  
FYE 2018 vs. FYE 2017  
(\$000's)

	Jun 2016 YTD Actual	Jun 2017 YTD Actual	VARIANCE
<b>NET SURPLUS/(DEFICIT)</b>	<b>5,320</b>	<b>4,724</b>	<b>(596)</b>
Revenues and Operating Assistance			1,111
Expenses			(2,524)
Non-Operating/Capital			816
			<b>(596)</b>
<b>OPER REVENUES &amp; ASST</b>	<b>54,512</b>	<b>55,624</b>	<b>1,111</b>
BNIA Airport Fees & Services - higher compensatory billings based on increased expenses			81
BNIA Concessions/Commissions - increased parking lot/ramp and auto rental revenue			400
NFIA Concessions/Commissions - increased parking lot, auto rental and retail stores revenue			172
Mortgage Tax			(449)
Local - 88c			585
State - MTOAF			162
State - DMTTF			162
All Other			(2)
			<b>1,111</b>
<b>TOTAL OPERATING EXPENSES</b>	<b>44,589</b>	<b>47,113</b>	<b>2,524</b>
Personnel Services			
Metro - higher health insurance and workers' compensation costs		1,219	
Transportation Centers - increased contractual salaries, health insurance and pension costs		50	
BNIA - increased contractual salaries, overtime, health insurance and pension costs; temporary help is on payroll, not through a temp agency		417	
NFIA - increased contractual salaries, health insurance and pension costs		55	
Central Admin - higher police and engineering overtime, Metro support labor, and increased health insurance and pension costs		903	
All Other		5	2,648
Metro Transit Fuel/Power - lower diesel costs			(114)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations, partially offset by higher insurance premiums		(36)	
BNIA - lower insurance premiums and claim loss reserves		(26)	
All Other		(20)	(81)
All Other			71
			<b>2,524</b>
<b>NON-OPERATING/CAPITAL</b>	<b>(4,603)</b>	<b>(3,786)</b>	<b>816</b>
Capital			
Metro		135	
BNIA		(66)	
Property Development		15	
Central Admin		20	
All Other		13	118
Non-Operating			
Metro - MRF Reserve Funding/Other		798	
BNIA Net Bond Debt Service		(204)	
BNIA Operating Expense Reserve		(30)	
BNIA Debt Service - ARFF Building		178	
Property Development - Gain on Sale/Other		(40)	
All Other			

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**NFTA/METRO**  
**KEY ITEM REPORT**  
**FYE 2018 vs. FYE 2017**  
**JUNE YTD**

(\$000 Omitted)

	<b>Jun 2016</b>	<b>Jun 2017</b>		
	<b>Prior</b>	<b>Current</b>		
<b><u>YTD PRIOR YEAR COMPARISON</u></b>	<b><u>YTD Actual</u></b>	<b><u>YTD Actual</u></b>	<b><u>Variance</u></b>	<b><u>%</u></b>
<b>Operating Revenues</b>	26,678	27,266	589	2.2%
<b>Operating Assistance</b>	27,834	28,357	523	1.9%
<b>Total Oper. Revenues &amp; Assistance</b>	54,512	55,624	1,111	2.0%
Personnel Services	34,478	37,126	2,648	7.7%
Maintenance & Repairs	4,372	4,602	230	5.3%
Transit Fuel/Power	1,108	994	(114)	-10.3%
Utilities	975	1,002	27	2.8%
Insurance & Injuries	992	910	(81)	-8.2%
Safety & Security	3,094	3,453	359	11.6%
General Business/Other	6,028	6,240	212	3.5%
Other	(6,457)	(7,214)	(757)	-11.7%
<b>Total Operating Expenses</b>	44,589	47,113	2,524	5.7%
<b>Operating Income/(Loss)</b>	<b>9,923</b>	<b>8,510</b>	<b>(1,413)</b>	<b>-14.2%</b>
<b>Non-Operating/Capital</b>	(4,603)	(3,786)	816	17.7%
<b>Net Surplus/(Deficit)</b>	5,320	4,724	(596)	-11.2%

**Corporate Resolutions**

1. Authorization for Tax-Exempt Lease Purchase Agreement, Financing Procurement of Transit Buses, Metro
2. Authorization for NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006695, Supplemental Agreement No. 11
3. Authorization for Collective Bargaining Agreement, Amalgamated Transit Union Local 1342, Metro
4. Authorization for Arbitration Award, Terry Dunn v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority

**CORPORATE:**

**2. C. (i) Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (4)**

The Executive Director advised that Items 2. C. (1) through 2. C. (4) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Perry, seconded by Commissioner Gurney, 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. (4) and dated July 27, 2017 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, BAYNES, PERRY, WILCOX**

**NOES: NONE**

**ADOPTED**



**CORPORATE:**

2. C. (1) **Authorization for Tax-Exempt Lease Purchase Agreement, Signature Bank (and/or a wholly-owned subsidiary of Signature Bank), with Siebert Cisneros Shank & Co., LLC, serving as Placement Agent, Financing of New Transit Buses, Metro**

**RECOMMENDATION:** Staff recommends that the Board authorize the financing of 16 new transit buses (15 powered by compressed natural gas (CNG) and one powered by clean diesel fuel) through a tax-exempt lease purchase agreement with Signature Bank and/or one of its wholly-owned subsidiaries (Signature Bank) having an aggregate value not-to-exceed \$9,200,000. Siebert Cisneros Shank & Co., LLC (SCS) will serve as placement agent in connection with the financing.

**INFORMATION:** The tax-exempt lease purchase agreement with Signature Bank will be in an aggregate amount not-to-exceed \$9,200,000.00, have a term of seven (7) years and bear interest at a fixed rate of 2.11% (true interest cost inclusive of the SCS placement fee referenced below is 2.165%); provided, that the closing occurs on or before August 21, 2017, and, after such date, the tax-exempt fixed rate will be equal to the Interest Rate Swap Rate on the day of closing as reported by the Federal Reserve Board on its H-15 Website <https://www.federalreserve.gov/releases/h15/update/> for a maturity equal to the average life of the principal amortization of the lease plus 70 basis points over a seven (7) year lease term. The tax-exempt lease purchase agreement will provide for a total of 84 monthly payments, with the first payment due date expected to be October 1, 2017. SCS will serve as placement agent in connection with the financing in exchange for a one-time placement fee of \$20,000. SCS and Signature Bank will not charge any other fees or expenses in connection with the financing. The purchase of these new transit buses was previously authorized by the Board on July 23, 2015.

