



Niagara Frontier Transportation Authority  
Serving Buffalo Niagara

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ED

January 23, 2012

Mr. Robert M. Graber  
Clerk  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

**Re: NFTA Board Minutes**

Dear Mr. Graber:

Enclosed, for your information and files, please find a copy of the Minutes from the Niagara Frontier Transportation Authority's Board Meeting held on December 19, 2011.

Very truly yours,

David J. State  
General Counsel

DJS:lf

Enclosure

3M-5



**NIAGARA FRONTIER TRANSPORTATION AUTHORITY  
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.  
REGULAR BOARD MEETING  
DECEMBER 19, 2011  
MINUTES**

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1.
  - A. **CALL TO ORDER**
  - B. **APPROVAL OF MINUTES (November 28, 2011)**
  - C. **EXECUTIVE DIRECTOR'S REPORT**
  
2. **NFTA CORPORATE REPORT**
  - A. Audit and Governance Committee Report (Henry Sloma)
  - B. Consolidated Financial (Debbie Leous)
  - C. Human Resources Committee Report (Adam Perry)
  - D. Corporate Resolutions (Kim Minkel)
    1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Year 2012-2013
    2. Authorization for Agreements, EmployerCare, Inc., The Hearing Advantage, Donald J. Jacob, M.D., Medical Services, NFTA and NFT Metro
    3. Authorization for Agreement, ECC Technologies, Inc.; Authorization for Procurement of Equipment, ARCTIC Analysis Room Build-Out
    4. Authorization for Arbitration Award, Susan Dunford and Timothy Dunford v. Alfred M. Weeden, Jr., Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority
  
3. **AVIATION BUSINESS GROUP REPORT**
  - A. Aviation Committee Report (Carmen Grant)
  - B. Financial Update (Bill Vanecek)
  - C. Business Update (Bill Vanecek)
  - D. Aviation Resolutions (Kim Minkel)
  
4. **SURFACE TRANSPORTATION BUSINESS GROUP REPORT**
  - A. Surface Transportation Committee Report (Eunice Lewin)
  - B. Financial Update (Tom George)
  - C. Business Update (Tom George)
  - D. Surface Transportation Resolutions (Kim Minkel)
    1. Acceptance of Bid, Gray Manufacturing Industries, LLC, LRV Bolster and Truck Frame Fabrication, LRRT
    2. Authorization for Lease Agreement, Hudson Transit Corporation, Bus Transportation Services, MTC
    3. Acceptance of Bid, NOCO Distribution, LLC, Procurement of Multi-Grade Engine Oil
    4. Authorization for Implementation of Public Comment Process for Proposed Metro Bus and Rail Service Adjustments

5. **PROPERTY RISK/MANAGEMENT GROUP REPORT**

- A. Property/Risk Management Committee Report (Peter Demakos)
- B. Financial Update (Dave State)
- C. Business Update (Dave State)
- D. Property Development Resolutions (Kim Minkel)

- 1. Authorization for License Agreement, Hale Northeastern, Inc.,  
901 Fuhrmann Boulevard
- 2. Authorization for Lease Amendment, Cornerstone Resolution Group, Inc.,  
247 Cayuga Road
- 3. Authorization for Modification to Pricing Schedule for Slips  
at the NFTA Boat Harbor

6. **GENERAL COUNSEL'S REPORT (David State)**

7. **EXECUTIVE SESSION -**

8. **ADJOURNMENT**

1. CALL TO ORDER

A. Meeting Called to Order

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

B. Approval of Minutes of the NFTA Board Meeting held on November 28, 2011

It was moved by Commissioner Granto, seconded by Commissioner Hughes, that the Minutes of the November 28, 2011, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

AYES: SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER, HUGHES, PERRY, ZEMSKY

NOES: NONE

**2. NFTA CORPORATE REPORT**

- A. Audit and Governance Committee Report (Henry Sloma)
- B. Consolidated Financial (Debbie Leous)
- C. Human Resources Committee Report (Adam Perry)
- D. Corporate Resolutions (Kim Minkel)

**Corporate Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (2) through 2. C. (4)
1. Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Year 2012-2013
2. Authorization for Agreements, EmployerCare, Inc., The Hearing Advantage, Donald J. Jacob, M.D., Medical Services, NFTA and NFT Metro
3. Authorization for Agreement, ECC Technologies, Inc.; Authorization for Procurement of Equipment, ARCTIC Analysis Room Build-Out
4. Authorization for Arbitration Award, Susan Dunford and Timothy Dunford v. Alfred M. Weeden, Jr., Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority

**CORPORATE:**

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

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

Whereupon, it was moved by Commissioner Lewin, seconded by Commissioner Demakos, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. C. (2) through 2. C. (4) and dated December 19, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES:** SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER, HUGHES, PERRY, ZEMSKY

**NOES:** NONE

**ADOPTED**



**CORPORATE:**

2. C. (1) **Adoption of Operating and Capital Budgets, Niagara Frontier Transportation Authority and NFT Metro System, Inc., Fiscal Year 2012-2013**

**RECOMMENDATION:** The Audit and Governance Committee has reviewed this item and recommends that the Board adopt the Operating and Capital Budgets for the NFTA and NFT Metro System, Inc. for the Fiscal Year ending March 31, 2013. The consolidated budget for FYE'13 is \$197.9 million. We are presenting a budget with a \$7.1 million deficit to be offset by a proposed Metro service reductions for Metro in FYE'13.

**INFORMATION:** The NFTA is a public benefit corporation of the State of New York created by legislation enacted under Chapter 717 of the laws of 1967. The mission of the NFTA is to promote usage of, and deliver efficient public transit and transportation related services within the counties of Niagara and Erie in the State of New York. To that end and for such purpose, the NFTA operates the Niagara Falls International Airport, Buffalo Niagara International Airport, various non-transportation property assets as managed by our Property Group, Transportation Centers in the Cities of Buffalo and Niagara Falls, and through its subsidiary corporation, NFT Metro System, Inc., operates bus, paratransit and light rail transit systems in the two county area served by NFTA.

The NFTA adopts an annual budget covering its operations for the Fiscal Year that begins April 1 and extends through March 31 of the following calendar year. The budget for FYE'13 is balanced as required by New York State and was prepared based on a management approach integrating financial and strategic requirements necessary for the continued operation of the Authority.

As a comparison to the prior year budget, the FYE'13 budget assumes a \$3.2 million, or 3.3%, increase in revenues from Authority operations and a \$4.7 million, or 5.0%, decrease in operating assistance. This is prior to the impact of Metro service reductions, which will have a \$4.1 million negative impact to revenue.

The budget assumes a \$4.6 million or 2.6%, increase in expenses for FYE'13, prior to the Metro service reductions that will include \$11.1 million in reductions, netting \$7 million in savings, while providing for the continued safe and efficient delivery of transportation services to the public and communities served by the NFTA and Metro.

Finally, the FYE'13 budget includes \$11.65 million for net debt service and operating reserves related to the Buffalo Niagara International Airport Improvement Program (AIP) project, \$1.09 million net debt service for the Niagara Falls International Airport Terminal Improvement Project, \$1.15 million in debt service for the glycol collection project, Property Management, and equipment lease financing for energy savings initiatives, and \$4.0 million in the NFTA equity share of our capital spending total of \$82.1 million estimated for FYE'13.

