

June 28, 2019

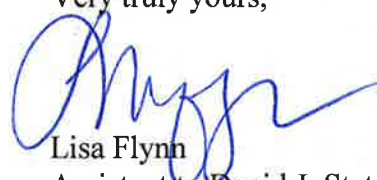
Mr. Robert Graber
Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: NFTA Board Minutes

Dear Mr. Graber:

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 May 23, 2019.

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
MAY 23, 2019 12:30 PM
MINUTES**

1. REGULAR BOARD MEETING - MAY 23, 2019 - AGENDA	
A. CALL TO ORDER	2
B. APPROVAL OF MINUTES (April 25, 2019)	
C. EXECUTIVE DIRECTOR'S REPORT	3
2. NFTA CORPORATE REPORT	4
A. Audit, Governance and Finance Committee Report (Sister Denise Roche)	
B. Consolidated Financials (John Cox)	
C. Corporate Resolutions (Kim Minkel)	
1) Authorization for Collective Bargaining Agreement, Teamsters 264 Police Lieutenants & Captains, NFTA	
2) Authorization for Amendment No. 4 to Lease Agreement, Recovery Management Solutions, LLC, 485 Cayuga Road	12
3) Authorization for Lease Agreement, DIAL, LLC, 485 Cayuga Road	13
4) Authorization for Procurement, Emergency Response Vehicle, TAPD	14
5) Authorization for Settlement, Eileen Morris v. Niagara Frontier Transit Metro System, Inc. and John Doe	15
3. AVIATION BUSINESS GROUP REPORT	17
A. Aviation Committee Report (Adam Perry)	
B. Financial and Business Update (Bill Vanecek)	
C. Aviation Resolutions (Kim Minkel)	
1) Authorization for Agreement, Demolition and Removal of Structures in Runway Protection Zone, BNIA	20
2) Authorization for Amendment to Concession Agreement, ALD Development Corp., BNIA	22
4. SURFACE TRANSPORTATION BUSINESS GROUP REPORT	23
A. Surface Transportation Committee Report (Bonita Durand)	
B. Financial and Business Update (Tom George)	
C. Surface Transportation Resolutions (Kim Minkel)	
1) Authorization for Agreement, Pavement Rehabilitation, LaSalle Station, Metro	26
2) Authorization for Procurement, "K" Program Kits, Metro	28
5. GENERAL COUNSEL REPORT (David State)	
6. EXECUTIVE SESSION	
7. ADJOURNMENT	29

1. CALL TO ORDER

A. Meeting Called to Order

The Chair called the meeting to order at approximately 12:33 p.m.

B. Approval of Attendance and Minutes of the NFTA Annual Board Meeting held on April 25, 2019

It was moved by Commissioner Wilcox, seconded by Commissioner Gurney, that the Attendance and Minutes of the April 25, 2019 Annual Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: ROCHE, DEMAKOS, GURNEY, AUL, ANSARI, HICKS,
HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

C. Executive Director Report

Executive Director Kimberley acknowledged senior investigator Chris DiPasquale who was recognized by the Erie County Law Enforcement Foundation for his excellent work within the Authority. The Executive Director noted the Certificate of Merit for safety which was awarded by the American Public Transportation Association based on the incredible performance within the Authority. It was the best year ever with an overall recordable injury reduction of 33%, 40% reduction in lost time and 12% reduction in lost work. She recognized HSEQ Safety and Quality Assurance Coordinator Kara Stromberg for her dedication and energetic work within the department who along with HSEQ Director Lyle Death make safety a priority at the NFTA. She also informed the Board of several changes that have taken place at the Metropolitan Transportation Center and suggested they stop by the new Customer Service Center on the first floor. Other changes are a build out space to accommodate the new fare collection project, new location for our mail room, new public restrooms, maximization of revenue generating space (Tim Horton and Grab & Go), a new conference room on the 1st floor for training programs and to accommodate meetings with the disabled community. A Corporate entrance to improve security, energy efficiency and maximize space will also be incorporated. The tile art removal project will include a press release and public outreach to attempt to locate the student artists and return their individual tiles if at all possible.