The Authority issued Request for Proposal No. 4704 soliciting proposals from qualified financial institutions to provide financing for the purchase of new transit buses through a tax-exempt municipal lease purchase agreement or otherwise. Four (4) responsive proposals were received and evaluated by an internal evaluation team based on (i) cost, (ii) experience and capabilities in providing such financing, (iii) terms and conditions of the financing and (iv) quality of service and depth of resources. The evaluation team consisted of staff from the Authority's Purchasing, and Finance Departments. Signature Bank, with SCS serving as placement agent, was ranked highest.

Signature Bank and SCS are requesting a partial waiver of the Minority-Owned Business Enterprise, Women-Owned Business Enterprise and Service Disabled Veteran-Owned Business goals because of limited subcontracting opportunities.

**FUNDING:** Funding will be provided through the Metro operating budget.

**“RESOLVED,** that the Board hereby authorizes a Tax-Exempt Lease Purchase Agreement with Signature Bank, with Siebert Cisneros Shank & Co., LLC serving as placement agent, for the

financing of 16 new transit buses (15 powered by CNG and one powered by clean diesel fuel) and having an aggregate value not-to-exceed \$9,200,000.00, as described above; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chair are hereby authorized to execute and deliver the Tax-Exempt Lease Purchase Agreement with Signature Bank, with Siebert Cisneros Shank & Co., LLC serving as placement agent, and all other related documentation required to close the financing of 16 new transit buses, as described above; and

**BE IT FURTHER RESOLVED**, that said Tax-Exempt Lease Purchase Agreement may 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 the Tax-Exempt Lease Purchase Agreement upon certification by the Director of Public Transit that such payments are in order based upon receipt of all required supporting documentation.”

[illegible]

**CORPORATE:**

**2. C. (2) Authorization of NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006695, Supplemental Agreement No. 11**

**RECOMMENDATION:** Staff recommends that the Board authorize the New York State Department of Transportation (NYSDOT) Mass Transportation Capital Project Agreement, Contract Number K006695, Supplemental Agreement Number 11 in the amount of \$5,177,500.

**INFORMATION:** NYSDOT Mass Transportation Capital Project Agreement, Contract Number K006695, Supplemental Agreement Number 11 consists of the Project Identification Number (PIN) listed in the table below which provides state funding to support the Railcar Rebuild Project.

**FUNDING:** 100% NYSDOT.

**NYSDOT Mass Transportation Agreement, Contract Number K006695, Supplemental Agreement Number 11**

<i>PIN</i>	<i>Project Description</i>	<i>Award ID</i>	<i>Total</i>	<i>Federal Share</i>	<i>State Share</i>	<i>NYSDOT Suppl. #11</i>	<i>Local Share</i>
5822.27.001	Railcar Rebuild	ATC-16-NFT-00	\$49,540,334	\$20,604,883	\$21,531,800	<b>\$5,177,500</b>	\$5,796,759

**“RESOLVED,** that the Board hereby authorizes the New York State Department of Transportation Mass Transportation Capital Project Agreement, Contract K006695, Supplemental No. 11 for the project described above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chair be and are hereby authorized to execute and deliver the New York State Department of Transportation Mass Transportation Capital Project Agreement, Contract K006695, Supplemental No. 11, as described above; and

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

**CORPORATE:**

2. C. (3) **Authorization for Collective Bargaining Agreement, Amalgamated Transit Union Local 1342, Metro**

**RECOMMENDATION:** Staff recommends that the Board authorize an eleven (11) year collective bargaining agreement between Niagara Frontier Transit Metro System, Inc. (Metro) and Local Union 1342 of the Amalgamated Transit Union for the period August 1, 2009 through July 31, 2020.

**INFORMATION:** Local Union 1342 of the Amalgamated Transit Union represents approximately 1,100 bus and train operators, mechanics, fare inspectors and various clerical support personnel.

Effective April 1, 2017, following ratification of this Agreement, new wage tables for employees represented by the Union shall be implemented. The wage tables shall thereafter be incorporated into the collective bargaining agreement between the parties.

Contract Year	Wage Increase Effective April 1	Total Wage Expense	Increase From Prior Year
8/1/16 - 7/31/17	New Wage Table	\$48,237,052	\$1,789,954
8/1/17 - 7/31/18	2%	\$52,119,206	\$3,882,154
8/1/18 - 7/31/19	2%	\$53,146,752	\$1,027,546
8/1/19 - 7/31/20	2.25%	\$54,239,098	\$1,092,346

Effective upon ratification and approval of this Agreement or as soon thereafter as Metro may implement, the sole medical insurance plan offered to all employees shall be the Core POS 298 (205) Plan or a replacement plan adopted pursuant to § 18-7.3(d) of the collective bargaining agreement.

Effective January 1, 2019, all employees hired on or before the date of ratification of this Agreement shall contribute by payroll deduction each month ten (10%) percent of the monthly premium equivalent cost established by Blue Cross & Blue Shield for either single or family coverage selected by the employee for the POS 298 (205) Plan or a replacement plan adopted pursuant to § 18-7.3(d) of the collective bargaining agreement.

Effective upon ratification and approval of this Agreement, all employees hired after the date of ratification of this Agreement shall contribute by payroll deduction each month ten (10%) percent of the monthly premium equivalent cost established by Blue Cross & Blue Shield for either single or family coverage selected by the employee for the POS 298 (205) Plan or a replacement plan adopted pursuant to § 18-7.3(d) of the collective bargaining agreement.

During the term of this Agreement, and thereafter until a successor agreement is reached, any current or post ratification employee enrolled in the POS 298 (205) Plan shall not be required to pay greater than \$230.00 per month for the monthly premium equivalent cost established by Blue Cross & Blue Shield for such coverage.

All employees who retire on or after the date of ratification of this Agreement shall be eligible to enroll only in the POS 298 (205) Plan or a replacement plan as set forth in the collective bargaining agreement without cost, as more particularly set forth in the collective bargaining agreement.

Metro agrees to pay any employee who opts out of health insurance coverage from Metro as follows: \$1,325.00 annually for single coverage previously \$1,200.00 and \$2,500.00 annually for family coverage previously \$2,250.00.