Among some of the initiatives included in the budget are Authority-wide staffing adjustment savings, locking-in favorable terms and allowing for cost certainty on 23% of our anticipated diesel fuel usage and increases in our health insurance employee contributions from non-represented employees and numerous unions.

The Surface Transportation budget includes the purchase of 19 hybrid buses and the continuation of the mid-life rebuild of the light rail cars.

In the Aviation Division, Buffalo Niagara International Airport (BNIA) is assuming a 2% increase in enplanements. Major capital projects at BNIA include continuing our noise mitigation measures in residences, community facilities and businesses where excessive noise from airport operations is present, rehabilitation of the parking garage/two tier roadway and replacing the revolving doors at the entrance of the terminal.

The Niagara Falls International Airport's capital budget includes funds for mill and overlay of runway 10L/28R.

The Property Management Division will be operating at a greater deficit due to higher capital spending.

Property Management has operated at a deficit for several years now. Operationally the increased revenues make up for the increased utility costs.

The following are the budget assumptions and highlights, comparing the FYE'12 final budget to FYE'13:

- New York State Operating Assistance (non-grant related) remains at FYE'12 levels.
- Total Federal Operating Assistance to increase \$843k, or 6.7%.
- Mortgage Recording Tax is anticipated to decrease \$215k, or 3.0%.
- Erie County Sales Tax is anticipated to increase \$515k, or 2.9%.
- 88c operating assistance is decreasing \$.9 million, or 65.7%, due to the depletion of our reserve funds.
- BNIA is assuming a 2% increase in enplanements.
- NFTA/Metro contractual/step increases reflective of labor agreements.
- Decrease in NFTA/Metro overtime costs of \$332k, or 4.7%, consistent with cost savings initiative implemented in FYE'12.
- New York State Pension costs are increasing \$492k, or 9.1%.
- NFTA/Metro health insurance costs are increasing \$992k, or 4.3%.
- NFTA/Metro workers' compensation costs are decreasing \$362k, or 5.1%.
- Higher transit fuel/power expenses of \$415k, or 4.8%.

Whereupon it was moved by Commissioner Eagan, seconded by Commissioner Hughes, that the following Resolutions be adopted:

**"RESOLVED**, that the Operating and Capital Budgets of the NFTA and NFTA Metro System, Inc., for the fiscal year ending March 31, 2013, be and are hereby adopted as provided herein; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized during the course of the 2012-13 fiscal year to establish, for non-represented employees, the appropriate salary levels consistent with the merit-based system for all new hires and to adjust, on the basis of performance, the salary level of all employees; and

**BE IT FURTHER RESOLVED**, that the Executive Director is authorized during the course of the 2012-13 fiscal year to establish, for represented employees, the appropriate step, within the budgeted salary grade, for all new hires and to adjust, on the basis of performance and as provided by collective bargaining agreements, the grade and step of all current employees."

**AYES:** SLOMA, DEMAKOS, CROCE, EAGAN, GRANTO, HELFER, HUGHES

**NOES:** LEWIN, PERRY ZEMSKY

**ADOPTED**

**CORPORATE:**

2. C. (2) **Authorization for Agreements, EmployerCare, Inc., The Hearing Advantage, Donald J. Jacob, M.D., Medical Services, NFTA and NFTA Metro**

**RECOMMENDATION:** The Audit and Governance Committee has reviewed this item and recommends that the Board authorize five (5) year Agreements with the following medical service providers.

| <u>Medical Services</u>                           | <u>Bidder</u>         |
|---|-----------------------|
| Drug and Alcohol Screening (D&A Testing)          | EmployerCare, Inc.    |
| Audiometric/Audiologist Services (Audio Services) | The Hearing Advantage |
| Medical Review Officer                            | Donald J. Jacob, M.D. |
| Medical Director                                  | Donald J. Jacob, M.D. |
| Ancillary Tests                                   | EmployerCare, Inc.    |
| Digital Records System                            | EmployerCare, Inc.    |

**INFORMATION:** The NFTA and Metro have separate contracts for the provision of required medical services which support the functions of the Human Resources, Worker's Compensation and Safety departments of the Authority. The separate contracts have benefited the Authority by providing improved Medical Review Officer services related to substance abuse testing programs, improving assistance with post-accident medical evaluations which should result in reducing the number of days off associated with lost-time incidents and Worker's Compensation costs, as well as reducing administrative efforts associated with provision of these services.

The proposed contracts are for five years and provide for the following:

- On-site Pre-employment physicals
- Operator 19A NYS DOT medical examinations
- On-site Medical Director and physician services
- Audiometric testing and oversight of the audiometric program
- Ancillary medical tests
- On-site Drug and alcohol screening (random, post accident, reasonable suspicion and follow-up)
- Medical review officer validation of positive and negative drug tests
- Digital records system

The NFTA developed and issued a Request for Proposals (RFP) No. 4110 for the provision of these services. In response to the RFP, NFTA received proposals from five (5) prospective service providers, three (3) of whom are currently providing the respective services for the NFTA.

A selection committee, which included representatives of NFTA's Human Resources, Medical, Safety, Workers' Compensation, and Procurement departments, evaluated the proposals based on criteria included in the RFP, which considered project approach, background and qualifications and cost. The selection committee reviewed all proposals for qualifications and responsiveness.

The estimated breakdown of costs for the services are as follows:

| Services | D&A Screening | Audio Services | Medical Review Officer | Medical Director | Ancillary Tests | Digital Records |
|----------|---------------|----------------|------------------------|------------------|-----------------|-----------------|
| Year 1   | \$23,118.75   | \$5,670.00     | \$4,500.00             | \$157,248.00     | \$3,520.00      | \$23,400.00     |
| Year 2   | \$24,206.25   | \$5,670.00     | \$4,500.00             | \$158,496.00     | \$3,710.00      | \$23,400.00     |
| Year 3   | \$25,293.75   | \$5,670.00     | \$4,500.00             | \$159,744.00     | \$3,880.00      | \$25,200.00     |
| Year 4   | \$26,281.25   | \$5,670.00     | \$4,500.00             | \$160,992.00     | \$4,050.00      | \$25,200.00     |
| Year 5   | \$27,468.75   | \$5,670.00     | \$4,500.00             | 162,240.00       | \$4,250.00      | \$27,000.00     |
| Total    | \$126,368.75  | \$28,350       | \$22,500.00            | \$798,720.00     | \$19,410.00     | \$124,200.00    |

**FUNDING:** Funding for the first year of this Agreement is included in the Authority's FYE 12 budget.

**“RESOLVED,”** that the Board hereby authorizes Agreements with the medical service providers listed above for the provision of medical services to NFTA and NFT Metro System, Inc.; and

**BE IT FURTHER RESOLVED,** that the Board authorizes the Executive Director, her designee and/or the Chairman be and hereby are authorized to execute

Agreements with the medical service providers listed above, in the estimated amounts set forth above for the provision of occupational health services as hereinabove generally described, and

**BE IT FURTHER RESOLVED**, that said Agreements shall each include such additional terms, conditions and safeguards to the Authority deemed appropriate by the General Counsel; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be and she is hereby authorized to make payments upon terms of said Agreements, upon certification of the Director, Human Resources or her designee, that such payments are in order.”

