



Niagara Frontier Transportation Authority  
Serving Buffalo Niagara

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ED

February 27, 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 January 23, 2012.

Very truly yours,

David J. State  
General Counsel

DJS:lf

Enclosure

5M-3



**NIAGARA FRONTIER TRANSPORTATION AUTHORITY  
NIAGARA FRONTIER TRANSIT METRO SYSTEM, INC.  
REGULAR BOARD MEETING  
JANUARY 23, 2012  
MINUTES**

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1.
  - A. **CALL TO ORDER**
  - B. **APPROVAL OF MINUTES (December 19, 2011)**
  - C. **EXECUTIVE DIRECTOR'S REPORT**
  
2. **NFTA CORPORATE REPORT**
  - A. Audit and Governance Committee Report (Henry Sloma)
  - B. Consolidated Financial (Debbie Leous)
  - C. Corporate Resolutions (Kim Minkel)
    1. Authorization for NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006751, Supplemental Agreement No. 9, PIN Nos. 5823.17 through 5823.36
    2. Authorization for Agreement, Durham Staffing, Inc., Temporary Seasonal Workers, April 15, 2012 through April 15, 2013
  
3. **AVIATION BUSINESS GROUP REPORT**
  - A. Aviation Committee Report (Carmen Granto)
  - B. Financial Update (Bill Vanecek)
  - C. Business Update (Bill Vanecek)
  - D. Aviation Resolutions (Kim Minkel)
    1. Authorization for Acceptance of Bid, Trason Development Company, Baggage Handling Area HVAC and Generator Modifications, BNIA
    2. Authorization for Acceptance of Bid, Baseline King Corporation, Runway 10L/28R Mill and Overlay, NFIA
    3. Authorization for Agreement, Blue Star of Niagara Corporation, Taxi Service, NFIA
    4. Authorization for Supplement to Lease Agreement, United States Government, NFIA
    5. Authorization to Amend Parking Rates, NFIA
  
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. Authorization for Change Order, Ansaldobreda, Inc., Supplemental Agreement, CH2M Hill, Mid-Life Rebuild Project, LRRT
    2. Authorization for Acceptance of Bid, Rail Development Group, LLC, Type B Vital Relays, LRRT
    3. Authorization for Agreement, VAE Nortrak North America, Inc., Mall Track Switches, LRRT
    4. Authorization for Procurement, Dell Marketing, LP, Verint Audiolog and Ancillary Equipment, LRRT

5. Authorization for Agreement, The Martin Group, Marketing and Outreach Strategy, NITTEC
6. Authorization for Procurement, Affiliated Computer Services, Radio Equipment, NFT Metro
7. Authorization for Supplemental Agreement, DCB Elevator Company, Inc., Escalator Rehabilitation, NFT Metro

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 Lease Amendment Agreement, Niagara Frontier Chapter, National Railway Historical Society, Inc., Oliver Street, North Tonawanda
  2. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road
  3. Authorization for Bait Shop Agreement Extension, James J. Ehrig, Jr. d/b/a Worms 'N Things, Boat Harbor
  4. Authorization for License Agreement, Luminina Corporation, d/b/a Hope Chest, Boat Harbor/Gallagher Beach Area

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 12:32 p.m.

**B. Approval of Minutes of the NFTA Board Meeting held on December 19, 2011**

It was moved by Commissioner Eagan, seconded by Commissioner Zemsky, that the Minutes of the December 19, 2011, Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**C. Approval of Minutes of the NFTA Special Meeting held on December 8, 2011**

It was moved by Commissioner Eagan, seconded by Commissioner Zemsky, that the Minutes of the December 8, 2011, Special Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., be accepted and approved.

**AYES: SLOMA, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

**2. NFTA CORPORATE REPORT**

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

**Corporate Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) through 2. C. (2)
1. Authorization for NYSDOT Mass Transportation Capital Project Agreement, Contract No, K006751, Supplemental Agreement No. 9, PIN Nos. 5823.17 through 5823.36
2. Authorization for Agreement, Durham Staffing, Inc., Temporary Seasonal Workers, April 15, 2012 through April 15, 2013

**CORPORATE:**

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

The Executive Director advised that Items 2. C. (1) through 2. 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 Eagan, 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. (2) and dated January 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, CROCE, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

**ADOPTED**



**CORPORATE:**

2. C. (1) **Authorization for NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006751, Supplemental Agreement No. 9, PIN Nos. 5823.17 through 5823.36**

**RECOMMENDATION:** The Audit and Governance Committee has reviewed this item and recommends that the Board authorize the Executive Director to execute New York State Department of Transportation (NYSDOT) Mass Transportation Capital Project Agreement, Contract No. K006751 Supplemental Agreement No. 9 in the amount of \$2,370,494.

**INFORMATION:** NYSDOT Mass Transportation Capital Project Agreement, Contract No. K006751 Supplemental Agreement No. 9 consists of PIN Nos. 5823.17 through 5823.36 which will provide one-half (10%) of the non-federal share to FTA Project NY-90-X671 NFTA's 2011 Program of Projects.

The federal share on all projects is 80%.