The total cost of the Agreement is approximately 16.5 million for the eleven-year term.

**FUNDING:** Funding for this Agreement is included in the Authority's FYE 2018 budget and the five-year plan.

**"RESOLVED,** that the Board hereby approves a collective bargaining agreement between NFT Metro System, Inc. and Local Union 1342 of the Amalgamated Transit Union for the period commencing August 1, 2009 through July 31, 2020, as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Board authorizes the Executive Director, her designee and/or the Chair to enter into and deliver a collective bargaining agreement with Local Union 1342 of the Amalgamated Transit Union covering the period commencing August 1, 2009 through July 31, 2020, upon terms and conditions set forth hereinabove and as negotiated; and

**BE IT FURTHER RESOLVED,** that said Agreement shall include such additional terms, conditions and such 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, as and when due, under said Agreement, upon certification of the Director, Human Resources, that such payments are in order."

**CORPORATE:**

2. C. (4) **Authorization for Arbitration Award, Terry Dunn v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority.**

**RECOMMENDATION:** Staff recommends that the Board authorize payment of the arbitration award amount of \$325,000 in the matter of Terry Dunn v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority.

**INFORMATION:** This action arises out of a motor vehicle accident that occurred on February 7, 2010 at approximately 1:30 p.m. on Genesee Street, near the Buffalo Niagara International Airport, in the Town of Cheektowaga. Terry Dunn, then 43 years old, was the restrained front seat driver of a 2004 Nissan pick-up truck. The Nissan was stopped at a red light when a #24 Metro bus approached and struck the rear bumper of the pick-up and pushed the vehicle forward a car length. The bus was equipped with a digital video surveillance system and the accident was captured, downloaded and preserved for litigation.

The bus operator testified at deposition and at trial that he was traveling outbound on Genesee at approximately 20 mph when he observed a vehicle stopped at a red light. He braked and slowed to approximately 5 mph, but struck the rear of the vehicle. He offered no excuse for the accident and admitted that he had something on his mind and simply was not paying attention at the time. Based on the foregoing, we admitted liability.

At the time of the accident, Ms. Dunn was working for her then fiancé, Anthony Carfino, who was self-employed as a contractor working on a short term basis at the Quality Inn on Genesee Street replacing carpets and renovating bathrooms. Ms. Dunn did not return to work at the Quality Inn immediately following the accident.

Ms. Dunn was treated at ECMC and released with diagnoses of myofascial lumbar strain, elbow/forearm sprain and a closed head injury. She followed with multiple providers in Buffalo for these and other complaints. Thereafter, she moved to Florida and sought treatment from a chiropractor in April of 2010. She continued treatment and received facet injections until November of 2010. She returned to work as a CNA in a hospital in September of 2010. Throughout 2011 she sought extensive treatment for unrelated conditions of emphysema, COPD and asthma. Increased complaints of neck pain led to the Plaintiff undergoing a rhizotomy procedure in February of 2013 and a C6-C7 discectomy and fusion in March of 2013. On February 27, 2014, the Plaintiff returned to Buffalo to seek treatment and an opinion from a local orthopedic surgeon. In a report dated March 27, 2014, the orthopedic surgeon opined that MRIs of the spine revealed both chronic changes and traumatically induced disc herniations at multiple levels. He recommended that the Plaintiff undergo removal of the plate and screws at C6-C7 and undergo fusion of C4-C5, C5-C6, C6-C7, C7-T1 with instrumentation, both anterior and posterior, as well as intradiscal stem cell injection and/or surgical stabilization and lumbar fusion at L4-L5 and L5-S1. To date, she has not had the second surgery and alleges an inability to pay for the procedure.

A neurosurgeon examined the Plaintiff at our request on May 8, 2012 and again on August 20, 2013. He diagnosed Ms. Dunn with moderate degenerative disc disease which is due to her smoking abuse, age and genetics. He opined and testified at trial that she may have suffered some temporary mild cervical musculoskeletal myofascial pain in her neck but that the force of the impact was mild and was not significant enough to cause any permanent injury or impairment to her neck. He further reported and testified that the disc herniations and pathology seen in her cervical spine all pre-existed the accident and the accident did not contribute to this pathology. He felt that she did not require ongoing therapy, treatment, medications, injections or surgery.

This matter has a very long procedural history. The parties proceeded to a jury trial on the issue of damages only on May 12, 2014 in New York Supreme Court before the Honorable John F. O'Donnell. Prior to trial, we reached impasse at a \$1,475,000 demand and a \$500,000 offer. At the first trial, the Plaintiff demanded \$2.8 million during closing arguments and the jury awarded \$75,000. An appeal resulted in a subsequent reversal of the jury verdict by the Fourth Department, Appellate Division. We were scheduled for a second jury trial commencing April 17, 2017. In the interim, the trial court ordered the parties to participate in the Eighth Judicial District's Alternative Dispute Resolution (ADR) program in an attempt to resolve the case short of trial. After extensive negotiations through an ADR mediator, we offered \$275,000 in response to a \$925,000 settlement demand. Plaintiff rejected this offer.

In lieu of a second costly trial, the parties ultimately agreed to binding arbitration on June 6, 2017 before a single arbitrator with undisclosed high/low parameters of \$500,000/\$50,000. Plaintiff requested that the arbitrator award her a total of over \$1.1 million (\$183,504.88 for past medical expenses, \$150,000 for future medical expenses and \$775,000 for past and future pain and suffering and loss of enjoyment of life).

The arbitrator determined that the Plaintiff sustained a significant limitation of use of her cervical spine as a result of the accident and awarded Plaintiff a total of \$325,000 (\$200,000 for past and future pain and suffering, \$125,000 in past medical expenses and zero for future medical expenses).

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

“**RESOLVED**, that the Board hereby authorizes payment of the arbitration award amount of \$325,000 in the matter concerning the accident which occurred on February 7, 2010; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee, and/or the Chair be and hereby are authorized to make such payments as necessary to resolve the matter of Terry Dunn v. Darnell Garrett, Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, said authorization providing for payments in an amount not-to-exceed \$325,000; and



**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be and he is hereby authorized to make payments pursuant to said award upon certification by the General Counsel, that such payments are in order.”

