



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

March 27, 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 from the Niagara Frontier Transportation Authority's Regular Board Meeting held on February 23, 2017.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lisa Flynn", is written over a faint, circular stamp or watermark.

Lisa Flynn
Assistant to David J. State
General Counsel

Enclosure

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.
REGULAR BOARD MEETING
FEBRUARY 23, 2017 12:30 PM
MINUTES**

1. REGULAR BOARD MEETING - February 23, 2017 - MINUTES	
A. APPROVAL OF MINUTES (January 27, 2017)	
B. EXECUTIVE DIRECTOR'S REPORT	
2. NFTA CORPORATE REPORT	2
A. Audit and Governance Committee Report (Sister Denise Roche)	
B. Consolidated Financial (John Cox)	
C. Corporate Resolutions (Kim Minkel)	
1) Authorization for Lease Amendment, Westmatic Corporation, 485 Cayuga Road	15
2) Authorization for Lease Agreement, Queen City Coral, LLC, 485 Cayuga Road	17
3) Authorization for Lease Agreement, TCK Coral Farm, 485 Cayuga Road	18
4) Authorization for Lease Amendment, 2D Imaging, Inc., 247 Cayuga Road	19
5) Authorization for Lease Agreement, Brian's Best Gluten Free, LLC, 247 Cayuga Road	20
3. AVIATION BUSINESS GROUP REPORT	21
A. Aviation Committee Report (Adam Perry)	
B. Financial Update (Bill Vanecek)	
C. Business Update (Bill Vanecek)	
D. Aviation Resolutions (Kim Minkel)	
1) Authorization for Agreement, U&S Services, Maintenance of Building Systems, BNIA and NFIA	24
2) Authorization for License Agreement, Calspan Corporation, Seasonal Overflow Parking, NFIA	26
3) Authorization to Amend Parking Rates, NFIA	27
4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT	28
A. Surface Transportation Committee Report (Bonita Durand)	
B. Financial Update (Tom George)	
C. Business Update (Tom George)	
D. Surface Transportation Resolutions (Kim Minkel)	
1) Authorization for Agreement, New York State Department of Transportation, Utility Structure over NYS Route 198, Metro	31
2) Authorization for New Corporate Pass Program	34
3) Authorization for Agreement, J. Brandt Recognition, LTD, Safety Lapel Pins, Metro	36
4) Authorization for Agreement, Albright Knox Art Gallery, Public Art Display, Metro	38
5. GENERAL COUNSEL REPORT (David State)	
6. EXECUTIVE SESSION	
7. ADJOURNMENT	39

1. CALL TO ORDER

A. Meeting Called to Order

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

B. Approval of Minutes of the NFTA Regular Board Meeting held on January 27, 2017

It was moved by Commissioner Durand, seconded by Commissioner Aul, that the Minutes of the January 27, 2017 Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

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

NOES: NONE

C. Executive Director Report

Executive Director Kimberley Minkel advised the Board that the Annual Safety and Service Award Luncheon will be held April 30th. She introduced the new ATU President, Jeffrey Richardson and informed the Board that the Transit Authority Police Annual Awards Dinner will be held on April 5th. She also advised the Board that the revised budget would be presented at the March meetings.

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

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

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	(2,716)	(1,172)	1,544
Revenues and Operating Assistance			245
Expenses			(304)
Non-Operating/Capital			1,604
			1,544
OPER REVENUES & ASST	17,481	17,726	245
Metro Passenger Fares			(138)
Metro Other Operating Revenues - annual advertising prepaid trade agreement			23
BNIA Rental Income - increased overnight gate parking fees			27
BNIA Concessions/Commissions - increased parking lot/ramp revenue, partially offset by lower auto rental revenue			49
NFIA Concessions/Commissions - increased parking lot revenue			25
Property Development Rental Income - higher rents from our 247 & 485 Cayuga locations			21
Mortgage Tax			59
Local - 88c Funds			76
Federal - PM - reprogramming of federal funds			33
All Other			69
			245
TOTAL OPER EXPENSES	16,745	17,049	304
Personnel Services			
Metro - higher health insurance and workers' compensation costs		264	
BNIA - higher health insurance and pension costs, partially offset by lower overtime		26	
Central Admin - higher health insurance and pension costs and police overtime		301	
All Other		3	594
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance, facilities maintenance and snow removal costs		(74)	
BNIA - lower snowplowing and facilities maintenance expenses		(154)	
NFIA - higher materials/supplies costs and facilities maintenance expenses		27	
Central Admin - timing of MIS software and maintenance agreements		26	
All Other		20	(156)
Metro Transit Fuel/Power - reallocation of Frontier Garage gas billings to Bus CNG fuel			50
Utilities			
Metro - reallocation of Frontier Garage gas billings to Bus CNG fuel		(52)	
Transportation Centers - lower electric billings at MTC		(32)	
BNIA - lower electric billings		(59)	
All Other		4	(140)
All Other			(43)
			304
NON-OPERATING/CAPITAL	(3,452)	(1,848)	1,604
Capital			
Metro		716	
Transportation Centers		305	
Property Development		31	
Central Admin		543	
All Other		3	1,597
Non-Operating			
BNIA Net Bond Debt Service		(33)	
BNIA Operating Expense Reserve		38	
All Other		2	7
			1,604