**FUNDING:** Funding for the above-cited projects is structured as follows:

**NYSDOT Mass Transportation Agreement, Contract No. K006751 Supplemental Agreement No. 9**

<i>PIN</i>	<i>Project Description</i>	<i>Total Amount</i>	<i>Federal Share</i>	<i>State Share</i>	<i>Local Share</i>
5823.17	Preventive Maintenance	\$ 12,138,776	\$ 9,711,021	\$ 1,213,878	\$ 1,213,877
5823.18	Non Fixed Route ADA Paratransit Service	\$ 2,125,000	\$ 1,700,000	\$ 212,500	\$ 212,500
5823.19	Employee Education/Training	\$ 75,000	\$ 60,000	\$ 7,500	\$ 7,500
5823.20	Project Administration	\$ 198,997	\$ 159,198	\$ 19,900	\$ 19,899
5823.21	Lease Capital Associate Maintenance Items	\$ 430,767	\$ 344,614	\$ 43,077	\$ 43,076
5823.22	Acquire Support Vehicles	\$ 110,000	\$ 88,000	\$ 11,000	\$ 11,000
5823.23	Buy Replace <30 Ft Bus	\$ 1,291,627	\$ 1,033,302	\$ 129,163	\$ 129,162
5823.24	Acquire Misc. Support Equipment	\$ 297,894	\$ 238,315	\$ 29,790	\$ 29,789
5823.25	Data Communications Component	\$ 75,000	\$ 60,000	\$ 7,500	\$ 7,500
5823.26	HRV & HV Units	\$ 66,790	\$ 53,432	\$ 6,679	\$ 6,679
5823.27	HVAC & Make-up Air Units	\$ 123,350	\$ 98,680	\$ 12,335	\$ 12,335
5823.28	Main Switchboard Condition Study	\$ 58,460	\$ 46,768	\$ 5,846	\$ 5,846
5823.29	IVR Replacement	\$ 300,000	\$ 240,000	\$ 30,000	\$ 30,000
5823.30	Audiologger Replacement	\$ 200,000	\$ 160,000	\$ 20,000	\$ 20,000
5823.31	Fire Detection & System Intrusion (FDSI)	\$ 738,995	\$ 591,196	\$ 73,900	\$ 73,899
5823.32	Train Control Carborne ATP System	\$ 469,296	\$ 375,437	\$ 46,930	\$ 46,929
5823.33	Girder Rail Tongue Switch & Mate	\$ 225,000	\$ 180,000	\$ 22,500	\$ 22,500
5823.34	Purchase Rail Support Vehicles	\$ 650,000	\$ 520,000	\$ 65,000	\$ 65,000
5823.35	Fastener & PAD – Phase 7	\$ 4,039,954	\$ 3,231,963	\$ 403,996	\$ 403,995
5823.36	Purchase Misc. Rail Equipment	\$ 90,000	\$ 72,000	\$ 9,000	\$ 9,000
Totals		\$ 23,704,906	\$ 18,963,926	\$ 2,370,494	\$ 2,370,486

**“RESOLVED**, that the Board authorizes the Executive Director, her designee and/or the Chairman, to execute New York State Department of Transportation (NYSDOT) Mass Transportation Capital Project Agreement, Contract No. K006751 Supplemental Agreement No. 9 in the amount of \$2,370,494; 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 Manager, Government Affairs, that such payments are in order.”

**CORPORATE:**

2. C. (2) **Authorization for Agreement, Durham Staffing, Inc., Temporary Seasonal Workers, April 15, 2012 through April 15, 2013**

**RECOMMENDATION:** The Audit and Governance Committee has reviewed this item and recommends that the Board authorize a one-year renewal option of the Agreement with Durham Staffing, Inc. to provide laborers for temporary seasonal work for the period between April 15, 2012 through April 15, 2013, with greatest number working between May 15, 2012 and October 15, 2012 at BNIA, NFIA, MTC and the Boat Harbor.

**INFORMATION:** The NFTA has contracted with staffing agencies to provide temporary seasonal workers since 2007. By utilizing a staffing agency, the Authority is relieved from liability for Unemployment Insurance and Worker's Compensation for these workers, thereby realizing savings in personnel expense.

For the 2010 season, the NFTA issued a Request for Proposals for Temporary Seasonal Workers for one year, with an option to extend for two additional one-year periods at the discretion of the NFTA. Durham Staffing, Inc. was the only firm that submitted a proposal. Durham Staffing has agreed to provide this service at the same rate paid for the 2010-2011 season. The amount paid to Durham Staffing, Inc. for the 2012 season is not expected to exceed \$400,000, and is included in the operating budgets for the cost centers where these workers will be utilized.

**FUNDING:** Funding for this Agreement is included in the Authority's FYE 13 budget.

**"RESOLVED,** that the Board hereby authorizes an Agreement with Durham Staffing, Inc. to provide laborers for temporary seasonal work for the period between April 15, 2012 through April 15, 2013 for a cost not-to-exceed \$400,000, as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute the Agreement with Durham Staffing, Inc., with 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; 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, Human Resources, that such payments are in order."

**3. AVIATION BUSINESS GROUP REPORT**

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

**Aviation Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Aviation Resolutions 3. D. (1) through 3. D. (5)
1. Authorization for Acceptance of Bid, Trason Development Company, Baggage Handling Area HVAC and Generator Modifications, BNIA
2. Authorization for Acceptance of Bid, Baseline King Corporation, Runway 10L/28R Mill and Overlay, NFIA
3. Authorization for Agreement, Blue Star of Niagara Corporation, Taxi Service, NFIA
4. Authorization for Supplement to Lease Agreement, United States Government, NFIA
5. Authorization to Amend Parking Rates, NFIA

**AVIATION:**

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

The Executive Director advised that Items 3. D. (1) through 3. D. (5) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions.