**3. AVIATION BUSINESS GROUP REPORT**

- A. Aviation Committee Report
- B. Financial Update
- C. Business Update
- D. Resolutions

**Aviation Resolutions**

1. Rescind Aviation Resolution 3. D. (1), Adopted by the NFTA Board at its Regular Meeting on June 22, 2017 Authorizing TNC-Related Agreements; and Authorization for Ratification of Agreements with (i) Lyft, Inc., (ii) Rasier-NY, LLC (d/b/a Uber) and (iii) the American Association of Airport Executives; and Authorization for Agreements with additional Transportation Network Companies, Transportation Ride Services and Related Management Services, BNIA and NFIA
2. Authorization for Change Order No. 1, Union Concrete and Construction Corporation and DiDonato Associates, Engineering and Architecture, PC, Runway 14-32 Rehabilitation Project, BNIA
3. Authorization for Change Order No. 4, Resetarits Construction Corporation, ARFF Facility, BNIA
4. Authorization for Operating Agreement, Fly Buffalo NY, LLC, NFIA
5. Authorization for Lease and Operating Agreement, Rainbow Air, Inc., NFIA

**AVIATION:**

**3. D. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (5)**

The Executive Director advised that Items 3. D. (1) through 3. D. (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 Perry, seconded by Commissioner Baynes, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) through 3. D. (5) and dated July 27, 2017 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, BAYNES, PERRY, WILCOX**

**NOES: NONE**

**ADOPTED**

**AVIATION:**

3. D. (1) **Rescind Aviation Resolution 3. D. (1), Adopted by the NFTA Board at its Regular Meeting on June 22, 2017 Authorizing TNC-Related Agreements; and Authorization for Ratification of Agreements with (i) Lyft, Inc., (ii) Rasier-NY, LLC (d/b/a Uber) and (iii) the American Association of Airport Executives; and Authorization for Agreements with additional Transportation Network Companies, Transportation Ride Services and Related Management Services, BNIA and NFIA**

**RECOMMENDATIONS:** Staff recommends that the Board:

- 1) rescind Aviation Resolution 3. D. (1), adopted by the NFTA Board at its Regular Meeting on June 22, 2017, which authorizes execution and delivery of agreements with certain Transportation Network Companies (TNCs) and the American Association of Airport Executives (AAAE).
- 2) ratify and confirm in all respects the following ground transportation-related agreements, each as more fully described herein:
  - (a) Agreement, dated June 26, 2017, by and between Lyft, Inc. (Lyft) and the Niagara Frontier Transportation Authority (NFTA); and
  - (b) Agreement, dated June 29, 2017, by and between Rasier-NY, LLC (Uber) and the NFTA; and
  - (c) Agreement, dated June 29, 2017, by and between the AAAE and the NFTA.
- 3) authorize Agreements with additional TNCs that may, from time to time, express interest in providing ground transportation ride services at the Buffalo Niagara International Airport (BNIA) and/or the Niagara Falls International Airport (NFIA), as more fully described herein.

**INFORMATION:** New York State legislation was recently enacted that allows TNCs to provide service in the upstate New York area starting on June 29, 2017.

TNCs are ground transportation companies that provide ride services to the general public, including, without limitation, airport patrons, through use of an application (“App”) that can be downloaded to the customer’s smartphone in order to solicit rides. The App automatically calculates the route and fare amount, including the airport fee(s) identified by the particular TNC. In addition, the App provides trip and driver information to the customer and automatically processes credit card transactions to avoid cash / payment collection efforts.

*Aviation Resolution 3. D. (1), adopted on June 22, 2017.*

At the NFTA Board's Regular Meeting on June 22, 2017, it authorized execution and delivery of agreements with certain TNCs (Lyft and Uber) and the AAAE. A copy of said resolution is attached for reference. After further discussion with all stakeholders, it was determined that the fees reflected in said Aviation Resolution 3. D. (1) needed to be adjusted.

*Lyft and Uber Agreements.*

The NFTA executed ground transportation agreements with Lyft and Uber for TNC ride service at BNIA and NFIA on June 26, 2017 and June 29, 2017, respectively. Both Agreements provide for use of a geo-fence, which is a virtual geographic boundary using global positioning systems, in order to track all TNC ride transactions within the set boundaries of each airport.

The Agreements with Lyft and Uber have a term of one (1) year commencing on June 29, 2017 and expiring on June 28, 2018 (the "Pilot Period") and permit both TNCs to provide transportation ride services for patrons at BNIA and NFIA. The Pilot Period is intended to allow the NFTA a reasonable period of time to measure the financial and operational impacts resulting from TNC service at both airports. The Agreement with Lyft requires Lyft to pay the NFTA a permit fee of \$5,000.00 and a fixed fee of \$3.00 for each "Drop off" and "Pick up" initiated or concluded within the established geo-fence boundaries of each airport. The Agreement with Uber requires Uber to pay the NFTA a permit fee of \$5,000 and an annual flat fee of \$180,000. The foregoing fees were determined to be reasonable and necessary in order to adequately support the airport systems, preserve revenue, and compensate the NFTA for additional operational costs (i.e., increased repair and wear and tear on the roads, maintenance, plowing, etc.) resulting from the provision of TNC service at both airports.

*Additional TNC Agreements.*

With a view toward promoting competition, the NFTA is prepared to enter into ground transportation agreements with additional TNCs that may enter the Buffalo-Niagara TNC market during the Pilot Period and have an interest in providing ride services at BNIA and/or NFIA. Agreements with such additional TNCs, if any, shall contain substantially the same terms as those reached with Lyft or Uber, giving each additional TNC the option to select either the Lyft fee structure or the Uber fee structure; provided, that the fee shall be prorated to reflect a partial Pilot Period.

*AAAE Agreement.*

The NFTA executed an Agreement with AAAE on June 29, 2017, which has a term of one (1) year running coterminous with the Pilot Period and provides for the implementation of a fully-integrated ABT Management System (the "System") capable of tracking, monitoring and invoicing each TNC for "Drop off" and "Pick up" fees, if applicable, in accordance with the terms of such TNC's ground transportation agreement with the NFTA. The System, which was jointly developed by AAAE and the San Francisco International Airport, will provide the NFTA with certain TNC-specific capabilities including control of revenue recapture, financial auditing,

compliance with operating agreements, enforcement of rules and regulations, and operational metrics. The Agreement with AAAE requires the NFTA to pay AAAE a commission equal to five percent (5%) of airport fees paid to the NFTA by TNCs. The System qualifies as a “sole source” procurement under the NFTA’s Procurement Guidelines as the System is proprietary and protected by applicable copyright and patent laws.