Comm. 7M-2
Page 6 of 40

NFTA/METRO
KEY ITEM REPORT
JANUARY 2017

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	Jan 2017	Jan 2017		
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	8,293	8,361	69	0.8%
Operating Assistance	9,188	9,364	176	1.9%
Total Oper. Revenues & Assistance	17,481	17,726	245	1.4%
Personnel Services	12,557	13,150	594	4.7%
Maintenance & Repairs	1,943	1,788	(156)	-8.0%
Transit Fuel/Power	398	448	50	12.5%
Utilities	584	444	(140)	-24.0%
Insurance & Injuries	334	300	(34)	-10.2%
Safety & Security	1,112	1,294	182	16.4%
General Business/Other	2,134	2,133	(1)	0.0%
Other	(2,317)	(2,508)	(191)	-8.2%
Total Operating Expenses	16,745	17,049	304	1.8%
Operating Income/(Loss)	736	677	(60)	-8.1%
Non-Operating/Capital	(3,452)	(1,848)	1,604	46.5%
Net Surplus/(Deficit)	(2,716)	(1,172)	1,544	56.9%

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

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	4,496	7,439	2,943
Revenues and Operating Assistance			794
Expenses			1,393
Non-Operating/Capital			757
			2,943
OPER REVENUES & ASST	180,683	181,477	794
Metro Passenger Fares			(762)
Metro Other Operating Revenues - annual advertising revenue bonus			548
BNIA Concessions/Commissions - decreased parking lot/ramp and ground transportation revenue, partially offset by higher auto rental revenue			(477)
BNIA Resales & Rebillings - increased fuel farm service billings			40
BNIA Other Operating Revenues - higher advertising revenue and timing in exit lane security billings			67
Property Development Rental Income - higher rents from our 247 & 485 Cayuga locations and Port Terminal property			127
Erie County Sales Tax			(443)
Mortgage Tax			1,239
Federal - PM - reprogramming of federal funds			327
Federal - Enhanced Mobility Sec 5310			52
All Other			75
			794
TOTAL OPERATING EXPENSES	156,777	155,384	(1,393)
Personnel Services			
Metro - higher health insurance and workers' compensation costs, partially offset by lower overtime		463	
BNIA - higher than anticipated vacancies and decreased overtime		(143)	
Central Admin - higher health insurance and pension costs, and engineering and Metro support overtime		275	
All Other		9	604
Maintenance & Repairs			
Metro - lower revenue vehicle maintenance costs, environmental and various rail maintenance expenses		(582)	
Transportation Centers - increased facilities maintenance, services, materials/supplies and janitorial costs		199	
BNIA - lower snowplowing, facilities maintenance, automotive, janitorial and environmental expenses		(580)	
Property Development - lower service costs at 485 Cayuga		(63)	
Central Admin - timing of MIS software and maintenance agreements		226	
All Other		6	(794)
Metro Transit Fuel/Power - lower diesel, gasoline and rail traction costs			(519)
Utilities			
Metro - lower electric and gas billings, partially offset by higher water billings		(294)	
Transportation Centers - lower electric and gas billings at MTC		(36)	
BNIA - lower electric and gas billings, partially offset by higher water billings		(364)	
NFIA - lower electric billings		(38)	
Property Development - lower electric and gas billings at 247 Cayuga, 485 Cayuga and Terminal A properties		(94)	
All Other		(14)	(841)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations and insurance premiums		(76)	
BNIA - lower insurance premiums		(33)	
All Other		8	(101)
General Business/Other			
Metro - higher support labor costs due to increased overtime, health insurance and pension costs		324	
Transportation Centers - increased temporary help		104	
BNIA - lower parking management costs and water/sewer charges		(79)	
All Other		7	356
All Other			(98)
			(1,997)
NON-OPERATING/CAPITAL	(19,410)	(18,654)	757
Capital			
Metro		196	
Transportation Centers		166	
BNIA		(33)	
Central Admin		542	
All Other		(5)	866
Non-Operating			
BNIA Net Bond Debt Service		(256)	
BNIA Operating Expense Reserve		78	
Property Development - Gain on Sale/Other		60	
All Other		9	(109)

NFTA/METRO
KEY ITEM REPORT
JANUARY YTD 2017

(\$000 Omitted)

<u>YTD ACTUAL TO BUDGET</u>	Jan 2017	Jan 2017		
	<u>YTD Budget</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	88,475	88,100	(376)	-0.4%
Operating Assistance	92,208	93,377	1,169	1.3%
Total Oper. Revenues & Assistance	180,683	181,477	794	0.4%
Personnel Services	119,605	120,209	604	0.5%
Maintenance & Repairs	16,916	16,122	(794)	-4.7%
Transit Fuel/Power	4,112	3,593	(519)	-12.6%
Utilities	4,490	3,649	(841)	-18.7%
Insurance & Injuries	3,252	3,151	(101)	-3.1%
Safety & Security	10,559	10,740	181	1.7%
General Business/Other	19,976	20,332	356	1.8%
Other	(22,133)	(22,412)	(279)	-1.3%
Total Operating Expenses	156,777	155,384	(1,393)	-0.9%
Operating Income/(Loss)	23,906	26,093	2,187	9.1%
Non-Operating/Capital	(19,410)	(18,654)	757	3.9%
Net Surplus/(Deficit)	4,496	7,439	2,943	65.5%

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

(\$000 Omitted)

	Jan 2017	Jan 2017		
	<u>YTD Budget</u>	<u>YTD Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	2,995	3,459	464	15.5%
NFIA	(804)	(751)	53	6.7%
Transportation Centers	(1,452)	(1,415)	36	2.5%
Property Development	59	391	332	559.0%
NFTA Total	798	1,684	886	111.0%
 Metro	 3,698	 5,755	 2,057	 55.6%
 NFTA/Metro	 4,496	 7,439	 2,943	 65.5%

JANUARY NFTA/METRO PERFORMANCE
FYE 2017 vs. FYE 2016
(\$000's)