The Executive Director reminded the Board that the Board Performance Evaluations would be discussed in Executive Session at the end of the meeting.

2. NFTA CORPORATE REPORT

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

APRIL 2019 NFTA/METRO PERFORMANCE
(\$000's)

	BUDGET	ACTUAL	VARIANCE
NET SURPLUS/(DEFICIT)	1,250	1,188	(62)
Revenues and Operating Assistance			48
Expenses			(92)
Non-Operating/Capital			(19)
			(62)
OPER REVENUES & ASST	19,841	19,889	48
BNIA Airport Fees & Services - lower compensatory billings based on decreased direct expenses			(71)
Mortgage Tax			112
All Other			8
			48
TOTAL OPER EXPENSES	17,150	17,242	92
Personnel Services			
Metro - higher instruction and student operator labor, and timing of filling vacancies		166	
BNIA - lower overtime		(73)	
All Other		14	107
Utilities			
Metro - lower electric and gas billings		(38)	
BNIA - lower electric billings		(14)	
All Other		(10)	(62)
Insurance & Injuries			
Metro - lower claim loss reserve appropriations and insurance premiums		(23)	
BNIA - lower insurance premiums		(8)	
All Other		(9)	(40)
General Business/Other			
Metro - higher support labor and general office expenses		42	
BNIA - higher outside service costs		38	
Central Admin - higher outside service costs and MIS/technology expenses		67	
All Other		(11)	136
All Other			(50)
			92
NON-OPERATING/CAPITAL	(1,440)	(1,458)	(19)
Capital			
Metro		(14)	
All Other		(7)	(21)
Non-Operating			
BNIA Operating Expense Reserve		1	
All Other		1	2
			(19)

NFTA/METRO
KEY ITEM REPORT
APRIL 2019

(\$000 Omitted)

<u>MONTH ACTUAL TO BUDGET</u>	<u>Apr 2019</u> <u>Budget</u>	<u>Apr 2019</u> <u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	9,652	9,598	(54)	-0.6%
Operating Assistance	10,189	10,291	102	1.0%
Total Oper. Revenues & Assistance	19,841	19,889	48	0.2%
Personnel Services	13,145	13,252	107	0.8%
Maintenance & Repairs	1,541	1,522	(19)	-1.2%
Transit Fuel/Power	394	393	(1)	-0.3%
Utilities	384	322	(62)	-16.1%
Insurance & Injuries	399	359	(40)	-10.0%
Safety & Security	1,154	1,207	52	4.5%
General Business/Other	2,551	2,687	136	5.3%
Other	(2,418)	(2,500)	(82)	-3.4%
Total Operating Expenses	17,150	17,242	92	0.5%
Operating Income/(Loss)	2,690	2,647	(43)	-1.6%
Non-Operating/Capital	(1,440)	(1,458)	(19)	-1.3%
Net Surplus/(Deficit)	1,250	1,188	(62)	-5.0%

NFTA/METRO
BUSINESS CENTERS
NET SURPLUS/(DEFICIT)
APRIL 2019

(\$000 Omitted)

	<u>Apr 2019</u> <u>Budget</u>	<u>Apr 2019</u> <u>Actual</u>	<u>Variance</u>	<u>%</u>
NFTA				
BNIA	600	497	(103)	-17.2%
NFIA	151	184	33	21.6%
Transportation Centers	(75)	(101)	(26)	-34.8%
Property Development	115	130	15	13.0%
NFTA Total	792	710	(81)	-10.3%
 Metro	 459	 478	 19	 4.2%
 NFTA/Metro	 1,250	 1,188	 (62)	 -5.0%

APRIL NFTA/METRO PERFORMANCE
FYE 2020 vs. FYE 2019
(\$000's)