Whereupon, it was moved by Commissioner Helfer, seconded by Commissioner Zemsky, that the following Resolution be adopted:

“**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 3. D. (1) through 3. D. (5) and dated January 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, CROCE, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

**ADOPTED**

**AVIATION:**

3. D. (1) **Authorization for Acceptance of Bid, Trason Development Company, Baggage Handling Area HVAC and Generator Modifications, BNIA**

**RECOMMENDATION:** The Aviation Committee has reviewed this item and recommends that the Board award the subject construction contract to Trason Development Company for a lump sum total bid amount of \$499,000.00.

**INFORMATION:** The scope of work for this project provides for the modification of the HVAC in the baggage inspection area and the relocation of the emergency generator cooling radiators.

The modifications to the HVAC system will include control revisions and the installation of a heat transfer loop to remove excess heat in the winter months from the baggage inspection area to the public baggage claim area. This will supplement the existing heating system in the baggage claim area. During the summer months, the excess heat will be exhausted to the building exterior.

Due to the configuration of the expansion of the terminal building for the new automatic baggage system and the increased electrical load, the emergency generators (G1 and G2) have been overheating. The project will replace the existing generator radiators and relocate them to the building roof for increased heat removal. In addition, new fans will be provided within the generator room for air circulation and generator cooling.

This project was publicly advertised in accordance with NFTA Procurement Guidelines. Fourteen (14) sets of contract documents were distributed to potential prime bidders with six (6) responding as follows:

<b>Company</b>	<b>Total Amount of Bid</b>
Trason Development Corp. Hamburg, NY Tracy Hirsch, President	\$499,000.00
S&W Contracting of WNY Inc. Buffalo, NY Shandra Spicer, President	\$499,800.00
John W. Danforth Tonawanda, NY Patrick J. Reilly, President	\$502,472.00
Hoot Mechanical & Electrical, Inc. Lockport, NY Richard Bowers, President	\$524,000.00
New Cal Construction, Inc. Darien, NY Leo Sitareck Jr., President	\$602,800.00

Picone Construction Corp Williamsville, NY Anthony J. Picone, President	\$647,485.00
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It has been determined that the low bidder, Trason Development Company, has the knowledge, understanding, and ability to successfully accomplish the work for this project.

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

**FUNDING:** Funding is 100% PFC funds and is contained in Account No. 12-0000000-3188-2-2439.

**“RESOLVED,** that the Board hereby authorizes an Agreement with Trason Development Company for the modification of the HVAC in the baggage inspection area and relocation of the emergency generator cooling radiators at the Buffalo Niagara International Airport, for a total lump sum of \$499,000; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Trason Development Company, for the lump sum amount of \$499,000; 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, Engineering, that such payments are in order.”



**AVIATION:**

3. D. (2) **Authorization for Acceptance of Bid, Baseline King Corporation, Runway 10L/28R Mill and Overlay, NFIA**

**RECOMMENDATION:** The Aviation Committee has reviewed this item and recommends that the Board award the subject procurement contract to Baseline King Corp. for the total bid amount of \$337,843.70.

**INFORMATION:** The overall project provides for the mill and overlay of the main runway pavement at the Niagara Falls International Airport, which includes the replacement of in pavement centerline light cans, touchdown zone light cans, and runway edge light cans. The subject procurement provides for the manufacture, supply, and delivery of the light cans.

The delivery schedule for this procurement is 9 to 10 weeks from purchase. The overall project's general construction contract is currently out for bid and the construction NTP is anticipated for the end of March. This procurement is necessary to maintain the project schedule and minimize the runway shutdown time.

The procurement was publicly advertised in accordance with NFTA Guidelines. Seven manufacturers and several electrical and paving contractors registered as plan holders for the procurement. Only one bid was received and the results are as follows:

Company	Total Bid Amount	Engineers Estimate
Baseline King Corp. James King, President Barneveld, NY	\$337,843.70	\$393,107.89

A detailed bid evaluation was performed, including documentation of the contacts made to prospective bidders. Six of the seven light can manufacturers responded indicating the bonding requirements; the requirements for delivery and storage; and the extended warranty period were factors for not bidding. Several electrical and paving contractors also obtained bid documents, but declined interest when informed that this was a procurement as opposed to construction opportunity.

Baseline King Corp. accepted the terms and conditions of the procurement. Baseline specializes in airfield lighting manufacture and has the knowledge, understanding and ability to provide the material.

An internal audit was performed of the single bid based upon the bid evaluation and it was determined that the bid price is fair and reasonable.

The NFTA Affirmative Action/EEO office has been briefed on the bid results.

**FUNDING:** Funding will be provided though a Memorandum of Agreement with the United States Department of the Air Force.

**“RESOLVED**, that the Board hereby authorizes an Agreement with Baseline King Corporation for the procurement of in pavement centerline light cans, touchdown zone light cans and runway edge light cans, at a cost of \$337,843.70; as described above; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with Baseline King Corporation, for a cost of \$337,843.70; 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, Engineering, that such payments are in order.”