	Jan 2016 Actual	Jan 2017 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	(1,084)	(1,172)	(88)
Revenues and Operating Assistance			640
Expenses			(1,359)
Non-Operating/Capital			632
			(88)
OPER REVENUES & ASST	17,086	17,726	640
Metro Passenger Fares			86
Metro Other Operating Revenues - annual advertising prepaid trade agreement in FYE17			100
BNIA Airport Fees & Services - higher compensatory billings based on increased expenses and ARFF building debt service costs			137
BNIA Rental Income - increased compensatory airline billings due to higher expenses			112
BNIA Concessions/Commissions - increased parking lot/ramp revenue			79
NFIA Concessions/Commissions - increased parking lot revenue			44
State - DMTTF			375
State - Capital Spending			(324)
All Other			30
			640
TOTAL OPERATING EXPENSES	15,690	17,049	1,359
Personnel Services			
Metro - higher health insurance and workers' compensation costs			456
BNIA - reallocation of Bus Shelter and Facilities Maintenance labor to Engineering, and lower overtime, partially offset by higher health insurance, workers' compensation and pension costs			(152)
Central Admin - reallocation of Bus Shelter and Facilities Maintenance labor from BNIA, increased Metro support labor and higher health insurance, workers' compensation and pension costs			518
All Other			(4)
			818
Maintenance & Repairs			
Metro - increased revenue vehicle maintenance costs and timing of rail grinding costs			207
BNIA - increased environmental expenses			48
Central Admin - higher police automotive expenses			17
All Other			(15)
			257
Metro Transit Fuel/Power - reallocation of Frontier Garage gas billings to Bus CNG fuel in FYE17			98
General Business/Other			
Metro - higher support labor costs due to increased health insurance, workers' compensation and pension costs			151
BNIA - higher advertising expenses and water/sewer charges			86
NFIA - increased advertising expenses			18
All Other			23
			278
All Other			(92)
			1,359
NON-OPERATING/CAPITAL	(2,480)	(1,848)	632
Capital			
Metro			179
Transportation Centers			47
BNIA			(343)
Property Development			(34)
All Other			(10)
			(161)
Non-Operating			
Metro - MRF Reserve Funding/Other			1,225
BNIA Net Bond Debt Service			(42)
BNIA Debt Service - ARFF Building			(59)
BNIA - Debt Service Entitlement Applied			(163)
BNIA - Capital Funding Reallocation			(105)
BNIA - ADF Funding			(62)
All Other			(79)

NFTA/METRO
KEY ITEM REPORT
FYE 2017 vs. FYE 2016
JANUARY

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	Jan 2016	Jan 2017	<u>Variance</u>	<u>%</u>
	<u>Actual</u>	<u>Actual</u>		
Operating Revenues	7,655	8,361	706	9.2%
Operating Assistance	9,431	9,364	(66)	-0.7%
Total Oper. Revenues & Assistance	17,086	17,726	640	3.7%
Personnel Services	12,333	13,150	818	6.6%
Maintenance & Repairs	1,530	1,788	257	16.8%
Transit Fuel/Power	350	448	98	27.9%
Utilities	425	444	19	4.4%
Insurance & Injuries	319	300	(19)	-5.9%
Safety & Security	1,212	1,294	82	6.8%
General Business/Other	1,855	2,133	278	15.0%
Other	(2,334)	(2,508)	(174)	-7.4%
Total Operating Expenses	15,690	17,049	1,359	8.7%
Operating Income/(Loss)	1,396	677	(720)	-51.6%
Non-Operating/Capital	(2,480)	(1,848)	632	25.5%
Net Surplus/(Deficit)	(1,084)	(1,172)	(88)	-8.1%

NFTA/METRO YEAR TO DATE JANUARY PERFORMANCE
FYE 2017 vs. FYE 2016
(\$000's)

	Jan 2016 YTD Actual	Jan 2017 YTD Actual	VARIANCE
NET SURPLUS/(DEFICIT)	12,751	7,439	(5,312)
Revenues and Operating Assistance			2,583
Expenses			(3,992)
Non-Operating/Capital			(3,903)
			(5,312)
OPER REVENUES & ASST	178,894	181,477	2,583
Metro Passenger Fares			(556)
Metro Other Operating Revenues - higher annual advertising revenue bonus and annual advertising prepaid trade agreement in FYE17			531
Transportation Centers Rental Income - holdover rents from our MTC tenants			165
BNIA Airport Fees & Services - higher compensatory billings based on increased expenses, ARFF building debt service costs, and increased terminal ramp fees			1,109
BNIA Rental Income - increased compensatory airline billings due to higher expenses			318
BNIA Concessions/Commissions - increased auto rental revenue, partially offset by decreased parking lot/ramp revenue			242
BNIA Resales & Rebillings - adjustment in FYE16 to electric usage billings as a result of overbillings to terminal tenants			362
NFIA Concessions/Commissions - increased parking lot, auto rental and aircraft parking revenue			98
Mortgage Tax			1,089
State - MTOAF			(509)
State - DMTTF			3,745
State - Additional General Fund			(1,079)
State - Capital Spending			(3,236)
Federal - PM - reprogramming of federal funds			288
All Other			15
			2,583
TOTAL OPERATING EXPENSES	151,392	155,384	3,992
Personnel Services			
Metro - higher health insurance and workers' compensation costs, partially offset by decreased overtime		1,484	
Transportation Centers - higher staffing, health insurance, workers' compensation and pension costs		118	
BNIA - reallocation of Bus Shelter and Facilities Maintenance labor to Engineering, partially offset by higher health insurance, workers' compensation and pension costs		(1,142)	
NFIA - increased health insurance, workers' compensation and pension costs		51	
Central Admin - reallocation of Bus Shelter and Facilities Maintenance labor from BNIA, increased Metro support labor and higher health insurance, workers' compensation and pension costs		3,324	
All Other		18	3,852
Metro Transit Fuel/Power - lower diesel and gasoline costs			(1,288)
Utilities			
Metro - higher gas and water billings		81	
BNIA - higher water billings		11	
NFIA - higher electric and gas billings		10	
All Other		13	115
Insurance & Injuries			
Metro - higher claim loss reserve appropriations and insurance premiums		172	
All Other		3	175
General Business/Other			
Metro - higher support labor costs, advertising and technology expenses		872	
Transportation Centers - adjustment to MTC holdover rent reserves in FYE16		(78)	
BNIA - higher advertising expenses		102	
Central Admin - higher technology and general office expenses		144	
All Other		12	1,052
All Other			86
			3,992
NON-OPERATING/CAPITAL	(14,751)	(18,654)	(3,903)
Capital			
Metro		(1,094)	
Transportation Centers		(361)	
BNIA		(422)	
Property Development		225	
Central Admin		181	
All Other		67	(1,405)
Non-Operating			
Metro - MRF Reserve Funding/Other		1,765	
BNIA Operating Expense Reserve		(220)	
BNIA Debt Service - ARFF Building		(592)	
BNIA - Debt Service Entitlement Applied		(1,849)	
BNIA - Capital Funding Reallocation		(1,052)	
BNIA - ADF Funding		(618)	
Property Development - Gain on Sale/Other		55	
All Other		13	