	Apr 2018 Actual	Apr 2019 Actual	VARIANCE
NET SURPLUS/(DEFICIT)	1,117	1,188	71
Revenues and Operating Assistance			903
Expenses			(833)
Non-Operating/Capital			1
			71
OPER REVENUES & ASST	18,986	19,889	903
Metro Passenger Fares			67
BNIA Airport Fees & Services - higher compensatory billings based on increased expenses			113
NFIA Other Operating Revenues - higher Niagara County IDA proceeds			144
Erie County Sales Tax			76
State - MTOAF			427
Federal - PM			80
All Other			(5)
			903
TOTAL OPERATING EXPENSES	16,410	17,242	833
Personnel Services			
Metro - increased contractual salaries, overtime, instruction labor, student operator labor, workers' compensation and pension costs		569	
BNIA - vacancies in FYE20 and lower overtime		(24)	
All Other		(28)	517
Utilities			
Metro - lower electric and gas billings		(43)	
BNIA - lower electric and gas billings		(31)	
All Other		(6)	(80)
Insurance & Injuries			
Metro - higher claim loss reserve appropriations and insurance premiums		74	
All Other		(9)	65
General Business/Other			
BNIA - higher outside service costs		62	
Central Admin - higher outside service costs and timing of MIS/technology expenses		246	
All Other		17	325
All Other			5
			833
NON-OPERATING/CAPITAL	(1,459)	(1,458)	1
Capital			
BNIA		83	
Central Admin		79	
All Other		8	170
Non-Operating			
BNIA ADF Funding		(189)	
BNIA Operating Expense Reserve		24	
All Other		(4)	(169)
			1

NFTA/METRO
KEY ITEM REPORT
FYE 2020 vs. FYE 2019
APRIL

(\$000 Omitted)

<u>MONTH PRIOR YEAR COMPARISON</u>	Apr 2018	Apr 2019		
	<u>Actual</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
Operating Revenues	9,283	9,598	316	3.4%
Operating Assistance	9,703	10,291	588	6.1%
Total Oper. Revenues & Assistance	18,986	19,889	903	4.8%
Personnel Services	12,735	13,252	517	4.1%
Maintenance & Repairs	1,489	1,522	33	2.2%
Transit Fuel/Power	381	393	12	3.2%
Utilities	402	322	(80)	-19.9%
Insurance & Injuries	294	359	65	22.2%
Safety & Security	1,105	1,207	102	9.2%
General Business/Other	2,362	2,687	325	13.8%
Other	(2,358)	(2,500)	(142)	-6.0%
Total Operating Expenses	16,410	17,242	833	5.1%
Operating Income/(Loss)	2,576	2,647	71	2.7%
Non-Operating/Capital	(1,459)	(1,458)	1	0.0%
Net Surplus/(Deficit)	1,117	1,188	71	6.4%

Corporate Resolutions

1. Authorization for Collective Bargaining Agreement, Teamsters 264 Police Lieutenants & Captains, NFTA
2. Authorization for Amendment No. 4 to Lease Agreement, Recovery Management Solutions, LLC, 485 Cayuga Road
3. Authorization for Lease Agreement, D1AL, LLC, 485 Cayuga Road
4. Authorization for Procurement, Emergency Response Vehicle, Lenco Armored Vehicles, TAPD
5. Authorization for Settlement, Eileen Morris v. Niagara Frontier Transit Metro System, Inc. and John Doe

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 Demakos, 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. (5) dated May 23, 2019 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, DEMAKOS, GURNEY, AUL, ANSARI, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

CORPORATE 2. C. (i)

CORPORATE:

2. C. (1) **Authorization for Collective Bargaining Agreement, Teamsters 264 - Police Lieutenants and Captains, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a four-year Collective Bargaining Agreement (CBA) between the Niagara Frontier Transportation Authority (NFTA) and Teamsters 264 – Police Lieutenants and Captains for the period April 1, 2019 through March 31, 2023.