**AVIATION:**

**3. D. (3) Authorization for Agreement, Blue Star of Niagara Corporation, Taxi Service, NFIA**

**RECOMMENDATION:** The Aviation Committee has reviewed this item and recommends that the Board enter into an agreement with Blue Star of Niagara Corporation, Niagara Falls, New York to provide exclusive taxicab service at the Niagara Falls International Airport (NFIA).

**INFORMATION:** The NFTA issued RFP No. 4149 in accordance with NFTA procurement guidelines to provide exclusive taxi service for its patrons at NFIA. The NFTA established service standards including scheduling requirements during flights, minimum number of vehicles, vehicle condition, dispatch services, and driver services.

There were 5 respondents to the RFP. An NFTA review team consisting of staff from NFIA Management, Aviation Business Development, and the NFTA Procurement Department evaluated the proposals based on compensation to the NFTA, compliance with requirements, and qualifications and experience, as reflected in the attached sheet. The team ranked the proposal submitted by Blue Star of Niagara Corporation (Blue Star) from Niagara Falls, New York as the highest based upon their compensation proposal to the NFTA combined with their service experience rating.

Current NFIA deplanements are forecasted to surpass 152,000 passengers annually within the next 5 years. Blue Star has proposed to provide the NFTA with a guaranteed annual payment of \$7,500.00 plus 7.5 cents per deplanement resulting in combined remuneration estimated at \$81,750 during the 5 year contract term. The term of the contract is for one year with 4 one-year options at the sole discretion of the NFTA.

**FUNDING:** No funding is required.

**“RESOLVED,** that the Board hereby authorizes an Agreement with Blue Star of Niagara Corporation, for taxicab service at the Niagara Falls International Airport, 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 an Agreement with Blue Star of Niagara Corporation, with 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.”

**RFP 4149**  
**Taxi Concession NFIA**

1/11/2012

RFP DOCUMENTS REQUIRED (Completed by Procurement)	Kenmore Cab Dispatch Service Kenmore, NY	Taxi Unlimited Niagara Falls, NY	Liberty Transportation Buffalo, NY	Blue Star of Niagara Corp. Niagara Falls,	Independent Taxi Assoc. of Buffalo Buffalo, NY
Non-Collusive Cert	x	x	x	x	x
Disclosure of Prior Non-rep Determinations	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
	x	x	x	x	x
<b>SELECTION CRITERIA</b> (Completed by Team)					
( Score 1 - 10, with 10 being the highest score)					
Compensation to NFTA 50%		8.26		10.00	5.33
Compliance w/ requirements, DBE participation 30%	not responsive	5.00	not responsive	9.00	10.00
Qualifications and experience, references, management 20%		5.00		8.00	9.00
<b>Total</b>		<b>6.63</b>		<b>9.30</b>	<b>7.47</b>
<b>COMPENSATION</b>					
<b>Annual Fee</b>					
1st year	\$0	\$9,000	\$7,200	\$7,500	\$10,000
2nd year		\$10,800	\$7,200	\$7,500	\$2,500
3rd year		\$12,000	\$7,200	\$7,500	\$2,500
4th year			\$7,200	\$7,500	\$2,500
5th year			\$7,200	\$7,500	\$2,500
<b>TOTAL</b>		<b>\$31,800</b>	<b>\$36,000</b>	<b>\$37,500</b>	<b>\$20,000</b>
				\$.075 per passenger	\$.01 per passenger 1st yr \$.02 yrs 2 - 5
<b>Projected Deplanements</b>					
1st year 91,000		none		\$6,825	\$910
2nd year 100,000				\$7,500	\$2,000
3rd year 115,000				\$8,625	\$2,300
4th year 132,000				\$9,900	\$2,640
5th year 152,000				\$11,400	\$3,040
<b>TOTAL</b>				<b>\$44,250</b>	<b>\$10,890</b>
<b>GRAND TOTAL</b>				<b>\$81,750</b>	<b>\$30,890</b>

**AVIATION:**

3. D. (4) **Authorization for Supplement to Lease Agreement, United States Government, NFIA**

**RECOMMENDATION:** The Aviation Committee has reviewed this item and recommends that the Board authorize a supplement to the lease agreement with the United States of America (Government) providing for the continued leasing of 350 square feet of space in the old Terminal Building at Niagara Falls International Airport (NFIA) to be utilized as office space for the weather office located at NFIA.

**INFORMATION:** The Government currently leases approximately 350 square feet of space in the old NFIA Terminal for its local weather office. The term of the lease is expiring on January 31, 2012. The supplement would extend the term of the agreement for an additional five years through January 31, 2017. Federal regulations provide that the NFTA shall lease space to the Government at no charge, but may impose a reasonable rent to recoup the Government's share of utilities. The annual rent is \$3,504.00 which represents a 3% increase from the previous lease agreement. The lease may be terminated by either party upon thirty days written notice.

**FUNDING:** No funding is required.

**“RESOLVED**, that the Board hereby authorizes a Supplement to the Lease Agreement with the United States Government, for continued leasing of space in the old Terminal Building at the Niagara Falls International Airport, as described hereinabove; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute the Supplement to the Lease Agreement with the United States Government, with terms and conditions as set forth above and as negotiated; and

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

**AVIATION:**

3. D. (5) **Authorization to Amend Parking Rates, NFIA**

**RECOMMENDATION:** The Aviation Committee has reviewed this item and recommends that the Board authorize an adjustment in parking rates at the Niagara Falls International Airport (NFIA) effective April 1, 2012.