**FUNDING:** No funding is required.

**“RESOLVED,** that the Board hereby rescinds, in its entirety, Aviation Resolution 3. D. (1), adopted by the Board at its Regular Meeting on June 22, 2017, for the reason set forth above; and

**BE IT FURTHER RESOLVED,** that the Board hereby ratifies and confirms in all respects the Agreement with Lyft, Inc., dated June 26, 2017, as described above; and

**BE IT FURTHER RESOLVED,** that the Board hereby ratifies and confirms in all respects the Agreement with Raiser NY, LLC (d/b/a Uber), dated June 29, 2017, as described above; and

**BE IT FURTHER RESOLVED,** that the Board hereby ratifies and confirms in all respects the Agreement with the American Association of Airport Executives, dated June 29, 2017, as described above; and

**BE IT FURTHER RESOLVED,** that the Board hereby authorizes Agreements with additional Transportation Network Companies that may hereafter express interest in providing ground transportation ride services at the Buffalo Niagara International Airport and/or the Niagara Falls International Airport, as described above; and

**BE IT FURTHER RESOLVED,** that the Board hereby ratifies and confirms in all respects all actions taken to date by Staff and the Executive Director in furtherance of negotiating, executing and delivering each of the Agreements described above; and

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer, be and he is hereby authorized to make payments under the Agreement with the American Association of Airport Executives upon certification by the Director of Aviation that such payments are in order based upon receipt of all required supporting documentation.”

**AVIATION:**

**3. D. (1) Authorization for Agreements, Transportation Network Companies and the American Association of Airport Executives, Transportation Ride Services and Management Services, BNIA and NFIA**

**RECOMMENDATION:** Staff recommends that the Board authorize ground transportation agreements with Transportation Network Companies (“TNC’s”) to provide transportation ride services for patrons at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA) to include a permit fee of \$5,000.00 and fixed fees totaling \$3.50 for both “Drop off” and “Pick up” for each transaction initiated or concluded within the established geo-fence boundaries. The term of this initial agreement represents a “pilot program” and is limited to a one-year period commencing June 29, 2017.

Additionally, staff recommends the Board authorize a one-year agreement with the American Association of Airport Executives (“AAAE”) to provide a fully integrated ABT Management System to track, monitor and invoice the “TNCs” for trip fees in accordance with the aforementioned ground transportation agreements. The AAAE would receive commission fees equal to 5% of airport revenues generated from “TNC’s”. This service would be provided on a “single source basis” whereby the ABT Management system is protected by copyright and is patent pending.

**INFORMATION:** New York State legislation was recently enacted to allow “TNC” service in our area starting June 29, 2017. “TNC’s” will be required to comply with all applicable New York State legislation, including but not limited to, criminal background checks.

“TNC’s” are ground transportation companies who provide transportation ride services to customers including airport patrons by utilizing “Apps” on customer smartphones to solicit rides. The “App” will automatically calculate the route and fare amount including any airport fees identified in the “TNC” agreement with the NFTA. The “App” communicates trip and driver information to the customer as well as automatically processing credit card transactions to avoid cash / payment collection efforts.

The NFTA will execute ground transportation agreements with “TNC’s” (which currently includes Uber and Lyft - but could include other companies who may enter our market) to operate at BNIA and NFIA. The agreement will establish a geo-fence which is a virtual geographic boundary using global positioning systems (GPS) to track “TNC” transactions within the set boundaries of each airport. The agreement will also provide for the imposition of a \$5,000.00 permit fee and a \$3.50 fixed fee for “Drop off” and “Pick up” for each transaction initiated or concluded within the established geo-fence boundary. The fee is imposed to develop revenue for support of the airport system, preserve revenue and to compensate the NFTA for its operational costs (repair and wear and tear on the roads, maintenance, plowing, etc.) resulting from the usage of TNC driver vehicles on Airport property. Staff recommends an initial one-year agreement term to allow time to measure the financial and operational impact of “TNC’s” at BNIA and NFIA compared to current operations.



The ABT Management system is a fully integrated system that will track, monitor, and invoice the “TNC’s” for all ride transactions. The system was developed jointly by San Francisco International Airport (SFO) and the AAAE to give airports control of revenue recapture, financial auditing, compliance with operating agreements, enforcement of rules and regulations, and operational metrics. This service would be provided on a “single source basis” whereby the ABT Management system is protected by copyright and is patent pending. The cost of these services are commission fees equal to 5% of total airport revenues generated by “TNC’s”.

**FUNDING:** No funding is required.

Whereupon, it was moved by Commissioner Perry, seconded by Commissioner Wilcox, that the following Resolutions be adopted:

**“RESOLVED**, that the Board hereby authorizes an Agreement with Transportation Network Companies and the American Association of Airport Executives for transportation ride services and monitoring services 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 and deliver an Agreement with Transportation Network Companies and the American Association of Airport Executives as described above; and

**BE IT FURTHER RESOLVED**, that said Agreements 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 of Aviation that such payments are in order based upon receipt of all required supporting documentation.”

**AYES:**       **ROCHE, DEMAKOS, GURNEY, DURAND, ANSARI, AUL,  
PERRY, WILCOX**

**NOES:**       **BAYNES**

**ADOPTED**

**AVIATION:**

**3. D. (2) Authorization for Change Order No. 1, Union Concrete and Construction Corporation and DiDonato Associates, Engineering and Architecture, PC, Runway 14-32 Rehabilitation Project, BNIA**

**RECOMMENDATION:** Staff recommends the Board approve construction contract Change Order No. 1 as a \$793,832.80 not-to-exceed amount increase to Union Concrete and Construction Corp. and the corresponding construction, administration and management contract to DiDonato Associates, Engineering and Architecture, P.C. for a cost plus fixed fee not-to-exceed amount increase of \$75,280.00, in each case, for the Buffalo Niagara International Airport (BNIA) Runway 14-32 rehabilitation project (Project). The amended contract values are \$12,741,643.80 and \$1,761,514.00, respectively.

**INFORMATION:** The Project initially addressed the 5,312 feet long by 150 feet wide segment of Runway 14-32 identified as the most deteriorated runway pavement in the 2010 pavement inspections performed as part of the BNIA Master Plan approved by the FAA in 2013. The construction contract for this work was approved by the Board at its Regular Meeting on July 26, 2016, and the related Notice to Proceed was issued on November 18, 2016.