**RFP 4110  
MEDICAL SERVICES**

| <b>RFP DOCUMENTS REQUIRED</b><br>(Completed by Procurement)                        | <b>DSI MEDICAL SERVICES INC.</b><br>Warminster, PA                       | <b>EMPLOYER CARE</b><br>Kenmore, NY | <b>THE HEARING ADVANTAGE</b><br>Williamsville, NY | <b>HEALTHWORKS</b><br>West Seneca, NY | <b>DONALD JACOB, MD</b><br>Williamsville, NY |
|--|--|-------------------------------------|---|---------------------------------------|--|
| Non-Collusive Cert   | X  | X                                   | X   | X                                     | X  |
| Disclosure of Contracts Form   | X  | X                                   | X   | X                                     | X  |
| Disclosure of Prior Non-rep Determinations   | X  | X                                   | X   | X                                     | X  |
| Contractor Certification Form ST-220   | X  | X                                   | X   | X                                     | X  |
| Cover Letter   | X  | X                                   | X   | X                                     | X  |
| Description of services  | X  | X                                   | X   | X                                     | X  |
| Firm, Mgmt & Staff Qualifications  | X  | X                                   | X   | X                                     | X  |
| Resumes  | X  | X                                   | X   | X                                     | X  |
| References   | X  | X                                   | X   | X                                     | X  |
| Itemized Cost Proposal   | X  | X                                   | X   | X                                     | X  |
| Evidence of Insurance  | X  | X                                   | X   | X                                     | X  |
| <b>(1) DRUG AND ALCOHOL SCREENING</b>  |  |                                     |   |                                       |  |
| <b>SELECTION CRITERIA</b><br>(Completed by Team)                                   | (Rate on a scale of 1 - 10, with 10 being the highest)<br>Team Consensus |                                     |   |                                       |  |
| Qualifications and background, demonstrated ability in the industry 40%            | 7.00   | 10.00                               | NO PROPOSAL                                       | 7.00                                  | NO PROPOSAL                                  |
| Project approach, consideration for availability, backup coverage & scheduling 30% | 4.00   | 10.00                               |   | 3.00                                  |  |
| Cost 30%   | 10.00  | 9.27                                |   | 6.24                                  |  |
| <b>RATING</b>  | <b>7.00</b>  | <b>9.78</b>                         |   | <b>5.57</b>                           |  |
| <b>Cost Proposals</b>  |  |                                     |   |                                       |  |
| Collection and testing:  |  |                                     |   |                                       |  |
| Year 1   | \$28,200.00  | \$23,118.75                         |   | \$14,025.00                           |  |
| Year 2   | \$28,200.00  | \$24,206.25                         |   | \$14,025.00                           |  |
| Year 3   | \$28,200.00  | \$25,293.75                         |   | \$14,850.00                           |  |
| Year 4   | \$28,200.00  | \$26,281.25                         |   | \$14,850.00                           |  |
| Year 5   | \$28,200.00  | \$27,468.75                         |   | \$15,075.00                           |  |
| Time and travel:(based on 500 tests/yr)  |  |                                     |   |                                       |  |
| Year 1   | \$15,000.00  | \$19,000.00                         |   | \$54,375.00                           |  |
| Year 2   | \$15,000.00  | \$20,312.50                         |   | \$54,375.00                           |  |
| Year 3   | \$15,000.00  | \$21,340.00                         |   | \$54,687.50                           |  |
| Year 4   | \$15,000.00  | \$22,375.00                         |   | \$54,687.50                           |  |
| Year 5   | \$15,000.00  | \$23,406.25                         |   | \$55,000.00                           |  |
| <b>Total</b>   | <b>\$216,000.00</b>  | <b>\$232,802.50</b>                 |   | <b>\$345,950.00</b>                   |  |

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| (2) AUDIOMETRIC/AUDIOLOGIST  | DSI MEDICAL SERVICES INC.<br>Warminster, PA | EMPLOYER CARE<br>Kenmore, NY | THE HEARING ADVANTAGE<br>Williamsville, NY | HEALTHWORKS<br>West Seneca, NY | DONALD JACOB, MD<br>Williamsville, NY |
|--|---|------------------------------|--|--------------------------------|---------------------------------------|
| <b>SELECTION CRITERIA</b><br>(Completed by Team)                                   |   |                              |  |                                |                                       |
| Qualifications and background, demonstrated ability in the industry 40%            | NO PROPOSAL                                 | NO PROPOSAL                  | 10.00                                      | 7.00                           | NO PROPOSAL                           |
| Project approach, consideration for availability, backup coverage & scheduling 30% |   |                              | 9.00                                       | 2.00                           |                                       |
| Cost 30%   |   |                              | 10.00                                      | 8.75                           |                                       |
| <b>RATING</b>  |   |                              | <b>9.70</b>                                | <b>6.03</b>                    |                                       |
| <b>Cost Proposals</b>  |   |                              |  |                                |                                       |
| Year 1   |   |                              | \$5,670.00                                 | \$5,850.00                     |                                       |
| Year 2   |   |                              | \$5,670.00                                 | \$5,850.00                     |                                       |
| Year 3   |   |                              | \$5,670.00                                 | \$6,750.00                     |                                       |
| Year 4   |   |                              | \$5,670.00                                 | \$6,750.00                     |                                       |
| Year 5   |   |                              | \$5,670.00                                 | \$7,200.00                     |                                       |
| <b>Total</b>   |   |                              | <b>\$28,350.00</b>                         | <b>\$32,400.00</b>             |                                       |
| Cost per follow-up   |   |                              | \$18.00                                    | \$13.00                        |                                       |
| Cost per medical follow-up   |   |                              | \$85.00                                    | no response                    |                                       |
| Hourly rate for consulting   |   |                              | \$98.00                                    | \$35.00                        |                                       |
| Cost per additonal on-site days  |   |                              | \$650.00                                   |                                |                                       |
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**RFP 4110  
MEDICAL SERVICES**