**INFORMATION:** NFIA has experienced consistent passenger growth since the opening of the new Terminal during December 2009 which necessitated the expansion and addition of parking lots to accommodate passengers. The parking lots have recently undergone improvements including land clearing, paving, and fencing. The lots are serviced by Standard Parking under their current agreement with the Buffalo Niagara International Airport (BNIA) which includes the operation of passenger shuttle service from off-site parking lot #3 to the terminal building.

There are designated parking spaces in the parking lot adjacent to the old terminal building where meet and greet patrons can park for free up to two hours.

Parking fees were initiated during January 2011. Staff is recommending the following rate change (including New York State sales tax) effective April 1, 2012:

	Maximum <u>Daily Rate</u>	Maximum <u>Weekly Rate</u>
Current rate	\$5.00	\$25.00
Proposed rate	\$10.00	\$50.00

The rate adjustment is estimated to increase revenues by approximately \$837,000 during the fiscal year commencing April 1, 2012 which will partially offset operating deficits. This amount was included in the NFTA Budget approved at the NFTA Board meeting on December 19, 2011.

**FUNDING:** No funding is required.

**“RESOLVED,** that the parking rates at the Niagara Falls International Airport be revised as set forth above; and

**BE IT FURTHER RESOLVED,** that staff be and hereby is authorized to take such action necessary to implement the revised parking rates as set forth hereinabove.”

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

**Surface Transportation Resolutions**

- i. Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (7)
1. Authorization for Change Order, AnsaldoBreda, Inc., Supplemental Agreement, CH2M Hill, Mid-Life Rebuild Project, LRRT
2. Authorization for Acceptance of Bid, Rail Development Group, LLC, Type B Vital Relays, LRRT
3. Authorization Agreement, VAE Nortrak North America, Inc., Mall Track Switches, LRRT
4. Authorization for Procurement, Dell Marketing, LP, Verint Audiolog and Ancillary Equipment, LRRT
5. Authorization for Agreement, The Martin Group, Marketing and Outreach Strategy, NITTEC
6. Authorization for Procurement, Affiliated Computer Services, Radio Equipment, NFT Metro
7. Authorization for Supplemental Agreement, DCB Elevator Company, Inc., Escalator Rehabilitation, NFT Metro



**SURFACE:**

4. D. (i) **Niagara Frontier Transportation Authority, Acceptance of Surface Transportation Resolutions 4. D. (1) through 4. D. (7)**

The Executive Director advised that Items 4. D. (1) through 4. D. (7) 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 Helfer, seconded by Commissioner Eagan, 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. (7) and dated January 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, CROCE, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

**ADOPTED**

**SURFACE:**

**4. D. (1) Authorization for Change Order, AnsaldoBreda, Inc.: Supplemental Agreement, CH2M Hill, Mid-Life Rebuild Project, LRRT**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board approve the subject Change Order No. 23 as an \$110,379.08 deduct to AnsaldoBreda, Inc., NFTA Contract No. 25LZ0401, LRV – Mid-Life Rebuild. This will result in an amended contract value of \$33,757,534.51.

Staff further recommends that the Board authorize Supplemental Agreement No. 7 with CH2M Hill which will result in a \$110,379.08 increase, resulting in an amended contract cost to CH2M Hill of \$5,455,327.08.

**INFORMATION:** Change Order No. 023 consists of two (2) Proposed Change Orders (PCO) as follows:

PCO 052 Extra Consultant Costs Deduct \$82,757.23

ABI will reimburse the NFTA for extra costs associated with the time spent by CH2M Hill between June 2011 and September 2011 for document reviews in order to assist ABI in achieving acceptance of LRV's Nos. 114 and 123 into revenue service.

PCO 053 CH2M Hill Preparation Assistance for R Items Nos. 62 and 156 Deduct \$27,621.85

ABI will reimburse the NFTA for costs associated for the assistance provided by CH2M Hill for the preparation and completion of two revenue service related documents (R document required for revenue service). The document Item 62 is for samples and specifications of each size and type of wire/cable and Item 156 is for wire bundling and routing on the vehicle.

Supplemental Agreement No. 32 LZ0401-7 Increase \$110,379.08

The NFTA will increase CH2M Hill's contract scope of work for extra engineering costs between June 2011 and September 2011 (PCO 052) and for preparation assistance for R items No. 62 and 156 (PCO 053)

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

NY-05-0114, NY-90-X671, 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, 5824.88Y - 88c, and future FTA formula and FTA Rail Modernization Funding.

**“RESOLVED,** that the Board hereby authorizes Change Order No. 23 as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and is hereby authorized to execute Change Order No. 23 as described hereinabove; and

**BE IT FURTHER RESOLVED**, that said Change Order No. 23 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 Change Order No. 23. upon certification by the Director, Engineering, that such payments are in order.”

**SURFACE:**

4. D. (2) **Authorization for Acceptance of Bid, Rail Development Group, LLC, Type B Vital Relays, LRRT**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board accept the bid submitted by Rail Development Group, LLC of Rochester, New York for the remanufacture and testing of Type B Vital Relays.

**INFORMATION:** The Vital B Relay repair is imperative for the safe operation of our railcars. An estimated 50-75 relays are remanufactured each year.