The NFTA staff, supported by the engineering consultant, identified an opportunity to rehabilitate the remaining 1,950 feet long by 150 feet wide runway pavement not included in the initial project. The rehabilitation construction is accomplished by removing the top pavement layer and then overlaying a new asphalt surface course. This will eliminate potential hazards to aircraft associated with deteriorating pavement for the entire length of Runway 14-32. The runway closure duration will not be impacted by Change Order No. 1 work.

The construction, administration and management includes pavement evaluation, drawing development and construction monitoring.

The following efficiencies are gained by including the remaining Runway 14-32 rehabilitation with this contract:

- A FAA approved Safety and Phasing Plan is in place
- A FAA Aeronautical Airspace Review is in place
- Work is performed during an ongoing outage.
- FAA agreements for flight checks and navigational aid inspections are in place
- The contract asphalt unit price would apply and is favorable due to the economy of scale
- The construction monitoring team is in place, and the specialized asphalt mix is approved
- The construction contractor is mobilized.

The Federal Aviation Administration (FAA) was provided technical justification and requested to fund the additional work through the existing grant agreement. The FAA approved the NFTA's construction grant amendment request.

**FUNDING:**

Construction funding is found in account code 3188-2-2685 and distributed as follows:

75%	FAA AIP	\$595,374.60
12.5%	PFC	\$99,229.10
12.5%	NYSDOT	\$99,229.10
	TOTAL	\$793,832.80

Construction, Administration and Management funding is found in account code 3113-2-2685 and distributed as follows:

75%	FAA AIP	\$56,460.00
12.5%	PFC	\$9,410.00
12.5%	NYSDOT	\$9,410.00
	TOTAL	\$75,280.00

**“RESOLVED**, that the Board hereby authorizes Change Order No. 1 with Union Concrete and Construction Corporation and DiDonato Associates, Engineering and Architecture, PC relating to the Runway 14-32 Rehabilitation project at the Buffalo Niagara International Airport, as described above; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chair, be and hereby authorized to execute and deliver Change Order No. 1, as described above; and

**BE IT FURTHER RESOLVED**, that said Change Order No. 1 may 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 Change Order No. 1 upon certification by the Director of Engineering, that such payments are in order based upon receipt of all required supporting documentation.”

**AVIATION:**

**3. D. (3) Authorization and Approval for Change Order No. 4, Resetarits Construction Corporation, ARFF Facility, BNIA**

**RECOMMENDATION:** Staff recommends that the Board authorize and approve Change Order No. 4, which reflects a \$260,124.68 increase to Resetarits Construction Corporation's Contract No. 10BR1406, relating to the new Aircraft Rescue and Fire Fighting (ARFF) Facility at the Buffalo Niagara International Airport (BNIA). Authorization and approval of Change Order No. 4 will result in a revised contract value of \$9,303,632.53.

**INFORMATION:** Change Order No. 4 provides for the following proposed change orders. The cost for these modifications are in accordance with Article 22 – Extra Work, Article 24 – Payment for Agreed Prices, and Article 25 – Payment for Force Account Work of the General Conditions. The costs for these change proposals incorporate New York State Prevailing Wage Rates and standard material and equipment costs as verified by the NFTA's Engineer.

**PCO 010 - Bulletin #1 – Sub-Slab Depressurization System Installation....ADD \$ 24,678.84**  
Piping installation below the building slab and vented above roofline to collect and dissipate soil vapors.

**PCO 011 - Excavate unsuitable soil and backfill excavation (storm sewer)..ADD \$ 24,475.49**  
Soil encountered during excavation and installation of storm sewer piping was unsuitable for backfilling. The unacceptable impacted soil was removed from site and disposed of properly. Acceptable on-site material was used for backfilling.

**PCO 013 - Door and Frame Upgrades.....ADD \$ 2,882.25**  
Specified exterior door frames were changed to more thermally efficient frames to reduce heat loss.

**PCO 020 - Apparatus Bay CMU wall extension.....ADD \$ 5,941.20**  
Extended the height of the interior Apparatus Bay/Dorm area common block wall to reduce heat loss and eliminate exposed insulation.

**PCO 022 - Rooms 141 and 142 wall and ceiling revisions.....ADD \$ 1,491.60**  
Revise wall and ceiling construction at Medical Decon Room to provide containment and isolation from Dormitory.

**PCO 025 - Smart Board HDMI Connection.....ADD \$ 1,854.83**  
Added HDMI interface capability for new 'smart boards' purchased by NFTA/ARFF

**PCO 026 - Insulated Panel Cap.....ADD \$ 1,876.75**  
Added insulated metal panels in corners of the Apparatus Bay for thermal insulation and cosmetic closure on walls.

**PCO 027 - Additional Structural Steel for Overhead Door Loads.....ADD \$ 16,800.00**  
Increased rigidity of Apparatus Bay overhead door mounting supports due to the need to have all eight (8) doors open simultaneously.

**PCO 028 - Communications Room Upgrades.....ADD \$ 12,603.98**  
Added one (1) data switch and revised two post rack to four post for required support, as requested by NFTA's Management Information Systems Department.

**PCO 029 – Clock Location Revisions.....ADD \$ 3,691.74**  
Provides for relocation of analog & digital clocks between the Large Conference Room and Apparatus Bay.

**PCO 030 – Ductbank Relocation.....ADD \$ 2,405.50**  
Lowered existing BNIA Fuel Farm communication ductbank to allow construction of proposed Runway 14/32 access road from New ARFF Facility.

**PCO No. 033 – Column Cover Detail Revisions.....ADD \$ 5,274.00**  
Provides for installation of column covers above the masonry unit wall at each of the four Apparatus bay corner columns.

**PCO No. 036 – Emergency Lighting Battery Backup.....ADD \$ 31,981.09**  
Provides for retrofitting interior emergency lighting fixtures with emergency ballast module containing a test switch for visual and manual means of monitoring system.

**PCO No. 037 – Access Doors in Decon Room #142.....ADD \$ 1,424.93**  
Installation of 4 gasketed ceiling access doors in Medical Decon Room #142.

**PCO No. 038 – Regrade Runway Safety Area Subsurface Sand Filter.....ADD \$ 2,231.90**  
Regraded the installed Runway Safety Area subsurface 6" sand filter swale to meet the FAA requirement of no more than a 2" deviation in grade airside along the access road to Runway 14/32.