NFTA/METRO
KEY ITEM REPORT
FYE 2017 vs. FYE 2016

JANUARY YTD

(\$000 Omitted)

	Jan 2016	Jan 2017	<u>Variance</u>	<u>%</u>
	<u>Prior</u>	<u>Current</u>		
<u>YTD PRIOR YEAR COMPARISON</u>	<u>YTD Actual</u>	<u>YTD Actual</u>		
Operating Revenues	85,631	88,100	2,469	2.9%
Operating Assistance	93,263	93,377	114	0.1%
Total Oper. Revenues & Assistance	178,894	181,477	2,583	1.4%
Personnel Services	116,357	120,209	3,852	3.3%
Maintenance & Repairs	15,532	16,122	590	3.8%
Transit Fuel/Power	4,880	3,593	(1,288)	-26.4%
Utilities	3,534	3,649	115	3.3%
Insurance & Injuries	2,977	3,151	175	5.9%
Safety & Security	10,424	10,740	316	3.0%
General Business/Other	19,280	20,332	1,052	5.5%
Other	(21,591)	(22,412)	(821)	-3.8%
Total Operating Expenses	151,392	155,384	3,992	2.6%
Operating Income/(Loss)	27,502	26,093	(1,409)	-5.1%
Non-Operating/Capital	(14,751)	(18,654)	(3,903)	-26.5%
Net Surplus/(Deficit)	12,751	7,439	(5,312)	-41.7%

Corporate Resolutions

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (5)
1. Authorization for Lease Amendment, Westmatic Corporation, 485 Cayuga Road
2. Authorization for Lease Agreement, Queen City Coral, LLC, 485 Cayuga Road
3. Authorization for Lease Agreement, TCK Coral Farm, 485 Cayuga Road
4. Authorization for Lease Amendment, 2D Imaging, Inc., 247 Cayuga Road
5. Authorization for Lease Agreement, Brian's Best Gluten Free, LLC, 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 Wilcox, seconded by Commissioner Durand, 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 February 23, 2017 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

NOES: NONE

ADOPTED

CORPORATE:

2. C. (1) **Authorization for Lease Amendment, Westmatic Corporation, 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize an Amended and Restated Lease Agreement with Westmatic Corporation (Johanna Sundell, President) that would provide for a pre-determined increase over time in the aggregate square footage included in the leased premises at 485 Cayuga Road, Cheektowaga.

INFORMATION: Westmatic Corporation (Westmatic) has been a tenant at 485 Cayuga Road since 2009. It currently leases 17,341 square feet in Bays 4 and 5. Its current lease will expire on June 30, 2019. This amendment and restatement will add the following square footage to the leased premises on the date and at the rental rate indicated:

- (i) Effective March 1, 2017, 7,861 square feet located in Bay 5 at the current Bay 5 rental rate of \$6.37 per square foot or an additional \$50,074.57 per year, subject to a three and one-half percent (3.5%) annual escalator; and
- (ii) Effective January 1, 2018, 3,930 square feet located in Bay 5 at a rental rate of \$6.59 per square foot or an additional \$25,898 per year, subject to a three and one-half percent (3.5%) annual escalator; provided, that such square footage has not already been leased to a third party as a result of Tenant's failure to timely exercise its related right of first refusal; and
- (iii) Effective July 1, 2018, the remaining 3,930 square feet located in Bay 5 at a rental rate of \$6.83 per square foot or an additional \$26,842 per year, subject to a three and one-half percent annual escalator; provided, that such square footage has not already been leased to a third party as a result of Tenant's failure to timely exercise its related right of first refusal.

Notwithstanding any right of first refusal granted to Westmatic, the NFTA shall have the right to market the square footage reflected in clauses (ii) and (iii) above until such time as it is included in Westmatic's leased premises.

All other lease terms and conditions will remain the same.

As per the agreement between the NFTA and Hunt Real Estate for services at 485 Cayuga Road, a 3% real estate commission will be paid for the increased square footage.

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

“RESOLVED, that the Board hereby authorizes an Amended and Restated Lease Agreement with Westmatic Corporation for additional square footage in Bay 5 at 485 Cayuga Road, as generally described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and hereby are, authorized to execute and deliver said Amended and Restated Lease Agreement with Westmatic Corporation on the terms and subject to the conditions set forth above and as negotiated; and

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

CORPORATE:

2. C. (2) **Authorization for Lease Agreement, Queen City Coral, LLC, 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Queen City Coral LLC (Kathryn Essner and Thomas Garlock, Founders) for light industrial space at 485 Cayuga Road, Cheektowaga.