Rail Development Group LLC was the sole bidder. Staff is only aware of two other companies that regularly perform this work. One was unable to perform due to lack of resources and the other has not responded.

Internal Audit conducted a price analysis and determined the price to be fair and reasonable. The estimated annual expenditure is \$75,025.00. The terms of the bid provide for a three-year procurement with two one-year terms exercisable by the NFTA.

**FUNDING:** Funding for this project is 100% 88C using account code 120000000320929103.

**“RESOLVED,** that the Board hereby accepts the bid submitted by Rail Development Group, LLC, for the remanufacture and testing of Type B Vital Relays, for a total not-to-exceed amount of \$375,125; and

**BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue Purchase Orders to Rail Development Group, LLC for the procurement of the Type B Vital Relays to be used 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 Orders upon certification by the Director, Surface Transportation, that such payments are in order.”

**SURFACE:**

**4. D. (3) Authorization for Agreement, VAE Nortrak North America, Inc.,  
Mall Track Switches, LRRT**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board authorize an agreement with VAE Nortrak North America Inc., of Birmingham, Alabama, for three (3) Mall Track Switches for a total cost of \$198,057.00.

**INFORMATION:** The Mall Track Switches are imperative for the proper and safe operation of our railcars. RFP 4153 was publically advertised and two proposals were received. Staff is only aware of one other company that supplies this equipment but they were unable to comply with the Buy America requirements.

A selection team comprised of the Manager, Metro Rail, Assistant Supervisor, Capital Projects, Systems and Facilities Supervisor and the Assistant Procurement Manager, evaluated the proposals and rated VAE Nortrak the highest based on the selection criteria (see the attached spreadsheet).

**FUNDING:** Funding for this project is 80% FTA, 10% NYS and 10% NFTA.

**“RESOLVED,** that the Board hereby accepts the bid with VAE Nortrak North America, Inc., for three (3) Mall Track Switches, for a total sum of \$198,057; and

**BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to VAE Nortrak North America, Inc. for the procurement of the Mall Track Switches to be used as described hereinabove; and

**BE IT FURTHER RESOLVED,** that said Purchase Order 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 Procurement, Dell Marketing, LP, Verint Audiolog and Ancillary Equipment, LRRT**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board authorize the procurement and installation of the Verint Audiolog and ancillary equipment from Dell Marketing, LP, of Round Rock, TX, using NY State Contract No. PT65191 in the amount of \$ 115,633.32.

**INFORMATION:** The primary function of the audiologger is to record all radio and telephone conversations of the controllers and field personnel. The current audiolog unit is past its useful life and fails periodically.

**FUNDING:** Funding for this project is 80% FTA, 10% NYS, and 10% NFTA.

**“RESOLVED,** that the Board authorizes the procurement of Verint Audiolog and Ancillary Equipment, at a cost of \$115,633.32; as described above; and

**BE IT FURTHER RESOLVED,** that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to Dell Marketing, LP for the procurement of the Verint Audiolog and Ancillary Equipment to be used as described hereinabove; and

**BE IT FURTHER RESOLVED,** that said Purchase Order 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. (5) Authorization for Agreement, The Martin Group, Marketing and Outreach Strategy, NITTEC**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board authorize an agreement with The Martin Group to provide consultant services to develop a Marketing and Outreach Strategy for the Niagara International Transportation Technology Coalition (NITTEC) for an amount not-to-exceed \$143,600.

**INFORMATION:** The purpose of this Scope of Services is to develop a Marketing and Outreach Strategy for NITTEC. An update of the NITTEC brand and a redesign of the NITTEC website will help introduce NITTEC to new audiences and refresh the NITTEC look for current users.

The purpose of the marketing and outreach initiative is to expand NITTEC to a larger and more diverse group of travelers in Western New York and Southern Ontario. The initiative shall provide a fresh look for the NITTEC brand including a new logo and color scheme for NITTEC/MYNITTEC, redesigned website and mobile website, smart phone applications and a detailed advertising campaign. The initiative shall highlight the benefits of NITTEC to travelers of all ages. All NITTEC items shall be redesigned and updated with the new logo and compliment a detailed advertising campaign for promoting NITTEC to new audiences. The advertising campaign shall be launched simultaneously with the redesigned website, mobile website and smart phone applications.

Request for Proposal No. 4132 was advertised for development for a NITTEC Marketing and Outreach Strategy on September 29, 2011 and eight responsive proposals were received. The Selection Team, which consisted of representatives from NITTEC, NFTA, New York State Thruway Authority, New York State Department of Transportation, Erie County, and Ontario Ministry of Transportation, evaluated the proposals. The evaluation criteria included qualifications, and experience, technical criteria, and cost. The Selection Team evaluated and selected the top three firms for interviews. The firms were then re-evaluated based on the proposals and results of the interview process and are ranked as most advantageous to NITTEC, in descending order:

1. The Martin Group
2. Fuseideas
3. Arch Street Communications

It is appropriate for the NFTA to enter into an agreement on behalf of NITTEC since it serves as the Host agent for all types of NITTEC monies.

**FUNDING:** Consultant funds identified specifically for Consultant services to complete the referenced tasks are included in the NITTEC Budget. The initial contract period shall be from Notice to Proceed until 120 days.