| <b>(3) MEDICAL REVIEW OFFICER</b>  | <b>DSI MEDICAL SERVICES INC.<br/>Warminster, PA</b> | <b>EMPLOYER CARE<br/>Kenmore, NY</b> | <b>THE HEARING ADVANTAGE<br/>Williamsville, NY</b> | <b>HEALTHWORKS<br/>West Seneca, NY</b> | <b>DONALD JACOB, MD<br/>Williamsville, NY</b> |
|--|---|--------------------------------------|--|--|---|
| <b>SELECTION CRITERIA</b><br>(Completed by Team)                                   |   |                                      |  |  |   |
| Qualifications and background, demonstrated ability in the industry 40%            | 9.00  | NO PROPOSAL                          | NO PROPOSAL  | 9.00                                   | 10.00   |
| Project approach, consideration for availability, backup coverage & scheduling 30% | 8.00  |                                      |  | 8.00                                   | 10.00   |
| Cost 30%   | 2.25  |                                      |  | 3.14                                   | 10.00   |
| <b>RATING</b>  | <b>6.68</b>   |                                      |  | <b>6.94</b>                            | <b>10.00</b>                                  |
| <b>Cost Proposals</b>  |   |                                      |  |  |   |
| Option 1 - Positive & negative results (900)                                       |   |                                      |  |  |   |
| Year 1   | \$15,300.00   |                                      |  | \$31,500.00                            | \$4,500.00                                    |
| Year 2   | \$15,300.00   |                                      |  | \$31,500.00                            | \$4,500.00                                    |
| Year 3   | \$15,300.00   |                                      |  | \$31,500.00                            | \$4,500.00                                    |
| Year 4   | \$15,300.00   |                                      |  | \$35,100.00                            | \$4,500.00                                    |
| Year 5   | \$15,300.00   |                                      |  | \$35,100.00                            | \$4,500.00                                    |
| <b>Total</b>   | <b>\$76,500.00</b>                                  |                                      |  | <b>\$164,700.00</b>                    | <b>\$22,500.00</b>                            |
| Option 2 - Negative results (880)  |   |                                      |  |  |   |
| Year 1   | \$14,960.00   |                                      |  | no response                            | \$4,180.00                                    |
| Year 2   | \$14,960.00   |                                      |  |  | \$4,180.00                                    |
| Year 3   | \$14,960.00   |                                      |  |  | \$4,180.00                                    |
| Year 4   | \$14,960.00   |                                      |  |  | \$4,180.00                                    |
| Year 5   | \$14,960.00   |                                      |  |  | \$4,180.00                                    |
| <b>Total</b>   | <b>\$74,800.00</b>                                  |                                      |  | no response                            | <b>\$20,900.00</b>                            |
| Positive results (20)  |   |                                      |  |  |   |
| Year 1   | \$340.00  |                                      |  | no response                            | \$3,000.00                                    |
| Year 2   | \$340.00  |                                      |  |  | \$3,000.00                                    |
| Year 3   | \$340.00  |                                      |  |  | \$3,000.00                                    |
| Year 4   | \$340.00  |                                      |  |  | \$3,000.00                                    |
| Year 5   | \$340.00  |                                      |  |  | \$3,000.00                                    |
| <b>Total</b>   | <b>\$1,700.00</b>                                   |                                      |  |  | <b>\$15,000.00</b>                            |

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MEDICAL SERVICES

| (4) MEDICAL DIRECTOR   | DSI MEDICAL SERVICES INC.<br>Warminster, PA | EMPLOYER CARE<br>Kenmore, NY | THE HEARING ADVANTAGE<br>Williamsville, NY | HEALTHWORKS<br>West Seneca, NY | DONALD JACOB, MD<br>Williamsville, NY |
|--|---|------------------------------|--|--------------------------------|---------------------------------------|
| <b>SELECTION CRITERIA</b><br>(Completed by Team)                                   |   |                              |  |                                |                                       |
| Qualifications and background, demonstrated ability in the industry 40%            | NO PROPOSAL                                 | NO PROPOSAL                  | NO PROPOSAL                                | NOT RESPONSIVE                 | 10.00                                 |
| Project approach, consideration for availability, backup coverage & scheduling 30% |   |                              |  |                                | 10.00                                 |
| Cost 30%   |   |                              |  |                                |                                       |
|  |   |                              |  |                                |                                       |
|  |   |                              |  |                                |                                       |
|  |   |                              |  |                                |                                       |
| <b>Cost Proposals</b>  |   |                              |  |                                |                                       |
| Year 1   |   |                              |  |                                | \$157,248.00                          |
| Year 2   |   |                              |  |                                | \$158,496.00                          |
| Year 3   |   |                              |  |                                | \$159,744.00                          |
| Year 4   |   |                              |  |                                | \$160,992.00                          |
| Year 5   |   |                              |  |                                | \$162,240.00                          |
| <b>Total</b>   |   |                              |  |                                | <b>\$798,720.00</b>                   |
|  |   |                              |  |                                |                                       |

RFP 4110  
MEDICAL SERVICES

| (5) ANCILLARY TESTS<br>(estimate 10/year)  | DSI MEDICAL SERVICES INC.<br>Warminster, PA | EMPLOYER CARE<br>Kenmore, NY | THE HEARING ADVANTAGE<br>Williamsville, NY | HEALTHWORKS<br>West Seneca, NY | DONALD JACOB, MD<br>Williamsville, NY |
|--|---|------------------------------|--|--------------------------------|---------------------------------------|
| <b>SELECTION CRITERIA</b><br>(Completed by Team)                                   |   |                              |  |                                |                                       |
| Qualifications and background, demonstrated ability in the industry 40%            | NO PROPOSAL                                 | 10.00                        | NO PROPOSAL                                | 10.00                          | NO PROPOSAL                           |
| Project approach, consideration for availability, backup coverage & scheduling 30% |   | 9.00                         |  | 9.00                           |                                       |
| Cost 30%   |   | 10.00                        |  | 8.90                           |                                       |
| <b>RATING</b>  |   | <b>9.70</b>                  |  | <b>9.37</b>                    |                                       |
| <b>Cost Proposals</b>  |   |                              |  |                                |                                       |
| Year 1   |   | \$3,520.00                   |  | \$4,230.00                     |                                       |
| Year 2   |   | \$3,710.00                   |  | \$4,230.00                     |                                       |
| Year 3   |   | \$3,880.00                   |  | \$4,230.00                     |                                       |
| Year 4   |   | \$4,050.00                   |  | \$4,520.00                     |                                       |
| Year 5   |   | \$4,250.00                   |  | \$4,520.00                     |                                       |
| <b>Total</b>   |   | <b>\$19,410.00</b>           |  | <b>\$21,730.00</b>             |                                       |

**RFP 4110  
MEDICAL SERVICES**

| <b>(6) DIGITAL RECORDS SYSTEM</b>  | <b>DSI MEDICAL SERVICES INC.<br/>Warminster, PA</b> | <b>EMPLOYER CARE<br/>Kenmore, NY</b> | <b>THE HEARING ADVANTAGE<br/>Williamsville, NY</b> | <b>HEALTHWORKS<br/>West Seneca, NY</b> | <b>DONALD JACOB, MD<br/>Williamsville, NY</b> |
|--|---|--------------------------------------|--|--|---|
| <b>SELECTION CRITERIA</b><br>(Completed by Team)                                   |   |                                      |  |  |   |
| Qualifications and background, demonstrated ability in the industry 40%            | NOT RESPONSIVE                                      | 8.00                                 | NO PROPOSAL  | NO PROPOSAL                            | NO PROPOSAL                                   |
| Project approach, consideration for availability, backup coverage & scheduling 30% |   | 8.00                                 |  |  |   |
| Cost 30%   |   | 10.00                                |  |  |   |
| <b>RATING</b>  |   | <b>8.60</b>                          |  |  |   |
|  |   |                                      |  |  |   |
|  |   |                                      |  |  |   |
| <b>Cost Proposals</b>  |   |                                      |  |  |   |
| Year 1   |   | \$23,400.00                          |  |  |   |
| Year 2   |   | \$23,400.00                          |  |  |   |
| Year 3   |   | \$25,200.00                          |  |  |   |
| Year 4   |   | \$25,200.00                          |  |  |   |
| Year 5   |   | \$27,000.00                          |  |  |   |
| <b>Total</b>   |   | <b>\$124,200.00</b>                  |  |  |   |

**CORPORATE:**

2. C. (3) **Authorization for Agreement, ECC Technologies, Inc.;**  
**Authorization for Procurement of Equipment, ARCTIC**  
**Analysis Room Build-Out**

**RECOMMENDATION:** The Audit and Governance Committee has reviewed this item and recommends that the Board authorize an agreement in the amount of \$123,000 between the NFTA and ECC Technologies, Inc. for the installation of equipment for the Analysis Room in the Advanced Regional Counterterrorism Technology Innovation Center (ARCTIC), previously known as the Regional Interagency Surveillance Center (RiSC), and authorize the procurement of network and video equipment from the New York State Contract in the amount of \$90,861.00.