INFORMATION: The Teamsters 264 – Police Lieutenants and Captains represents 11 NFTA employees. Under the CBA, the members of this bargaining unit will receive the following wages:

Fiscal Year	Wage Increase	Est. Total Wage Exp.	Increase from Prior Year
2019-2020	2.50%	\$945,957	\$60,367
2020-2021	2.35%	\$970,933	\$24,976
2021-2022	2.35%	\$993,825	\$22,892
2022-2023	2.50%	\$1,018,397	\$24,572

Upon ratification and approval of the CBA, these employees will be required to contribute 12% of the monthly premium cost for either single or family coverage, as applicable, in the Traditional Blue PPO 6398 (HDHP 6312), the Traditional Blue POS 298 (POS 205) or a replacement plan. These employees previously contributed 10% of the monthly premium cost.

Under the CBA, vacation carry-over was increased from 280 hours (35 days) to 320 hours (40) days, and the option to convert accumulated vacation time into cash value was increased from 10 vacation days to 20 vacation days.

FUNDING: Funding is included in the NFTA's FYE 2020 budget and the five-year plan.

“RESOLVED” that the Board hereby approves the CBA with Teamsters - 264 Lieutenants and Captains for the period April 1, 2019 through March 31, 2023, as described above; and

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Director, her designee and/or the Chair to execute and deliver said CBA; and

BE IT FURTHER RESOLVED, that said Agreement may 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 hereby is, authorized to make payments required under the CBA upon certification of the Director of Human Resources, that such payments are in order.”

CORPORATE 2. C. (1)

CORPORATE:

2. C. (2) **Authorization for Amendment No. 4 to Lease Agreement, Recovery Management Solutions, LLC, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize Amendment No. 4 to the Lease Agreement with Recovery Management Solutions, LLC (RMS) providing for the lease of additional office space at 485 Cayuga Road.

INFORMATION: RMS leases space in Bay 4 at 485 Cayuga Road pursuant to a five-year lease, dated November 1, 2016. The original lease was for 2,828 square feet. RMS's lease has been amended three times. The first, dated February 1, 2017, expanded RMS's space by 898 square feet. The second, dated October 1, 2017, added 2,081 square feet. The third, dated February 1, 2018, added 3,106 square feet. Amendment No. 4 will add 2,606 square feet to the 8,913 square feet currently under lease for a total of 11,519 square feet. RMS will take occupancy of this additional space on November 1, 2019, which is the start of lease year four.

The initial rental rate for this additional space will be \$10.17 per square foot, or \$26,503.02 annually, and is subject to a 3% annual escalator. This additional space does not require any build-out work. The original Lease Agreement provided for 2,828 square feet at a current rental rate of \$10.38 per square foot, reflecting a build-out by the NFTA. Amendment No. 1 and Amendment No. 2, together, added 2,979 square feet at a current rental rate of \$9.56 per square foot, reflecting a build-out by RMS. Amendment No. 3 added 3,106 square feet at a current rental rate of \$10.10 per square foot. Recovery Management Solutions' annual lease will increase from \$86,620.74 to \$113,123.76.

All other terms and conditions of the Lease Agreement will remain the same including, without limitation, the annual escalator.

FUNDING: No funding is necessary.

"RESOLVED, that the Board authorizes Amendment No. 4 to the Lease Agreement with RMS providing for an additional 2,606 square feet of office space at 485 Cayuga Road on the terms set forth 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 Amendment No. 4; and

BE IT FURTHER RESOLVED, that said Amendment No. 4 may 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, D1AL LLC, 485 Cayuga Road, NFTA**

RECOMMENDATION: Staff recommends that the Board authorize a Lease Agreement with D1AL LLC (Adam Summers, Partner) for office space at 485 Cayuga Road in Cheektowaga.

INFORMATION: D1AL LLC is a Voice over Internet Protocol business phone service provider. The leased premises will include 3,087 square feet of office space. The term of the Lease Agreement will be two (2) years, commencing on July 1, 2019 and expiring on June 30, 2021. The rental rate for the space is \$10.17 per square foot or \$31,394.79 for the first lease year and is subject to a 3% annual escalator.

FUNDING: No funding is necessary.