**PCO No. 039- Additional Marker Board Substitution.....DEDUCT (\$ 1,733.00)**  
Substitute the original contract glass marker board for a ceramic-coated steel marker board.

**PCO No. 041 – Exit Sign Revisions.....ADD \$ 2,334.18**  
Installation of 1 lighted ceiling mounted exit sign with arrow in Lobby Room #103 and relocation of 1 lighted wall mounted exit sign in Day Room #132.

**PCO No. 043 – Bulletin #3 – Obstruction Lights.....ADD \$ 21,508.81**  
Installation of five (5) FAA-approved obstruction lights to delineate the new ARFF building and radio tower, as requested by the business center.

**PCO No. 045 – GFI Breaker Replacement for Appliances.....ADD \$ 1,280.58**  
Replacement of appliances' 20 amp breakers with 20 amp GFI breakers and GFI wall duplex receptacles with non-GFI receptacles.

**PCO No. 046 – Light Curtains at Overhead Doors.....ADD \$ 11,324.68**  
Provides for installation of light curtain safety sensors to prevent closure of Apparatus Bay overhead doors when obstructions in door's path are present.

**PCO No. 047 – Fire Alarm Additional Electric.....ADD \$ 3,256.73**  
Provides for one additional smoke detector in HC Toilet Room 133, a heat detector in Vestibule Room 101 and Toilet Room 108 along with associated conduit and wiring.

**PCO No. 048 – Decon Room #142 Lighting.....ADD \$ 5,235.52**  
Installation revised lighting for Decon Room #142 to a design change from a drop ceiling to a hard ceiling.

**PCO No. 050 – Bulletin #4 Data Rack Power Supply.....ADD \$ 14,100.38**  
Divides the data rack power supply into separate circuits including emergency back-up power supply.

**PCO No. 051 –Sleeves on Glycol Lines at O/H Door Pull Chains.....ADD \$ 1,035.04**  
Installation of protective metal sleeves on insulated glycol lines near Apparatus Bay overhead door pull chains to prevent damage to the glycol lines during pull chain operation.

**PCO No. 054 – Power for Dispatch Console.....ADD \$ 1,515.04**  
Provides for extension of power to dispatch console outlets facilitating functionality.

**PCO No. 056 – Tunnel Cameras.....ADD \$ 7,010.38**  
Allows for connection of the existing Aero Drive Tunnel surveillance cameras to the NFTA security network for monitoring at the new ARFF Facility Watch Alarm Room.

**PCO No. 057 – Apparatus Bay Floor Water Based Urethane Sealer .....ADD \$ 50,400.00**  
Installation of water based Urethane floor sealer to protect the Apparatus Bay concrete floor from damaging effects of the firefighting foam used by the ARFF Department.

**PCO No. 059 – Smoke Sleeve Pathway.....ADD \$ 1,200.64**  
Installation of a smoke pathway is necessary to provide a smoke proof cableway between the Communications Room and Watch Alarm Room.

**PCO No. 062 – CATV Infrastructure and Wiring Install Deletion.....DEDUCT (\$ 2,960.00)**  
Installation of the cable television infrastructure and wiring has been deleted from the contract.

**PCO No. 065 – Captains Room Fire Alarm.....ADD \$ 1,429.23**  
Provides for fire alarm coverage in the Captains Room 136.

**PCO No. 066 – Shut Down and Relays.....ADD \$ 3,572.37**  
Provides for installation of additional shut-down sequence and relay changes to allow the kitchen range hood fan to continue running after the ANSUL fire suppression system has activated. This is necessary to suppress fire in the kitchen range hood ductwork.

**FUNDING:** Funds for Change Order No. 4 are contained in the BNIA Capital Budget, Account No. 120000000-3188- 2-2657 and are provided as follows:

Funding Source	%	Value
PFC Eligible PCO's = \$215,951.13		
Future Passenger Facility Charges (PFC)	67.74%	\$146,285.30
Airport Development Funds (ADF)	32.26%	\$69,665.83
PFC Ineligible PCO's (Funded 100% by ADF)		\$44,173.55
	<b>Total</b>	\$260,124.68

**“RESOLVED,** that the Board hereby authorizes and approves Change Order No. 4 in the amount of \$260,124.68 with Resetarits Construction Company relating to the new ARFF facility at the Buffalo Niagara International Airport, as described above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chair, be and hereby authorized to execute and deliver Change Order No. 4, as described above; and

**BE IT FURTHER RESOLVED,** that said Change Order No. 4 shall include such additional terms, conditions and safeguards to the Authority as may be 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 Change Order No. 4 upon certification by the Director of Engineering, that such payments are in order based upon receipt of all required supporting documentation.”

**AVIATION:**

**3. D. (4) Authorization for Operating Agreement, Fly Buffalo NY, LLC, NFIA**

**RECOMMENDATION:** Staff recommends that the Board authorize an Operating Agreement with Fly Buffalo NY LLC (Fly Buffalo) providing for the non-exclusive right to operate a helicopter sightseeing tour operation for an initial term of one-year commencing August 1, 2017, with the option to renew for two (2) additional one-year periods in the Niagara Frontier Transportation Authority's (NFTA) sole discretion.

**INFORMATION:** Fly Buffalo operates a helicopter sightseeing tour operation that leases hangar space at Niagara Falls International Airport (NFIA) and Lancaster Airport. Fly Buffalo will pay the NFTA a license fee of five percent (5%) of gross revenues generated from the sightseeing operations at NFIA. The Operating Agreement will contain the NFTA's standard insurance and indemnification language.

**FUNDING:** No funding is required.

**“RESOLVED,** that the Board hereby authorizes an Operating Agreement with Fly Buffalo NY, LLC for non-exclusive helicopter sightseeing tour operations out of the Niagara Falls International Airport, as described above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute and deliver an Operating Agreement with Fly Buffalo NY, LLC, as described above; and

**BE IT FURTHER RESOLVED,** that said Agreement with Fly Buffalo NY, LLC shall include such additional terms, conditions and safeguards to the Authority as may be deemed appropriate by the General Counsel.