**“RESOLVED**, that the Board hereby authorizes an Agreement with The Martin Group for consultant services to develop a Marketing and Outreach Strategy for the Niagara International Transportation Technology Coalition (NITTEC), for a sum not-to-exceed \$143,600; and

**BE IT FURTHER RESOLVED**, that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute an Agreement with The Martin Group, for a sum not-to-exceed \$143,600; 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 Executive Director, NITTEC, that such payments are in order.”



**SURFACE:**

**4. D. (6) Authorization for Procurement, Affiliated Computer Services, Radio Equipment, NFTA Metro**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends that the Board approve the purchase of radio equipment to be installed in 19 new transit buses for \$86,803.71 from Affiliated Computer Services, of Columbia, Maryland.

**INFORMATION:** This procurement will provide the two-way radio equipment to be installed in 19 transit buses currently on order. This procurement will also provide 2 sets of spare equipment.

ACS has been determined to be a validated single source for this procurement due to the proprietary software and firmware used in this equipment and the two way radio system.

The NFTA Internal Audit Dept. has completed a review and has determined the cost of this equipment to be fair and reasonable.

**FUNDING:** Funding is provided in account No. 1200000003209 and as listed below:

<u>Cost</u>	<u>Source</u>
\$ 69,442.97	FTA
\$ 8,680.37	NYS DOT
<u>\$ 8,680.37</u>	NFTA
\$ 86,803.71	Total

**“RESOLVED**, that the Board authorizes the procurement of radio equipment to be installed in 19 new transit buses, at a cost of \$86,803.71; as described above; and

**BE IT FURTHER RESOLVED**, that the Manager, Procurement, be and she is hereby authorized to issue a Purchase Order to Affiliated Computer Services for the procurement of the radio equipment to be used as described hereinabove; and

**BE IT FURTHER RESOLVED**, that said Purchase Order 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. (7) **Authorization for Supplemental Agreement, DCB Elevator Company, Inc., Escalator Rehabilitation, NFT Metro**

**RECOMMENDATION:** The Surface Committee has reviewed this item and recommends the Board approve a Supplemental Agreement in the amount of \$153,426.80 with DCB Elevator Company Inc. for costs associated with the rehabilitation of two escalators located at the University and LaSalle Stations.

**INFORMATION:** The Board previously approved an elevator/escalator Maintenance Agreement with DCB Elevator Company, Inc. of Lewiston, NY in December 2009. The Agreement covers a three-year period from April 1, 2010 through March 31, 2013 at a total cost for preventive maintenance of \$1,017,624.00 with an additional cost of \$114,400.00 to cover "vandalism, abuse, negligence or any other repairs beyond the control of the Contractor" for a total contract value of 1,132,024.00.

Nearing completion of the second year of the Agreement, expenditures to date for maintenance and repairs beyond the control of the Contractor have increased significantly due to unforeseen escalator deterioration causing two escalators to fail. The contract value associated with this category of repair during this two year period is \$74,500. Metro has negotiated the rebuilding of these escalators to restore them to safe and reliable service at a cost of \$153,426.80 over and above the \$74,500.00 budgeted for this period of the three-year agreement. The rebuilding is within the general scope of the original work and must be accomplished as soon as possible in order to prevent additional service interruptions to the escalators.

**FUNDING:** Funding is contained in Metro's operating budget under Account Number 2-40-0050-571-0146.

**"RESOLVED,** that the Board hereby authorizes a Supplemental Agreement with DCB Elevator Company, Inc. for costs associated with the rehabilitation of two escalators located at the University and LaSalle Stations, for a sum of \$153,426.80; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and are hereby authorized to execute a Supplemental Agreement with DCB Elevator Company, Inc., for a sum of \$153,426.80; and

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

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

- 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. (4)
1. Authorization for Lease Amendment Agreement, Niagara Frontier Chapter, National Railway Historical Society, Inc., Oliver Street, North Tonawanda
2. Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road
3. Authorization for Bait Shop Agreement Extension, James J. Ehrig, Jr. d/b/a Worms 'N Things, Boat Harbor
4. Authorization for License Agreement, Luminina Corporation, d/b/a Hope Chest, Boat Harbor/Gallagher Beach Area

**PROPERTY:**

5. D. (i) **Niagara Frontier Transportation Authority, Acceptance of Property Resolutions 5. D. (1) through 5. D. (4)**

The Executive Director advised that Items 5. D. (1) through 5. 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 Helfer, seconded by Commissioner Eagan, 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. (4) and dated January 23, 2012 as set forth herein, be and hereby are accepted and approved in their entirety.”

**AYES: SLOMA, CROCE, EAGAN, HELFER, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

**ADOPTED**



**PROPERTY:**

5. D. (1) **Authorization for Lease Amendment Agreement, Niagara Frontier Chapter, National Railway Historical Society, Inc., Oliver Street, North Tonawanda**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a Lease Amendment Agreement with the Niagara Frontier Chapter, National Railway Historical Society, Inc. ("NRHS") to remove approximately .723 acres of land from their leased premises.

**INFORMATION:** The NRHS entered into a lease with the Consolidated Rail Corporation ("Conrail") on December 1, 1986 for 2.2 acres for use as a sidetrack. This property is adjacent to the NRHS museum on Oliver Street in North Tonawanda and was used for the display of trains. However, for some time now rail access has no longer been available to this sidetrack. The NFTA became the Lessor under the lease when we purchased the property from Conrail on March 24, 1988. NRHS currently pays rent of \$667.30 per year.