“RESOLVED, that the Board hereby authorizes a Lease Agreement with D1AL LLC, for use of office space at 485 Cayuga Road on the terms set forth 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 Lease Agreement; and

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

CORPORATE:

2. C. (4) **Authorization for Procurement, Lenco Armored Vehicles, Emergency Response Vehicle, TAPD**

RECOMMENDATION: Staff recommends that the Board authorize the purchase of a brand new emergency response vehicle (ERV) from Lenco Armored Vehicles of Pittsfield, MA at a total cost of \$287,289.00.

INFORMATION: The ERV will replace the Transit Authority Police Department's (TAPD) current tactical vehicle, designated ERT-1, which was purchased in August 2009 from the North Collins Fire Department as a used vehicle. ERT-1 is a 1999 GMC Kodiak Fire Rescue vehicle which has been adapted for use by the TAPD's Emergency Response Team (ERT) as a transport vehicle. This vehicle has exceeded its useful life and has multiple maintenance issues. In addition, it does not have any armor protection, which is necessary to ensure the safety of ERT officers (and the public) as they are approaching a crisis site, rescuing a hostage or engaging an active shooter. Armored tactical support vehicles are currently utilized by numerous transit and airport law enforcement agencies in order to significantly enhance officer safety during tactical and rescue operations.

The ERV will be purchased pursuant to GSA Schedule 84, Contract GS-07F-169DA. The NFTA has requested a MWBE waiver because there are no certified providers of the ERV. ESD excluded this procurement from MWBE requirements there are no certified providers of this vehicle.

FUNDING: The funding source for this procurement will be asset forfeiture funds, which are required to be utilized to supplement the budget of law enforcement agencies. This procurement is reflected in the NFTA FY 2020.

"RESOLVED, that the Board hereby authorizes the procurement of the ERV from Lenco Armored Vehicles at a total cost of \$287,289.00, as described above; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be, and hereby is, authorized to issue a Purchase Order to Lenco Armored Vehicles for the ERV; and

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

CORPORATE:

2. C. (5) **Authorization for Settlement, Eileen Morris v. Niagara Frontier Transit Metro System, Inc. and John Doe**

RECOMMENDATION: Staff recommends that the Board authorize payment of the settlement amount of \$75,000.00 in the matter of Eileen Morris v. Niagara Frontier Transit Metro System, Inc. and John Doe.

INFORMATION: The Plaintiff, Eileen Morris, alleged that she sustained a serious injury as a result of negligent bus operation on October 14, 2014 while aboard the #25 Delaware inbound. The Plaintiff testified at deposition that she asked the operator to wait until she sat down before he proceeded. She claimed that the operator did not wait, but rather accelerated, braked and accelerated again. She testified that those movements caused her to stumble in multiple directions and finally slammed her into the back of a seat with her hips and back. The Plaintiff called customer service the following day complaining of reckless driving. Unfortunately, since it was not recognized by Customer Care as a personal injury claim, the bus video was not preserved. Additionally, because of the delay, the operator had no specific recollection of the event and no witnesses were known.

Plaintiff treated conservatively for spinal complaints at first. A neurosurgeon became involved during August of 2015 and addressed neck, right arm, low back and leg pain. The neck pain was the worst complaint. On September 16, 2015, her treating surgeon performed a cervical spine corpectomy at the C6 level, with vertebral cage, plate and screws.

Based upon an Independent Medical Evaluation ("IME"), a Summary Judgment motion was filed seeking a dismissal for Plaintiff's failure to breach the serious injury threshold. The medical records included pre-loss complaints and treatment for neck pain many years ago. The IME practitioner felt Plaintiff's complaints were largely subjective and not related to the accident. He did find a cervical strain. The Summary Judgment motion was denied based upon Plaintiff's opposition and the Court finding "a question of fact" for the jury.

The matter was scheduled for trial beginning with jury selection on May 9, 2019 before the Honorable Donna M. Siwek. The matter was referred to the 8th Judicial District Alternative Dispute Resolution (ADR) Program and the parties mediated the matter on March 11, 2019. Plaintiff's demand was \$300,000.00 before the ADR mediation and was reduced to \$285,000.00. After extensive discussions, the mediator sought an agreement at \$75,000.00.