**INFORMATION:** The NFTA requested and received grant funding to build a centralized monitoring center that would allow us to integrate all existing and future NFTA surveillance feeds into one location. This center is to include video analytics that would alarm on predefined security incidents. The Department of Homeland Security (DHS) has since requested that this center be identified as a scalable demonstration project and provide for the partnering of multiple agencies to make it a regional asset. To achieve this DHS provided the NFTA with funding in the amount of \$691,497 through the Transit Security Grant Program and \$3,358,573 to install an Advanced Perimeter Security (APS) system at BNIA, which included \$300,000 for the ARCTIC project to integrate the BNIA feeds. The funding for the BNIA project was awarded based on the anticipated capabilities of the ARCTIC, and the integration of the BNIA surveillance information into the ARCTIC.

The National Institute of Standards and Technology (NIST) Law Enforcement Standards Office has joined with the NFTA as our Federal partner in this project. NIST has partnered with the Space and Naval Warfare Systems Center (SPAWAR) to design and develop the ARCTIC. SPAWAR is a Department of Defense (DoD) entity that can provide the latest technologies that are being used in military applications but have not been tried in civilian settings.

DHS has requested that this project be considered a scalable demonstration project that can provide insight into and lessons learned from development of an advanced regional counterterrorism center utilizing the latest technologies available. NIST will develop a national oversight committee made up of senior security leaders from major cities across the country to develop standards that can be used for future ARCTIC projects in larger cities.

This project is the second component of Phase I of the overall ARCTIC project. The first component was an Agreement with NIST for \$450,000 approved by the Board in November 2010. The third and final component will be an award in the estimated amount of \$691,497 for the watch floor.

Once Phase I is complete the infrastructure will be in place to start the inclusion of surveillance feeds from other agencies. Phase I in total is budgeted for the amount of \$1.6 million, 38% of which will be provided by the NFTA. It is anticipated that DHS will provide additional funding for the ensuing phases from multiple Homeland Security grant sources.

SPAWAR will provide the advanced technologies that are presently being used by the DoD and are not available in the civilian market. These technologies will include software that will provide advanced video analytics, integration of multiple surveillance systems, and secure communications systems that will allow for the sharing of real-time information to multiple Homeland Security and Law Enforcement agencies that will present a Common Operating Picture (COP) for all.

ECC Technologies is a term consultant presently under contract with the NFTA. All equipment will be purchased off of existing New York State Contracts and ECC Technologies and their subcontractors will perform installation. The Analysis room build-out will provide the infrastructure to integrate, analyze, and display the intelligence information gathered by the surveillance systems throughout the NFTA. Additionally there will be video conferencing capabilities installed to allow the information to be shared and reviewed with other Law Enforcement and Homeland Security agencies.

**FUNDING:** Funding is provided in Account No. 12-0000000-3209-21048.

**“RESOLVED,** that the Board hereby authorizes an Agreement with ECC Technologies, Inc. for the purchase and installation of equipment for the Analysis Room in the Advanced Regional Counterterrorism Technology Innovation Center (ARCTIC) as described herein above; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman be and hereby are authorized to enter into an Agreement with ECC Technologies, Inc. for the sum of \$123,000; and

**BE IT FURTHER RESOLVED,** that the Board hereby authorizes the procurement of network and video equipment for the ARCTIC in the amount of \$90,861.00 from the New York State Contract; and

**BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders for the purchase of said network and video equipment; and

**BE IT FURTHER RESOLVED,** that said Agreement and Purchase Orders shall include such additional terms, conditions and safeguards to the Authority deemed appropriate by the General Counsel; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer be authorized to make payments under said Agreement and Purchase Orders, upon certification by the Director, Risk Management or her designee, that such payments are in order.”

**CORPORATE:**

2. C. (4) **Authorization for Arbitration Award, Susan Dunford and Timothy Dunford v. Alfred M. Weeden, Jr., Niagara Frontier Transit Metro System, Inc., and Niagara Frontier Transportation Authority**

**RECOMMENDATION:** The Audit and Governance Committee has reviewed this item and recommends that the Board authorize payment of the arbitration award amount of \$525,000 in the matter of Susan Dunford and Timothy Dunford v. Alfred M. Weeden, Jr., Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority.

**INFORMATION:** This case arises out of a rear-end accident that occurred on August 12, 2006 at approximately 4:50 p.m. between a Metro trolley bus traveling north on River Road in the Town of Wheatfield and a vehicle stopped awaiting a left turn into a driveway, as well as a third vehicle into which the stopped vehicle was propelled as a result of the impact.

The trolley operator testified at deposition that he was traveling 40-45 miles per hour, approximately three to five feet behind the vehicle in front of him, coming around a curve in the roadway when the vehicle stopped to make a left turn. The trolley bus operator swerved to the right to avoid impact but clipped the right rear bumper of a 1995 Ford Escort wagon driven by then 45 year old Donald Trowbridge. The Ford Escort was then propelled into the oncoming lane of travel, where it collided with a 2002 Chrysler Sebring operated by plaintiff, Timothy Dunford. Susan Dunford, also a plaintiff, was a belted front seat passenger in the Chrysler Sebring. The passenger in the 1995 Ford Escort, Kristina Sansone, was ejected from the vehicle and pronounced dead on the scene. Her estate has also brought a wrongful death action against NFT Metro.

The trolley bus ended up in a ditch on the shoulder of the road. The operator alleged that he blacked out at the time of the accident. Subsequent medical examinations did not reveal any chronic health condition that would have caused the black out. The operator was initially issued a traffic citation for following too closely. After the complete investigation into whether any potential medical condition on the part of the trolley operator would have absolved him from liability, he was subsequently terminated. Plaintiffs' counsel in all four actions filed a Motion for Summary Judgment on the issue of liability, requesting that the Court determine that the trolley operator was negligent as a matter of law. The Court granted all four motions on March 30, 2009. Statutory interest in the amount of four percent per annum has been running on any potential damages award since the aforementioned date.

Then 42-year-old Timothy Dunford testified that he was traveling 40 miles per hour headed south on River Road when he observed a vehicle stopped in the opposite lane of travel, awaiting a left turn. When he was approximately 15 feet away from the vehicle, it suddenly came toward him in his lane and collided with his vehicle. Both vehicles were total losses.



Timothy Dunford underwent surgery which included exploration, debridement and reconstruction of the distal phalanx of the left middle finger. In addition he sustained a sprained left wrist and bruised ribs on the left side. He was employed by the U.S. Postal Service at the time of the accident and was earning approximately \$48,000 per year. Mr. Dunford missed approximately 3 weeks of work as a result of injuries sustained in the accident. His current complaints include a loss of sensation and range of motion of the middle finger.