INFORMATION: Queen City Coral (QCC) is a business that grows coral to be used in salt water fish tanks. QCC has leased 3,337 square feet of space at 247 Cayuga Road since March 1, 2016. Upon expiration of its current lease on February 28, 2017, QCC plans to downsize and has requested to move to Bay 2 at 485 Cayuga Road. The new lease will include 537 square feet of commercial space. The initial term of the lease will be one-year commencing on March 1, 2017 and expiring on February 28, 2018, with the tenant having the option to renew for two (2) additional one-year periods subject to the NFTA's approval. The rental rate will be \$8.99 per square foot or \$4,828.26 for the initial term. The rent will increase annually by three percent (3%) after the initial term.

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

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

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Queen City Coral, LLC for use of space at 485 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and each hereby is, authorized to execute and deliver said Lease Agreement with Queen City Coral, LLC as set forth above and as negotiated; 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. (3) **Authorization for Lease Agreement, TCK Coral Farm, 485 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Daniel J. Lacitignola d/b/a TCK Coral Farm for light industrial space at 485 Cayuga Road, Cheektowaga.

INFORMATION: TCK Coral Farm is an aquarium reef business that has requested a lease of 1,193 square feet of light industrial space in Bay 3 of 485 Cayuga Road. The initial term of the lease would be one-year commencing March 1, 2017 and expiring on February 28, 2018 with the tenant having the option to renew for two (2) additional one-year periods. The exercise by the tenant of each such option shall be subject to the approval of the NFTA. The annual rental rate for the space is \$7.75 per square foot, or \$9,240.92 for the year. The rental rate will increase by 3% each year.

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

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

“RESOLVED, that the Board hereby authorizes a Lease Agreement with TCK Coral Farm for use of space at 485 Cayuga Road, as described hereinabove; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and each hereby is, authorized to execute and deliver said Lease Agreement with TCK Coral Farm as set forth above and as negotiated; 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. (4) **Authorization for Lease Amendment No. 2, 2D Imaging, Inc., 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Amendment with 2D Imaging Inc. (Mark Roth, President) for additional leased space at 247 Cayuga Road, Cheektowaga.

INFORMATION: 2D Imaging has been a tenant at 247 Cayuga Road since 2008. Initially, it agreed to lease 1,200 square feet of office space through April 30, 2018. The lease was amended on September 1, 2016 to add 284 square feet of storage space through February 28, 2017. 2D Imaging recently requested that the lease be amended again to extend its lease of 284 square feet of storage space through April 30, 2018. The rental rate for this storage space is currently \$5 per square foot or \$1,420 annually. The rental rate will remain \$5 per square foot until May 1, 2017 when the price per square foot will automatically increase by three percent (3%). All other terms and conditions of the 2D Imaging lease will remain the same.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes Lease Amendment No. 2 with 2D Imaging, Inc. for continued use storage space at 247 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and each hereby is, authorized to execute and deliver said Lease Amendment No. 2 with 2D Imaging, Inc., as set forth above and as negotiated; and

BE IT FURTHER RESOLVED, hat 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, Brian's Best Gluten Free, LLC, 247 Cayuga Road**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with Brian's Best Gluten Free LLC (Tina & Patrick Syracuse, Founders) for commercial space at 247 Cayuga Road, Cheektowaga.

INFORMATION: Brian's Best makes gluten free bread products to be sold at local retailers. Brian's Best desires to lease 1,795 square feet of commercial space. The initial term of the lease will be one (1) year commencing March 1, 2017 and expiring on February 28, 2018, with the option to renew for four (4) additional one-year periods, subject to the approval of the NFTA. The rental rate will be \$4.25 per square foot or \$7,628.75 for the initial term inclusive of utilities. The rent will increase by 3% annually after the initial term. Utility costs will be reviewed quarterly throughout the term, and Brian's Best will be responsible for all utility costs that exceed the average utility cost for such space by ten percent (10%) or more. The average will be determined with reference to the 36-month consecutive period immediately preceding the lease commencement date.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with Brian's Best Gluten Free, LLC for use of commercial space at 247 Cayuga Road, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee and/or the Chair, be, and each hereby is, authorized to execute and deliver said Lease Agreement with Brian's Best Gluten Free, LLC as set forth above and as negotiated; 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.”

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 Agreement, U&S Services, Maintenance of Building Systems, BNIA and NFIA
- 2. Authorization for License Agreement, Calspan Corporation, Seasonal Overflow Parking, NFIA
- 3. Authorization to Amend Parking Rates, NFIA

AVIATION:

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

The Executive Director advised that Items 3. D. (1) through 3. D. (3) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Demakos, seconded by Commissioner Wilcox, 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 February 23, 2017 as set forth herein, be and hereby are accepted and approved in their entirety.”

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

ABSTENTION: PERRY [*Item 3. D. (2) Only]

NOES: NONE

ADOPTED

AVIATION:

3. D. (1) Authorization for Agreement, U&S Services, Maintenance of Building Systems, BNIA and NFIA

RECOMMENDATION: Staff recommends that the Board authorize an agreement with U & S Services of Tonawanda, New York, to provide full service maintenance on the building systems at the Buffalo Niagara International Airport (BNIA) and the Niagara Falls International Airport (NFIA). The initial term of the agreement will be one (1) year commencing on March 1, 2017 and will be renewable annually for four (4) additional one year periods, at the sole discretion of the NFTA. The cost of the service shall not-to-exceed \$239,360 for the first year and \$1,035,240, in the aggregate, for option years two through five.

INFORMATION: Maintenance of the various building systems must be performed by qualified contractors with technical expertise unique to each system.

Request for Proposal 4645, which was issued pursuant to NFTA Procurement Guidelines, requested a single service provider to perform full service maintenance on the following building systems at both BNIA and NFIA:

- Access control system
- Baggage information display system
- Building automation system
- Direct digital CCTV system
- License plate reader system
- Flight information display system
- Fire alarm system
- Gate information display system
- Personal address system
- Telephone system
- Fuel pumping system
- Video wall
- Digital information system

Maintenance will occur in virtually all airport buildings including passenger terminals, parking garage and lots, airport perimeter, Fuel Farm, Airfield Rescue and Fire, Transit Police, Airfield Operations, and Facilities Maintenance locations.