In January 2011 the Board approved the release of .257 acres from NRHS' lease so that the NFTA could lease the property to Maurice Cooper for use as a skate park. The consideration to NRHS was forgiveness of a past due rent amount of \$1,780.65.

NRHS no longer has any use for the .723 acres of land so they are requesting be released from their lease, as that piece is the area extending beyond the vicinity of the NRHS museum that can no longer be used as a sidetrack. The rent would be reduced proportionately to \$350.00 per year, and will continue to have a CPI escalator. NRHS had the tracks removed and at-grade crossings at two intersections repaired, so the property the NFTA is taking back is in good condition.

**FUNDING:** No funding is required.

**"RESOLVED,** that the Board hereby authorizes a Lease Amendment Agreement with Niagara Frontier Chapter, National Railway Historical Society, Inc. to release approximately .723 acres of property from their lease 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 Agreement with Niagara Frontier Chapter, National Railway Historical Society, Inc. with terms and conditions as set forth above and as negotiated; and

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

**PROPERTY:**

5. D. (2) **Authorization for Lease Agreement, Richard Reinhart d/b/a Mailmasters, 247 Cayuga Road**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a lease agreement with Richard Reinhart d/b/a Mailmasters for use of space at 247 Cayuga Road, Cheektowaga.

**INFORMATION:** Mr. Reinhart has been leasing 663 square feet to accommodate his direct mail business at 247 Cayuga Road. The current lease expires on January 31, 2012. The new agreement will continue his occupancy for one year commencing February 1, 2012 and ending on January 31, 2013. The rental rate will increase by 3% to a rate of \$6.90 per square foot fully gross or \$4,574.70 for the year. This space is classified as C+ space.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes a Lease Agreement with Richard Reinhart d/b/a Mailmasters, for use of space at 247 Cayuga Road as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute a Lease Agreement with Richard Reinhart d/b/a Mailmasters, with terms and conditions as set forth above and as negotiated; and

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

**PROPERTY:**

5. D. (3) **Authorization for Bait Shop Agreement Extension, James J. Ehrig, Jr. d/b/a Worms 'N Things, Boat Harbor**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a one-year extension of the agreement with James J. Ehrig, Jr., d/b/a Worms 'N Things to operate the bait shop at the NFTA Boat Harbor.

**INFORMATION:** Mr. Ehrig has been operating the bait shop at the Boat Harbor since 1982. His current agreement expired on December 31, 2011. Due to the possible transfer of ownership of the Boat Harbor after the 2012 season, staff is recommending extending Mr. Ehrig's current contract for one year ending December 31, 2012. The base rent will remain \$4,200 per year with additional rent due based on percentages of gross revenues.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes an Agreement Extension with James J. Ehrig, Jr. d/b/a Worms 'N Things, for the Bait Shop at the NFTA Boat Harbor as described hereinabove; and

**BE IT FURTHER RESOLVED,** that the Executive Director, her designee and/or the Chairman, be and hereby are authorized to execute the Agreement Extension with James J. Ehrig, Jr. d/b/a Worms 'N Things with terms and conditions as set forth above and as negotiated; and

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

**PROPERTY:**

5. D. (4) **Authorization for License Agreement, Luminina Corporation, d/b/a Hope Chest, Boat Harbor/Gallagher Beach Area**

**RECOMMENDATION:** The Property/Risk Management Committee has reviewed this item and recommends that the Board authorize a License Agreement with the Luminina Corporation, (Susan Mumma, President) for use of the Boat Harbor/Gallagher Beach area facilities for the 2012 Hope Chest Dragon Boat Festival.

**INFORMATION:** This festival has been held at Ellicott Creek Park and Lockport for the past 10 years and is the primary fundraiser for the Hope Chest free exercise and paddling programs open to all breast cancer survivors in western New York.

Luminina is retaining the services of Pan Am Dragon Boat Racing as the race organizer and provider of the boats and event crew. The event is scheduled for Saturday, June 16, 2012 and will be comprised of approximately 10 dragon boats and over 30 teams consisting of 20 paddlers from our community and neighboring cities.

The Luminina Corporation will be required to provide all appropriate insurance coverages. No additional operating costs will be incurred by the NFTA.

**FUNDING:** No funding is necessary.

**“RESOLVED,** that the Board hereby authorizes a License Agreement with the Luminina Corporation, for use of the Boat Harbor/Gallagher Beach area facilities for the 2012 Hope Chest Dragon Boat Festival, 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 the Luminina Corporation 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.”

6. General Counsel Report – Written

7. Executive Session

At approximately 1:13 p.m., it was moved by Commissioner Eagan, seconded by Commissioner Helfer, that the Commissioners convene in Executive Session to discuss matters related to a collective bargaining agreement.

Following discussion, at approximately 1:35 p.m., it was moved by Commissioner Eagan, seconded by Commissioner Croce, that the Executive Session be adjourned and that the Board resume the Regular Session.

**AYES: SLOMA, CROCE, EAGAN, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

8. Adjournment

At approximately 1:37 p.m., the Chairman indicated that there was no further business coming before the Board, whereupon it was moved by Commissioner Croce, seconded by Commissioner Eagan, and unanimously approved that the Regular Meeting of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc. be adjourned.

**AYES: SLOMA, CROCE, EAGAN, HUGHES, PERRY, ZEMSKY**

**NOES: NONE**