Our agreement to resolve at \$75,000.00 is conditioned upon Plaintiff being solely responsible for all liens that exist. The Plaintiff is 57 years old and has a future life expectancy of 25.6 years. A jury could potentially award past and future pain and suffering and loss of enjoyment of life over a 30 year time interval. Our recommendation for Board Approval results from our assessment of multiple factors including the possibility that a verdict could exceed \$75,000.00.

FUNDING: The source of funding is Self-Insurance Reserves.

“RESOLVED, that the Board hereby authorizes payment of the settlement amount of \$75,000.00 in the matter of Eileen Morris v. Niagara Frontier Transit Metro System, Inc. relating to the accident that occurred on October 14, 2014, as described above; and

BE IT FURTHER RESOLVED, that the Executive Director, her designee, and/or the Chair, be, and hereby are, authorized to remit payment(s) in an amount not-to-exceed \$75,000.00 and execute and deliver all documents necessary to finally resolve said matter; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be, and hereby is, authorized to make said payment(s) upon certification by the General Counsel that such payments are in order based upon receipt of all required supporting documentation.”

3. AVIATION BUSINESS GROUP REPORT

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

Aviation Resolutions

1. Authorization for Agreement, Union Concrete and Construction Corporation, Demolition and Removal of Structures in Runway Protection Zone, BNIA
2. Authorization for Amendment to Concession Agreement, ALD Development Corp., BNIA

AVIATION:

3. C. (i) Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. C. (1) through 3. C. (2)

The Executive Director advised that Items 3. C. (1) through 3. C. (2) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

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

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. C. (1) through 3. C. (2) and dated May 23, 2019 as set forth herein, be and hereby are accepted and approved in their entirety.”

AYES: ROCHE, DEMAKOS, GURNEY, AUL, ANSARI, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

AVIATION 3. C. (i)

AVIATION:

3. C. (1) Authorization for Agreement, Union Concrete and Construction Corporation, Demolition and Removal of Structures in the Runway Protection Zone, BNIA

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Union Concrete and Construction Corp. (UCCC) for the demolition and removal of structures situated on NFTA-owned property located at 1105 Wehrle Drive in the amount of \$438,104.00, which reflects a base bid of \$300,054.00 and an alternate #1 bid of \$138,050.00.

INFORMATION: The purpose of this project is to comply with FAA requirements to remove structures situated on property within the Runway Protection Zone (RPZ) at the Buffalo Niagara International Airport (BNIA). The scope of work includes the demolition and removal of an existing one and two-story masonry block building, attached car wash structure and associated site appurtenances.

The base bid work includes:

- Breakup of existing asphalt pavements and concrete building slabs
- Placement of imported fill to regrade the site
- Restoration with grass surfacing
- Removal of existing driveway curb cuts
- Installation of new curb
- Existing drainage inlet rim adjustments

Alternate #1 bid work includes:

- Driveway curb cut removal
- installation of new full height curb
- curb gutters
- installation of new 10' high chain link security fence around the perimeter of the property

The project was advertised in accordance with the NFTA's Procurement Guidelines. Formal bids were received and publicly opened on March 20, 2019. The bid results are shown below:

Contractor	Base Bid	Alternate #1	Total
Union Concrete West Seneca, NY 14224 Robert Hill, President	\$300,054.00	\$138,050.00	\$438,104.00
Pinto Construction Buffalo, NY 14206 James J. Panepinto, President	\$310,760.98	\$175,635.00	\$486,395.98

Mark Cerrone Niagara Falls, NY 14305 George Churakos, VP & Secretary	\$341,514.00	\$139,739.00	\$481,253.00
Apollo Dismantlement Niagara Falls, NY 14305 Samuel M. DeFranks, President	\$399,952.75	\$140,922.50	\$540,875.25
Empire Dismantlement Grand Island, NY 14072 David Mazur, President	\$420,052.00	\$153,318.94	\$573,370.94

Following a detailed bid evaluation, staff determined that UCCC has the knowledge, understanding and ability to successfully accomplish the scope of work.