The only respondent to the RFP was U & S Services. The NFTA review team consisting of staff from the BNIA Facilities Maintenance Department, the NFTA Engineering Department, the NFTA Information Technology Department, and the NFTA Procurement Department reviewed the proposal and determined it was thorough and comprehensive.

The U&S cost proposal includes fixed fees totaling \$215,600 the first year and \$920,400, in the aggregate, for optional years 2 through 5. Staff has estimated that there will be additional costs totaling \$23,760 during the first year and \$114,840 for optional years 2 through 5 which are expected to cover “out-of-scope” work, emergency “call-in” repairs, and replacement parts. The total estimated contract cost is expected to be \$239,360 for the first year and \$1,035,240, in the aggregate, for optional years 2 through 5. For informational purposes, during the first year of the proposal, the cost for fixed fees is 0.4% higher than the current annual charges and will increase by two percent (2%) in optional year 2 and three percent (3%) in optional years 3 through 5.

U & S Services has provided building system maintenance for over 20 years and has factory trained staff who have the experience and credentials to maintain the airport building systems. They have been the incumbent service provider since year 2008 with exemplary performance.

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

“RESOLVED, that the Board hereby authorizes an Agreement with U&S Services for maintenance services for the building systems 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 Chair, be and are hereby authorized to execute and deliver an Agreement with U&S Services 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 of Aviation, that such payments are in order based upon receipt of all required supporting documentation.”

AVIATION:

3. D. (2) Authorization for License Agreement, Calspan Corporation, Seasonal Overflow Parking, NFIA

RECOMMENDATION: Staff recommends that the Board authorize NFIA to enter into a license agreement with Calspan Corporation (Calspan) for the use of approximately 1.5 acres of vacant land controlled by Calspan at the Niagara Falls International Airport (NFIA) in order to accommodate NFIA overflow parking needs during the upcoming spring travel season. The initial term of the agreement is ten (10) months commencing March 1, 2017 and expiring December 31, 2017 after which time the term of the agreement will be month-to-month. Both parties will have the right to terminate the agreement during the initial term upon sixty (60) days' written notice. The NFTA will pay a fee, only if the area is utilized, equal to \$1.00 per Vehicle Parking Day for each parked vehicle.

INFORMATION: Spirit Airlines and Allegiant Airlines have increased the number of flights during March and April of 2017. There are 155 flights scheduled in March which constitutes the largest flight total since the new terminal opened in 2009. Staff anticipates that parking demand will be high in March and April and may result in the complete utilization of NFIA's three existing parking lots. Staff identified vacant land adjacent to Calspan's hangar that may be utilized to accommodate parking in the event that the NFIA parking lots fill up during peak demand. Calspan has agreed to allow the NFTA utilize this vacant land for overflow parking operations on an "as needed" basis. It is anticipated that the area can accommodate 150 vehicles.

FUNDING: Funding is available from the NFIA operating budget.

"RESOLVED, that the Board hereby authorizes a License Agreement with Calspan Corporation for use of approximately 1.5 acres of vacant land controlled by Calspan in order to accommodate anticipated customer parking overflows 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 a License Agreement with Calspan Corporation on the terms described above; and

BE IT FURTHER RESOLVED, that said License 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 Agreements upon certification by the Director of Aviation, that such payments are in order."

AVIATION:

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

RECOMMENDATION: Staff recommends that the Board authorize an increase in parking rates at the Niagara Falls International Airport (NFIA) effective April 1, 2017 by \$1.00 per day or a maximum of \$5.00 per week.

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

The proposed rate change set forth below includes New York State sales tax and will become effective April 1, 2017. (The last rate increase was October 1, 2014).

	<u>Maximum Daily Rate</u>	<u>Maximum Weekly Rate</u>
Current rate	\$12.00	\$60.00
Proposed rate	\$13.00	\$65.00

The rate adjustment is estimated to increase revenues by approximately \$163,000 during the upcoming fiscal year 2018 which will partially offset NFIA operating deficits impacted by higher operating costs and lower subsidies from BNIA airlines.

FUNDING: No funding is required.

“RESOLVED, that the parking rates at the Niagara Falls International Airport be revised as set forth above and become effective on April 1, 2017; and

BE IT FURTHER RESOLVED, that the appropriate NFIA personnel be and hereby are authorized to take such action as is reasonably necessary to timely implement the revised parking rates as set forth hereinabove.”

- 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. (4)
1. Authorization for Agreement, New York State Department of Transportation, Utility Structure over NYS Route 198, Metro
2. Authorization for New Corporate Pass Program
3. Authorization for Agreement, J. Brant Recognition, LTD, Safety Award Lapel Pins, Metro
4. Authorization for Agreement, Albright Knox Art Gallery, Public Art Display, Metro

SURFACE:

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

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

Whereupon, it was moved by Commissioner Aul, 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. (4) and dated February 23, 2017 as set forth herein, be and hereby are accepted and approved in their entirety.

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

**ABSTENTION: PERRY [*Item 3. D. (2) Only]
DURAND [Item 4. D. (4) Only]**

NOES: NONE

ADOPTED

SURFACE:

4. D. (1) Authorization for Agreement, New York State Department of Transportation, Utility Structure over NYS Route 198, Metro

RECOMMENDATION: Staff recommends that the Board authorize entering into a Betterment Project Agreement (Contract No. D035397) with the New York State Department of Transportation (NYSDOT), on behalf of New York State, for the engineering, design and removal of an NFTA-owned utility structure (Utility Structure) over NYS Route 198 near Main and Kensington (Project ID: 5812.59) for the amount of \$94,000.00, subject to necessary project cost changes.