Then 43-year-old Susan Dunford testified at deposition that she did not see the collision, but testified that the impact caused her airbag to deploy. Ms. Dunford sustained a posterior hind foot joint impaction fracture of the lateral talus in the right ankle which required surgical intervention. Her orthopedic surgeon opined that she also sustained a near complete tear of the anterior talofibular ligament and that she is a candidate for a subtalar joint fusion and/or reconstruction of the right ankle. In addition, she initially alleged cervical strain and sprain as a result of the accident, which has since evolved into a claim for cervical disc herniation at C5-6, C6-7, which may require future surgical intervention.

Ms. Dunford was employed as a full-time office assistant at a car dealership at the time of the accident, earning approximately \$26,500 per year. She has since dropped down to a six-hour workday and alleges that she is no longer able to work full-time due to her cervical injury. Ms. Dunford's current complaints with regard to her right ankle include pain, loss of range of motion, rolling of the ankle and inability to engage in recreational and household activities that involve prolonged standing and/or a more aggressive use of the ankle, such as hiking, walking on uneven ground, etc.

An orthopedic surgeon conducted an independent medical examination of Susan Dunford at our behest on August 20, 2009. The scope of his examination was limited to the right ankle fracture. The physician reported that Ms. Dunford did sustain a causally related lateral process fracture of the talus that resulted in residual symptomatology of moderate loss of ankle dorsiflexion and a mild loss of inversion and eversion. He further opined that Ms. Dunford could work as tolerated. He could not state within a reasonable degree of medical certainty that a second surgery involving a subtalar joint fusion would help her symptomatology.

A neurologist also conducted an independent medical examination of Susan Dunford at our behest on December 2, 2010, for complaints related to her cervical spine. The neurologist reported that Ms. Dunford has long-standing, fluctuating spinal complaints that clearly involved multiple treatments for cervical and lumbar pain prior to the accident in question. Her complaints were documented as far back as 1993. He opined that the plaintiff might have sustained a cervical strain as a result of the August 12, 2006 motor vehicle accident; however her history of immediate cervical pain, such that she could not move her neck, was not corroborated by the medical records. The medical file does not document definite treatment for neck complaints that were attributed to the August 2006 motor vehicle accident until April of 2009. In addition, the neurologist reported that she did not sustain a disc herniation or cervical radiculopathy as a result of the accident. As a result, his final conclusion was that Susan Dunford did not sustain a serious injury to her nervous system or spine as a result of the accident in question.

A damages only jury trial was scheduled to begin on September 12, 2011 in New York Supreme Court before the Honorable Christopher Burns; however, the parties agreed to submit this matter to a binding high/low arbitration before a three member panel of neutrals on December 8, 2011. The high/low parameters of \$625,000/\$175,000 were confidential and were not disclosed to the arbitration panel. As part of the agreement to arbitrate, the plaintiffs waived their right to statutory interest on the award.

Plaintiff's counsel requested that the arbitration panel award Susan Dunford \$1,000,000 for future lost wages, prescription costs, medical care and treatment and costs associated with future surgery, as well as past and future pain and suffering. He requested that the panel award Timothy Dunford \$225,000 for past and future pain and suffering, as well as emotional pain and suffering. After hearing the testimony of the plaintiffs and upon review and consideration of all evidentiary submissions and legal arguments by counsel for both parties, the arbitration panel awarded Susan Dunford \$500,000 and Timothy Dunford \$25,000, for a total of \$525,000.

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

**“RESOLVED**, that the Board hereby authorizes payment of the settlement amount of \$525,000 in the matter concerning the accident which occurred on August 12, 2006; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee, and/or the Chairman be and hereby are authorized to execute such payments as necessary to resolve the matter of Susan Dunford and Timothy Dunford v. Alfred M. Weeden, Jr., Niagara Frontier Transit Metro System, Inc. and Niagara Frontier Transportation Authority, said authorization providing for payments in the not-to-exceed amount of \$525,000; and

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

**3. AVIATION BUSINESS GROUP REPORT**

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

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 Resolutions 4. D. (1) through 4. D. (4)
1. Acceptance of Bid, Gray Manufacturing Industries, LLC, LRV Bolster and Truck Frame Fabrication, LRRT
2. Authorization for Lease Agreement, Hudson Transit Corporation, Bus Transportation Services, MTC
3. Acceptance of Bid, NOCO Distribution, LLC, Procurement of Multi-Grade Engine Oil
4. Authorization for Implementation of Public Comment Process for Proposed Metro Bus and Rail Service Adjustments

**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 Hughes, seconded by Commissioner Grant, 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 December 19, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES:** SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER, HUGHES, PERRY\*, ZEMSKY

**ABSTENTION:** [\*Item 4. D. (3)]

**NOES:** NONE

**ADOPTED**

**SURFACE:**

4. D. (1) **Acceptance of Bid, Gray Manufacturing Industries, LLC, Bolster and Truck Frame Fabrication, LRRT**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board award the subject material supply contract for one truck frame and four bolsters to the responsive low bidder, Gray Manufacturing Industries, LLC (GMI), for the total lump sum bid amount of \$196,100.00

**INFORMATION:** The truck frame and bolster are the prime structural components of the truck assembly for the light rail vehicles (LRV). During the LRV Midlife Rebuild Project, the existing truck frames and bolsters are inspected. During these inspections, one truck frame and four bolsters were found to have excessive deterioration. It has been determined that the excessive deterioration makes the truck frames and bolsters unfit for continued service. These custom fit components have long lead times due their specifications and inherent complexity. In order to continue progress on the project, storeroom spare parts were utilized.

In November 2010, the Board awarded Durose Manufacturing Ltd. the LRV Truck Frame Fabrication Contract (\$90,480.00) and the LRV Bolster Fabrication Contract (\$49,130.00) respectively. After several fabrication attempts, Durose was not able to accomplish either of these projects per the contract requirements. They could not meet the required dimensions, surface finishes, and tolerances. Consequently, Durose requested to be released from their contract. The NFTA has neither made any payments nor has any financial obligation to Durose Manufacturing Ltd. As a result, both contracts with Durose were terminated.

After determination that Durose Manufacturing Ltd was not able to complete the contracts, the work was combined and released for re-bid under the project title LRRT-LRV Bolster and Truck Frame Fabrication. This work was promptly re-bid to expedite procurement and minimize its potential to impact the truck rebuild progress being made on the LRV Midlife Rebuild Project. The re-bid includes one truck frame and four bolsters with options for future pieces as required.

This procurement will replenish the NFTA's spares and allow for prompt replacement of any excessively deteriorated truck frame and bolsters discovered during the LRV Midlife Rebuild Project.

The bid documents were publicly advertised in accordance with the Procurement Guidelines. Three (3) sets of contract documents were distributed to potential prime bidders with two (2) responsive bids as follows:

| Company   | Total Amount Bid |
|---|------------------|
| Engineer's Estimate   | \$192,594.00     |
| Gray Manufacturing Industries, LLC<br>Hornell, NY<br>David A. Gray, President & CEO | \$196,100.00     |

|   |              |
|---|--------------|
| Leiss Tool and Die<br>Somerset, PA<br>Pete Leiss, President | \$197,585.00 |
|---|--------------|

The bid analysis included an interview with the low bidder, Gray Manufacturing Industries, LLC, and a tour of their facility. It has been determined Gray Manufacturing Industries, LLC has the knowledge, understanding, and ability to successfully accomplish the project work.