UCCC has committed to satisfy the NFTA-established DBE participation goal of 3.7%. The NFTA Affirmative Action/EEO office has been briefed on the proposal evaluation results and concurs with this recommendation for Board approval.

FUNDING: The project account number is 12-0000000-3188-2-2721, and the funding sources are set forth below.

Funding Source	% Funding	Funding Amount
FAA AIP	75	\$328,578.00
NYSDOT	12.5	\$54,763.00
FUTURE PFC	12.5	\$54,763.00
TOTAL		\$438,104.00

“RESOLVED, that the Board authorizes an Agreement with UCCC for the demolition and removal of structures in the RPZ at BNIA in the amount of \$438,104.00, as 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 Agreement; and

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be, and hereby is, 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. C. (1)

AVIATION:

3. C. (2) Authorization for Amendment to Concession Agreement, ALD Development Corp., BNIA

RECOMMENDATION: Staff recommends that the Board authorize an Amendment to Concession Agreement with ALD Development Corp. (ALD) providing for the lease of an additional 220 square feet of space in the terminal building at Buffalo Niagara International Airport (BNIA) effective June 1, 2019. The rental rate for the additional leased premises is the BNIA terminal rental rate which is adjusted each year based upon the NFTA fiscal year compensatory formula set forth in the standard airline use and lease agreement.

INFORMATION: ALD entered into a Concession Agreement with the NFTA dated January 1, 2019, which authorized ALD to develop and operate a common use passenger lounge in the BNIA terminal. ALD desires to lease an additional 220 square feet of space in the terminal building at BNIA. The additional space will be used for storage of supplies in support of ALD's operations.

FUNDING: No funding is necessary.

“RESOLVED, that the Board authorizes an Amendment to the existing Concession Agreement with ALD for the lease of an additional 220 square feet of space in the terminal building at BNIA on the terms set forth 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 Amendment; and

BE IT FURTHER RESOLVED, that said Amendment 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 and Business Update
 - C. Resolutions

Surface Transportation Resolutions

1. Authorization for Agreement, Amherst Paving, Inc., Pavement Rehabilitation, LaSalle Station, Metro
2. Authorization for Procurement, Prevost US, Inc., "K" Program Kits, Metro

SURFACE:

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

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

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

“RESOLVED, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 4. C. (1) through 4. C. (2) and dated May 23, 2019 as set forth herein, be and hereby are accepted and approved in their entirety.

AYES: ROCHE, DEMAKOS, GURNEY, AUL, ANSARI, HICKS, HUGHES, PERRY, WILCOX

NOES: NONE

ADOPTED

SURFACE 4. C. (i)

SURFACE:

4. C. (1) Authorization for Agreement, Amherst Paving, Inc., Pavement Rehabilitation, LaSalle Station, Metro

RECOMMENDATION: Staff recommends that the Board authorize an Agreement with Amherst Paving, Inc. for a base bid amount of \$229,962.50 and a bid alternate #1 amount of \$52,000.00 for a lump sum total amount of \$281,962.50.

INFORMATION: LaSalle Station's existing parking lot and bus loop need repair. Pavement has deteriorated causing pedestrian trip hazards and pot holes leading to vehicle damage. This project makes the necessary repairs.

The base bid work provides approximately 72,000 sq. ft. of pavement rehabilitation work for LaSalle Station's parking lot. The work includes pavement removal and replacement, pavement sealing, ADA compliant curb ramps, pavement markings and signage. Also included is the full depth repair of a pot hole in the bus loop.

The bid alternate #1 work provides approximately 58,500 sq. ft. of micro-surfacing of the existing asphalt parking surface in LaSalle Station's parking lot. This includes crack filling, pavement cleaning and tack coating.

This project was publicly advertised in accordance with the NFTA's Procurement Guidelines. Formal bids were received and publicly opened on April 23, 2019. The bid results are shown below.