INFORMATION: The Utility Structure was constructed in 1980 as part of the original underground portion of the LRRT. It spans over NYS Route 198 and supports a 24” de-watering line. The 24” de-watering line was used during the original construction of the underground portion of the LRRT. Following completion of such construction, the Utility Structure was abandoned in place and insufficiently maintained. The City of Buffalo and the University at Buffalo are currently using the Utility Structure to cross NYS Route 198 with their fiber optics.

The NFTA owns the Utility Structure and its maintenance responsibility is as described in a Use and Occupancy (U&O) Agreement, dated February 25, 1982, between the NFTA and NYSDOT. As provided in this U&O Agreement, under Article VIII (Hazardous Conditions), NYSDOT reserves the right to take action, as it may deem necessary, to safeguard the public. All costs resulting therefrom shall be paid by the NFTA.

In October of 2015, NYSDOT inspected the Utility Structure and it was found to be in a state of advanced deterioration. NYSDOT is currently preparing a bid package for Buffalo area bridge projects that includes removal of the Utility Structure and related de-watering line. The bid package is expected to be advertised within a month and requires the NFTA’s financial commitment before then.

All necessary project cost changes will be borne by the NFTA following the NFTA’s review and determination that such cost changes are fair and reasonable. Project changes are subject to the execution of a supplemental agreement with NYSDOT.

Considering NYSDOT will be taking full responsibility of design, construction, project management, construction management, administrative services and relocating squatters, Staff believes this is a cost effective way for the NFTA to satisfy its maintenance obligations under the U&O Agreement.

FUNDING: Funding for this expenditure is provided in Account 404050-520-0210 - Rail Maintenance, Miscellaneous Contracts.

“RESOLVED, that the Board hereby authorizes a Betterment Project Agreement (Contract No. D035397) with the New York State Department of Transportation, on behalf of New York State, for the engineering, design and removal of the Utility Structure over NYS Route 198 (Project ID: 5812.59) at a cost of \$94,000.00, subject to necessary project cost changes, as described above; and

BE IT FURTHER RESOLVED, that the Board authorizes all necessary supplemental agreements, if any, memorializing project cost changes; provided, said cost changes are determined to be fair and reasonable by the NFTA, 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 said Agreement and supplemental agreements, if any, with the New York State Department of Transportation as described above; and

BE IT FURTHER RESOLVED, that said Agreement and supplemental 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 and supplemental agreements upon certification by the Director of Engineering that such payments are in order based upon receipt of all required supporting documentation.”

Insp. Date	10/16/2015	BIN	1001590
-------------------	-------------------	------------	----------------

There is a two-girder utility bridge carrying a large water main over RT 198 on the right (east) side of the Main Street Bridge (BIN 1001590). This flag is issued for severe section loss on the utility bridge. There are large holes in both girder webs in the high shear area near the pier. The holes extend 6' to 8' from the pier at the end of Span 1, with at least 50% web loss throughout this area. Span 2 has similar holes near the pier, but the full extent could not be assessed from the lane on the begin side of the pier. Holes were also noted in the web of both girders near the beginning of Span 1. The extent of section loss may jeopardize the stability of the structure. A safety flag or structural flag was initially considered for this condition, but after discussion with the Region it was determined that a maintenance concern was the proper means of notification.

Prepared B	Glenn Klein, P.E. #770482
Date	10/16/2015



East side of bridge at Pier



Close-up of holes in web, looking east



Looking north between girders near pier



Hole in right girder web at South Abutment

SURFACE:

4. D. (2) Authorization of New Corporate Pass Program

RECOMMENDATION: Staff recommends that the Board approve the authorization of a Pilot Corporate Pass Program to provide incentives for employers to subsidize transit passes for employees.

INFORMATION: Based on our desire to increase ridership and through speaking with some major employers in the area, there is a desire to see a bulk pass discount program that would strengthen our business relationships and be mutually beneficial. Large institutions and employers have previously expressed their desire for NFTA Metro to consider a bulk discount program for monthly passes. The corporate pass program is intended to increase ridership, enhance Metro Perk, and strengthen relationships within the business community. NFTA Metro developed the program for a mutual subsidy in order for both entities to show their commitment to the customer and usage of transit service.

As detailed in the attached program description, the NFTA-provided subsidy to the employer will be \$10 per pass, while the minimum subsidy from the employer to the customer will be an additional \$10 with the option for the employer to further subsidize the pass. The minimum number of passes required to enroll in the program will be 25 monthly passes, with smaller employers able to enroll under umbrella organizations. All individuals will be required to enroll in Metro Perk, except for those falling under umbrella organizations. The pilot program will last for a minimum of six (6) months, after which the program will be re-evaluated and a recommendation will be brought to the Board for continuation or termination of the program.

Staff recommends that the Board authorizes the implementation of a corporate pass program to establish relationships with the business community and strengthen ridership.

FUNDING: No funding is required.

“**RESOLVED**, that the Board hereby authorizes staff to take all reasonable steps to implement a corporate pass program as described above.”

Corporate Pass Outline and Background

Corporate Pass Program

Through our collaboration with many large local institutions and employers, the recommendation has been set forth to create a corporate pass which would be available to all employers committing to purchasing a predetermined number of passes. This program would encourage a greater level of commitment between the NFTA and local business. The following characteristics of the proposed pass program were identified, vetted and agreed upon by the Committee.