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

**FUNDING:** The project is funded through Account No. 120000000-3188-2-9773 as provided by the following grants:

NY-90-X595, NY-05-0110, NY-90-X571, NY-90-X544, NY-90-X529, NY-03-0433, NY-03-0378, NY-03-0390, NY-90-X339, NY-03-0399, NY-03-0409, FTA, NYSDOT Match, 88c-Local Match, NYSDTF, DTF PIN 5822.27, DFF PIN 5821.97, DFF PIN 5821.94, DFF PIN 5821.62, DFF PIN 5821.79, DFF PIN 5822.11, 5824.88Y - 88c, NY-05-0114, NY-90-X671, and future FTA formula and FTA Rail Modernization Funding.

**“RESOLVED**, that the Board hereby authorizes an Agreement with Gray Manufacturing Industries, LLC for one truck frame and four bolsters for a total lump sum of \$196,100.00; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute an Agreement with Gray Manufacturing Industries, LLC as set forth above and as negotiated; 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 she is hereby authorized to make payments under said Agreement upon certification by the Director, Surface Transportation, that such payments are in order.”



**SURFACE:**

4. D. (2) **Authorization for Lease Agreement, Hudson Transit Corporation,  
Bus Transportation Services, MTC**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board approve a Lease Agreement with Hudson Transit Corporation, Paramus, New Jersey for lease of a bus dock at the Metropolitan Transportation Center (MTC).

**INFORMATION:** The lease agreement is for the exclusive use of one (1) bus dock at the MTC, as well as interior space for an automatic ticket vending machine and driver break room. Use of the premises will be solely for the purpose of operating a bus transportation business.

Hudson Transit Corporation, a subsidiary of Coach USA, Inc., will pay NFTA as rent the fixed sum of \$23,600 per year for the first year of the agreement. Rent will increase at the rate of 3% annually. The term of the lease shall be for two years.

**FUNDING:** No funding is necessary.

“**RESOLVED**, that the Board hereby authorizes a Lease Agreement with Hudson Transit Corporation for the exclusive use of one bus dock at the Metropolitan Transportation Center and surrounding area to operate bus transportation services; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Hudson Transit Corporation for a two-year lease for the exclusive use of one bus dock at the Metropolitan Transportation Center and surrounding area to operate bus transportation services based upon terms and conditions as set forth above and as negotiated; and

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

**SURFACE:**

**4. D. (3) Acceptance of Bid, NOCO Distribution, LLC, Procurement of Multi-Grade Engine Oil**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board approve the purchase of up to 12,000 gallons multi-grade engine oil at a cost of \$6.85 per gallon as required during the period January 1, 2012 through May 31, 2012 from NOCO Distribution, LLC, of Tonawanda, NY.

**INFORMATION:** Multi-grade engine oil is used in each transit bus as a lubricant and is changed during routine maintenance.

Bids were solicited in accordance with NFTA procurement guidelines. Three bids were received:

| <b><u>Name</u></b>     | <b><u>Address</u></b> | <b><u>Cost per Gallon</u></b> |
|------------------------|-----------------------|-------------------------------|
| NOCO Distribution, LLC | Tonawanda, NY         | \$6.85                        |
| Superior Lubricants    | North Tonawanda, NY   | \$7.10                        |
| American Lubricants    | Buffalo, NY           | \$7.55                        |

**FUNDING:** This procurement is planned and budgeted in Metro's operating budget.

**“RESOLVED,** that the Board hereby accepts the bid submitted by NOCO Distribution, LLC for the procurement of multi-grade engine oil at a cost of \$6.85 per gallon as required during the period January 1, 2012 through May 31, 2012 as described above; and

**BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to NOCO Distribution, LLC for the procurement of multi-grade engine oil at the cost of \$6.85 per gallon as required during the period January 1, 2012 through May 31, 2012 as described hereinabove; and

**BE IT FURTHER RESOLVED,** that said Purchase Orders shall include such additional terms, conditions and safeguards to the Authority as deemed appropriate by the General Counsel; and

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer, be and she is hereby authorized to make payments under said Purchase Order upon certification by the Director, Surface Transportation, that such payments are in order.”

**SURFACE:**

4. D. (4) **Authorization for Implementation of Public Comment Process for Proposed Metro Bus and Rail Service Adjustments**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board authorize the implementation of the public comment process associated with adjusting Metro Bus and Rail service.

**INFORMATION:** Metro is facing a \$7.1 million deficit in the upcoming 2012-13 fiscal year. In an effort to offset the deficit, staff is recommending eliminating some service and making additional adjustments to the current Metro Bus and Rail service.

New York State Transit Operating Assistance has declined \$4.3 million from 2009 to 2011. The percentage of the mortgage tax revenue NFTA receives from the sale of property in Erie County has dropped to a 15-year low, further reducing funds available to Metro and during the same period, operating expenses have increased by over \$7 million. Adjusting service will allow Metro to operate a more efficient level of service with available funding.

In order to comply with NFTA's Policy Regarding Solicitation of Public Comment on Transit Service and Fare Changes, staff is recommending that five (5) public hearings be advertised and conducted during the week of January 30, 2012 to receive comment on the proposed service adjustments and eliminations. Hearings will be held in Downtown Buffalo, the City of Niagara Falls and at the North and South Campuses of Erie Community College.

Locations of the hearings are as follows:

ECC North Campus  
Niagara Falls City Hall  
Buffalo & Erie County Public Library  
ECC South Campus

Comments will also be solicited on Metro's website, and written comments will be accepted. Staff will report the results of the public hearing process to the Board in February 2012.

**FUNDING:** No funding is required.

**“RESOLVED,** that the Board hereby authorizes implementation of the public comment process for a proposed adjustment of Metro Bus and Rail Service, as set forth above, and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to take such actions as required for the holding of public hearings as set forth above.”

- 5. PROPERTY/RISK MANAGEMENT GROUP REPORT**
  - A. Property/Risk Management Committee Report
  - B. Financial Update
  - C. Business Update
  - D. Resolutions

**Property/Risk Management Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Property/Risk Management Resolutions 5. D. (1) through 5. D. (3)
1. Authorization for License Agreement, Hale Northeastern, Inc., 901 Fuhrmann Boulevard
2. Authorization for Lease Amendment, Cornerstone Resolution Group, Inc., 247 Cayuga Road
3. Authorization for Modification to Pricing Schedule for Slips at the NFTA Boat Harbor

**PROPERTY:**

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

The Executive Director advised that Items 5. D. (1) through 5. 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 Eagan, seconded by Commissioner Zemsky, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 5. D. (1) through 5. D. (3) and dated December 19, 2011 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES:** SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER, HUGHES, PERRY, ZEMSKY

**NOES:** NONE

**ADOPTED**

**PROPERTY:**

5. D. (1) **Authorization for License Agreement, Hale Northeastern, Inc.,  
901 Fuhrmann Boulevard**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a License Agreement with Hale Northeastern, Inc. (John Dubreville, Director of Sales) for the use of parking lot space at 901 Fuhrmann Boulevard.