Contractor	Base Bid	Alt #1	Total
Amherst Paving, Inc. Amherst, NY 14226 William Janik, Project Manager	\$229,962.50	\$52,000.00	\$281,962.50
Milherst Construction Inc. Clarence Center, NY 14032 James L. Collins, Jr. Vice President	\$287,458.00	\$55,835.00	\$343,293.00
Scott Lawn Yard Niagara Falls, NY 14304 Christine Miller, President	\$309,314.00	\$62,075.00	\$371,389.00
Thomann Asphalt Lancaster, NY 14086 John D. Thomann, President	\$320,980.00	\$55,250.00	\$376,230.00
Pinto Construction Buffalo, NY 14206 James J. Panepinto, President	\$346,348.00	\$58,825.00	\$405,173.00

SURFACE 4. C. (1)

Anistasi Trucking Inc. Lancaster, NY 14086 Gary Anastasi, President	\$358,443.00	\$58,500.00	\$416,943.00
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A detailed bid evaluation was performed, and it concluded that Amherst Paving, Inc. has the knowledge, understanding, and ability to successfully accomplish the project work.

The established MBE, WBE, and SDVOB goals were 5%; 10% and 1% respectively. Amherst Paving, Inc.'s goal participation will be 5% MBE; 10% WBE and 1% SDVOB.

FUNDING: The project account number is 12-0000000-3188-2-8705 PIN #5824.72 and the funding source is 100% ATC – Accelerated Transit Capital.

“RESOLVED, that the Board hereby authorizes an Agreement with Amherst Paving, Inc. for pavement rehabilitation at the LaSalle Station in the amount of \$281,962.50, as 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 Agreement; 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; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, be, and hereby is, authorized to make payments under said Agreement upon certification by the Director of Engineering that such payments are in order.”

SURFACE:

4. C. (2) **Authorization for Procurement, Prevost (Cars) US, Inc., "K" Program Kits, Metro**

RECOMMENDATION: Staff recommends the Board authorize the procurement of "K" Program Kits for the 144K Milestone Parts Preventative Maintenance Initiative on NOVA buses from Prevost (Cars) US, Inc. (Prevost) of Elgin, Illinois. The estimated total cost of this procurement is approximately \$350,000.00.

INFORMATION: In 2018, the Bus Maintenance Department launched the "K" Program Initiative to assign a replacement schedule for every part on a bus based on its mileage and hours in service. This 144K parts procurement includes the body, suspension and electric components not included in the 125K procurement. Each kit contains the parts required to perform the maintenance. A total of 44 NOVA CNG buses will be included in this group of the "144K" Program campaign. The plan is to procure the components on a pre-determined delivery schedule.

Prevost is the sole source provider of these proprietary parts. Empire State Development and OGS have deemed that sole sources are exempt from MWBE and SDVOB goal requirements.

FUNDING: Funding for this procurement is provided in the Metro operating budget.

"RESOLVED, that the Board hereby authorizes the procurement of "K" Program Kits for the 144K Milestone Parts Preventative Maintenance Initiative from Prevost at an estimated cost of approximately \$350,000.00; and

BE IT FURTHER RESOLVED, that the Manager, Procurement, be, and hereby is, authorized to issue Purchase Orders to Prevost for the procurement of "K" Program Kits for the 144K Milestone Parts Preventative Maintenance Initiative to be used as described above; and

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

6. General Counsel Report - None

7. Executive Session

At approximately 12:55 p.m., it was moved by Commissioner Perry, seconded by Commissioner Aul, that the Commissioners convene in Executive Session to discuss the Board's performance.

Following discussion, at approximately 1:12 p.m., it was moved by Commissioner Perry, seconded by Commissioner Wilcox, that the Executive Session be adjourned and that the Board resume the Regular Session. There was no action taken during the Executive Session.

**AYES: ROCHE, DEMAKOS, GURNEY, AUL, ANSARI, HICKS,
HUGHES, PERRY, WILCOX**

NOES: NONE

8. Adjournment

At approximately 1:12 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 Hicks, 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, GURNEY, AUL, ANSARI, HICKS,
HUGHES, PERRY, WILCOX**

NOES: NONE