- An employer may enter into the employer pass program by purchasing a minimum requirement of 25 passes from the NFTA.
- Employee passes may be any monthly product or combination of monthly products thereof as long as the minimum requirement is met.
- Through the program, the NFTA will provide a \$10 per pass discount to the employer if and only if said employer matches the NFTA discount with at least a \$10 per pass subsidy to their employees.
- Each employee enrolled in the employer pass program must also be enrolled in the NFTA-Metro Perk pretax payroll deduction program.
- With both the NFTA discount and employer contribution combined, the total monthly cost to the employee will be at most \$55 for a current system-wide monthly pass based on the level of employer subsidy. The Metro Perk pretax payment program would further enhance the savings potential for this program.
- In order to accommodate smaller businesses that would not be able to meet the minimum pass requirement, umbrella organizations (e.g. Buffalo Niagara Medical Campus, Buffalo Place, Elmwood Village Association, etc...) should be utilized when possible to help administer the program to their smaller business constituents.
- The program will also be marketed to employers through GO BNMC and the GO Buffalo Niagara Transportation Management Association.

It should be noted that many member institutions of the BNMC and other employers expressed a willingness to participate in the above-described program. The NFTA cash office would be responsible for management of the program, as it is an extension of the Metro Perk program that is currently in place. While we would make the corporate pass program available to all corporate entities purchasing passes, it would not be extended to Medicare or Medicaid providers like Medical Answering Services. Additionally, some employers may purchase over 25 passes, but opt to not enroll in the corporate pass program, as they would be unwilling to provide the subsidy to their employees. Thus, it would remain an option, but not a requirement for companies seeking to purchase passes.

SURFACE:

4. D. (3) Authorization for Agreement, J. Brandt Recognition, Ltd, Lapel Pins for Annual Safety Awards Program, Metro

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with J. Brandt Recognition Ltd. (J. Brandt) for the provision of custom die struck lapel pins for Metro’s Annual Safety Awards Program. The Agreement will have an initial term of three (3) years with the option to renew for two (2) additional one year periods at the sole discretion of Metro. The expenditure is anticipated to be approximately \$4,000 per year.

INFORMATION: This procurement will provide custom die struck lapel pins for Metro’s Annual Safety Awards Program. An informal invitation to Bid No. 4653 was solicited in accordance with NFTA Procurement Guidelines. Two (2) bids were received but only one was responsive.

The Internal Audit Department conducted a single source price analysis and determined that the pricing submitted by J. Brandt is fair and reasonable.

J. Brandt has requested a complete waiver of the MWBE and SDVOB goal requirements.

FUNDING: Funding for this procurement is budgeted in inventory account #40-4027-580-0385.

“**RESOLVED**, that the Board hereby authorizes an Agreement with J. Brandt Recognition, Ltd for the provision of custom die struck lapel pins for Metro’s Annual Safety Awards Program 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 Agreement with the J. Brandt Recognition, Ltd 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 of Public Transit, that such payments are in order based upon receipt of all required supporting documentation.”

NFTA BID ANALYSIS

BID NO	4653	J.BRANDT RECOGNITION, LTD Forth Worth, TX					
BID FOR	Custom Die Struc Lapel Pins						
DEPT	Metro						
BID DATE	12/30/2016						
ESTIMATED UANTITY	DESCRIPTION	YEAR 1 TOTAL	YEAR 2 TOTAL	YEAR 3 TOTAL	YEAR 4 TOTAL	YEAR 5 TOTAL	GRAND TOTAL
271	Custom Die Struck Lapel Pins	\$3,958.32	\$3,991.02	\$4,023.72	\$4,056.42	\$4,089.12	\$20,118.60

SURFACE:

4. D. (4) Authorization for Agreement, Albright Knox Art Gallery, Public Art Display, Metro

RECOMMENDATION: Staff recommends that the Board approve an Agreement with Albright Knox Art Gallery (AK) for the preparation, development, installation and display of artwork on the Cold Spring Garage precast concrete site wall facing Michigan Avenue and Ferry Street.

INFORMATION: At the corner of Michigan Avenue and Ferry Street in the City of Buffalo there is a large, nearly 11 foot high by 300 foot long precast concrete wall surrounding the property of the NFTA-Metro Cold Spring Bus Facility. This space has been identified by AK as an ideal location for a mural that responds to the history of the location as the entrance into the Michigan Street African-American Heritage Corridor.

The concrete wall with vertical structural pillars spaced regularly along the entire length creates a “framing” device as each section is partitioned from its neighbor by pillars. The concept for the freedom wall is to use these 29 “frames” as spaces for the depiction of portraits of notable national and local civil rights leaders in American history, past and present. The leaders to be depicted on the wall will be chosen by conducting interviews with members of the community, consulting with faith-based organizations, through conversations with local and national historians, partnering with local stakeholders and agencies and through research conducted in conjunction with curriculum developed at SUNY Buffalo State.

Because of the size of the wall and because the bulk of the painting work will be executed solely by the artist, the work will be installed late May – August 2017 and uninstalled at the end of its determinable useful life. Consistent with past practice, the Agreement will contain minimum standard indemnification and insurance requirements in favor of Metro and the NFTA.

FUNDING: No funding is required.

“RESOLVED, that the Board hereby authorizes an Agreement with Albright Knox Art Gallery for a public art display at Cold Spring Garage, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, and/or the Chair or their designee is hereby authorized to execute and deliver an Agreement with Albright Knox Art Gallery, as described above; and

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

6. General Counsel Report - Written
7. Executive Session

At approximately 1:05 p.m., it was moved by Commissioner Durand, seconded by Commissioner Aul that the Commissioners convene in Executive Session to discuss matters regarding the collective bargaining negotiations.

Following discussion, at approximately 1:33 p.m., it was moved by Commissioner Perry, seconded by Commissioner Durand, that the Executive Session be adjourned and that the Board resume the Regular Session.

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

NOES: NONE

8. Adjournment

At approximately 1:35 p.m., the Chair indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Durand, seconded by Commissioner Aul, 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, ANSARI, AUL, DURAND, PERRY,
WILCOX**

NOES: NONE