**AVIATION:**

**3. D. (5) Authorization for Lease and Operating Agreement, Rainbow Air, Inc., NFIA**

**RECOMMENDATION:** Staff recommends that the Board authorize a Lease and Operating Agreement with Rainbow Air, Inc. (Rainbow Air) providing for the non-exclusive right to operate a helicopter and fixed wing aircraft sightseeing tour operation at the Niagara Falls International Airport (NFIA) for an initial term of one (1) year commencing August 1, 2017, with the option to renew for with two (2) additional one-year periods in the Niagara Frontier Transportation Authority's (NFTA) sole discretion.

**INFORMATION:** Rainbow Air previously leased space and operated a helicopter and fixed wing aircraft sightseeing tour operation at the Old Terminal Building at NFIA. Rainbow Air will lease approximately 293 square feet of space in the Old Terminal Building at a rate of \$11.00 per square foot or \$3,223.00 per year. The space to be leased is located where the restaurant was previously situated in the Old Terminal Building. Rainbow Air will pay the NFTA a license fee of five percent (5%) of gross revenues generated from its sightseeing operations at NFIA. The Lease and Operating Agreement will contain the NFTA's standard insurance and indemnification language.

**FUNDING:** No funding required.

**“RESOLVED,** that the Board hereby authorizes a Lease and Operating Agreement with Rainbow Air, Inc. providing for the lease of space in the Old Terminal Building and the operation of a non-exclusive helicopter sightseeing tour operation at the Niagara Falls International Airport, as described above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chair, be and are hereby authorized to execute and deliver a Lease and Operating Agreement with Rainbow Air, Inc., as described above; and

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

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

**Surface Transportation Resolutions**

1. Authorization for Procurement, Creative Bus Sales, Paratransit Vehicles, Metro

**SURFACE:**

**4. D. (1) Authorization for Procurement, Creative Bus Sales, Inc., Paratransit Vehicles, Metro**

**RECOMMENDATION:** Staff recommends that the Board approve the procurement of six (6) paratransit vehicles at an aggregate cost of \$359,280.00 from Creative Bus Sales, Inc. (CBS) of Chino, California.

**INFORMATION:** The requested MV-1 vehicles are configured with a low floor and wheelchair ramp. These vehicles (i) will increase the size of the Metrolink/PAL fleet to a total of 80 vehicles, (ii) are powered by compressed natural gas and (iii) can carry one (1) wheelchair together with three (3) seated passengers.

CBS requested a full M/WBE and SDVOB waiver. There are no certified M/WBE or SDVOB vehicle manufacturers. CBS is a distributor, and purchased the vehicles directly from the manufacturer. Consequently, there are no sub-contracting opportunities available in connection with this procurement.

A single responsive bid was received and the Internal Audit Department determined that the price proposed is fair and reasonable.

**FUNDING:** This procurement is funded through the Capital Budget utilizing local funds per the Metro Replacement Fund (MRF).

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

**“RESOLVED,** that the Board hereby authorizes the procurement of six (6) paratransit vehicles from Creative Bus Sales, Inc. for an aggregate cost of \$359,280.00, as described above; and

**BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Order(s) to Creative Bus Sales, Inc. for the procurement of six (6) paratransit vehicles at an aggregate cost of \$359,280.00, as described above; and

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

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, BAYNES, PERRY, WILCOX**

**NOES: NONE**

**ADOPTED**

5. General Counsel Report

6. Executive Session

At approximately 1:07 p.m., it was moved by Commissioner Durand, seconded by Commissioner Demakos, that the Commissioners convene in Executive Session so that the Authority's General Counsel can provide legal advice regarding a personnel human resources issue involving NITTEC.

Following discussion, at approximately 1:22 p.m., it was moved by Commissioner Perry, seconded by Commissioner Demakos, that the Executive Session be adjourned and that the Board resume the Regular Session.

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, BAYNES,  
PERRY, WILCOX**

**NOES: NONE**

7. Adjournment

At approximately 1:25 p.m., the Chair indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Wilcox, seconded by Commissioner Durand, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: ROCHE, DEMAKOS, DURAND, GURNEY, BAYNES,  
PERRY, WILCOX**

**NOES: NONE**

**ADOPTED**

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY  
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.  
REGULAR BOARD MEETING • July 27, 2017**

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Pursuant to prior written notice, the Board of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., held the Regular Board Meeting on Thursday, July 27, 2017, at 12:30 p.m. at the Metropolitan Transportation Center, 181 Ellicott Street, Buffalo, New York.

**MEMBERS PRESENT**

SISTER DENISE ROCHE, CHAIR  
PETER DEMAKOS, VICE CHAIR  
BONITA R. DURAND, TREASURER  
CHARLES L. GURNEY, SECRETARY  
ANTHONY J. BAYNES  
MARGO DAWN DOWNEY\*  
ADAM W. PERRY  
PHILIP G. WILCOX

**MEMBERS ABSENT**

LAVONNE E. ANSARI  
JOAN G. AUL  
WESLEY L. HICKS, JR.  
MICHAEL P. HUGHES

**OFFICERS PRESENT**

KIMBERLEY A. MINKEL, EXECUTIVE DIRECTOR  
JOHN COX, CHIEF FINANCIAL OFFICER  
DAVID J. STATE, GENERAL COUNSEL

**STAFF**

Vicky-Marie J. Brunette, Deputy General Counsel  
Christine D'Aloise, Director, Risk Management  
Patrick Dalton, Director, Internal Audit and Corp. Compliance  
Lyle Death, Director of HSEQ  
Steven Duquette, Chief Information Officer  
George Gast, Police Chief  
Tom George, Director, Public Transit  
Lou Giardina, Manager, Labor Relations  
Wayne Gradl, Counsel  
Corey Hacker, Multimedia Specialist  
Darren Kempner, Manager of Government Affairs  
Steve Maziarz, Manager of Finance and Administration  
Karen Novo, Director, Human Resources  
Mary Perla, Senior Counsel  
Christopher Ruminski, Manager, Financial Planning & Analysis  
John Schaefer, Acting Director, Engineering  
Helen Tederous, Director, Public Affairs  
Bill Vanecek, Director, Aviation

**OTHERS**

Hal Morse, GBNRTC  
Jeff Richardson, President, ATU Local 1342  
Bob McCarthy  
Thomas Bailer  
BJ Stasio  
Alex Jusko  
Bob LaValle  
Elizabeth Enserro Salvatori  
Thomas Enserro Salvatori  
Emella Enserro Salvatori  
Holly Nowak

\* Non-voting member