**INFORMATION:** Hale has been awarded a contract to provide marshalling services for the 2012 Snow Symposium at the Buffalo Convention Center. They need approximately 80,000 square feet of space to stage vehicles providing exhibits for the Snow Symposium. The License will be for one week from April 11, 2012 to April 18, 2012 at a rental rate of \$1,500 per week. Hale will provide proof of insurance and will be responsible for any expenses.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes a License Agreement with Hale Northeastern, Inc., for use of parking lot space at 901 Fuhrmann Boulevard, as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a License Agreement with Hale Northeastern, Inc. from April 23, 2009 to April 30, 2009 as set forth above and as negotiated; and

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

**PROPERTY:**

5. D. (2) **Authorization for Lease Amendment, Cornerstone Resolution Group, Inc., 247 Cayuga Road**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease amendment with Cornerstone Resolution Group Inc. (Richard Cerrone, Vice President), for office space at 247 Cayuga Road.

**INFORMATION:** Cornerstone currently leases 646 square feet of office space at 247 Cayuga Road. They would like to move to a larger suite of offices adjacent to their current leased premises. The new space is 876 square feet, is classified B-, and is leased as is. This amendment will take effect on January 1, 2012. The term will remain the same with an expiration date of September 30, 2013 with the tenant having the right to renew for three additional three-year periods. Cornerstone is paying \$10.61 per square foot for their current space. The new rental rate will be \$12 per square foot fully gross and it will continue to increase by 3% each October 1.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes a Lease Amendment with Cornerstone Resolution Group, Inc., for office space at 247 Cayuga Road, as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Amendment with Cornerstone Resolution Group, Inc. as set forth above and as negotiated; and

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



**PROPERTY:**

5. D. (3) **Authorization for Modification to Pricing Schedule for Slips  
at the NFTA Boat Harbor**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a modification to the present pricing schedule for slips at the NFTA Boat Harbor, 1111 Fuhrmann Boulevard, Buffalo, New York.

**INFORMATION:** The current rates for slip rentals at the Boat Harbor, which were placed into effect by the Board on January 18, 2000, are reflected in the attached chart. Staff recommends that the slip rates be increased as also set forth on the attached chart. These increases were calculated to be consistent with the various slip sizes but minimize the impact upon the slips that are traditionally slow to sell. The overall increase is approximately three percent. Staff also recommends that the overage amounts for boats that exceed the slip length be increased by \$10.00 per foot.

**FUNDING:** No funding is necessary.

“**RESOLVED**, that the Board hereby authorizes a modification to the present pricing schedule for slips at the Niagara Frontier Transportation Authority’s Boat Harbor, as generally described hereinabove and as set forth in the attachment hereto.”

## RATES AREA MARINAS CHARGE FOR 2010

### MARINAS ON THE LAKE

|           | NFTA BH  | Erie Basin Mar | Erie Basin Mar | Erie Basin Mar | Sturgeon Point |
|-----------|----------|----------------|----------------|----------------|----------------|
|           | Resident | Non-Resident   | Floating       |                |                |
| 20'       | 668      | 675            | 741            | N/A            | 650            |
| 30'       | 1168     | N/A            | N/A            | N/A            | N/A            |
| 30' w/pwr | 1278     | 1074           | 1183           | 1650           | 1250           |
| 40' w/pwr | 1807     | 1435           | 1578           | 1875           | N/A            |
| 50' w/pwr | 2307     | N/A            | N/A            | N/A            | N/A            |

### MARINAS ON THE RIVER

|           | NFTA BH | Rich Marine | Beaver Island | River Oaks | Anchor Marina | Smith Boys | Harbor Place | East Pier |
|-----------|---------|-------------|---------------|------------|---------------|------------|--------------|-----------|
| 20'       | 668     | 650-pwr     | 700-pwr       | 1000-pwr   | 700-850       | 675-(21')  | 390          | 735       |
| 30'       | 1168    | N/A         | N/A           | N/A        | 700-1300      | N/A        | 1350         | N/A       |
| 30' w/pwr | 1278    | 1375        | 1050          | 1400       | N/A           | 1250       | N/A          | 1120      |
| 40' w/pwr | 1807    | 1695        | 1400          | 1800       | 850-1300      | 1730       | 1795         | 1160-1200 |
| 50' w/pwr | 2307    | 2500        | N/A           | N/A        | N/A           | 2780       | 2441         | N/A       |

NOTE: Variables for marinas on the river depends on size, accessibilities, amenities and permanent oppose to floating docks

**NFTA BOAT HARBOR  
PROPOSED SLIP RATE INCREASE**

**CURRENT RATE**

| # OF DOCKS | SLIP SIZE | TYPE                | BASE RATE | OVERAGE                      |
|------------|-----------|---------------------|-----------|------------------------------|
| 430        | 20' Slips | (no water no power) | \$668     | 21'-23' add \$90/ft over 20' |
| 6          | 20' Slips | (no water, w/power) | \$778     | 21'-23' add \$90/ft over 20' |
| 154        | 30' Slips | (w/water, no power) | \$1,168   | 31'-33' add \$70/ft over 30' |
| 320        | 30' Slips | (w/water & w/power) | \$1,278   | 31'-33' add \$80/ft over 30' |
| 92         | 40' Slips | (w/water & w/power) | \$1,807   | 41'-43' add \$60/ft over 40' |
| 2          | 50' Slips | (w/water & w/power) | \$2,307   | 51'+ add \$50/ft over 50'    |

|   |
|---|
| \$287,240   |
| \$4,668   |
| \$179,872   |
| \$408,960   |
| \$166,244   |
| <u>\$4,614</u>  |
| \$1,051,598 Total income if all slips are sold at base rate |

**PROPOSED RATE INCREASE**

| # OF DOCKS | SLIP SIZE | TYPE                | BASE RATE | OVERAGE                       | RATE INCREASE |
|------------|-----------|---------------------|-----------|-------------------------------|---------------|
| 430        | 20' Slips | (no water no power) | \$720     | 21'-23' add \$100/ft over 20' | \$52          |
| 6          | 20' Slips | (no water, w/power) | \$870     | 21'-23' add \$100/ft over 20' | \$92          |
| 154        | 30' Slips | (w/water, no power) | \$1,170   | 31'-33' add \$80/ft over 30'  | \$2           |
| 320        | 30' Slips | (w/water & w/power) | \$1,320   | 31'-33' add \$90/ft over 30'  | \$42          |
| 92         | 40' Slips | (w/water & w/power) | \$1,840   | 41'-43' add \$70/ft over 40'  | \$33          |
| 2          | 50' Slips | (w/water & w/power) | \$2,400   | 51'+ add \$60/ft over 50'     | \$93          |

|   |
|---|
| \$309,600   |
| \$5,220   |
| \$180,180   |
| \$422,400   |
| \$169,280   |
| <u>\$4,800</u>  |
| \$1,091,480 Total income if all slips are sold at base rate |

Proposed rate increase results in an overall increase of \$39,882 (3.79%) if all slips were sold at their base rate.

**Regular Meeting  
December 19, 2011**

6. General Counsel Report –
7. Executive Session -
8. Adjournment

At approximately 1:00 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Lewin, seconded by Commissioner Zemsky, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES:** SLOMA, DEMAKOS, LEWIN, CROCE, EAGAN, GRANTO, HELFER,  
HUGHES, PERRY, ZEMSKY

**NOES:** NONE