NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Monthly Board Meeting

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\text { April 22, } 2021
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Transcript of Video Recording
of Proceedings held at NIAGARA FRONTIER TRANSPORTATION
AUTHORITY, 181 Ellicott Street, Buffalo, New York, stenographically transcribed by VALERIE A. ROSATI, Notary Public.

MEMBERS IN THE BOARDROOM:
Sister Denise Roche (Chair)
Commissioner Adam Perry
Commissioner Michael Hughes
Kimberley Minkel (Executive Director)
David State (General Counsel)
John Cox (Chief Financial Officer)
William Vanecek (Director, Aviation)
Tom George (Director, Public Transit)
Helen Tederous (Director, Public Affairs)
Lara Seniw (Assistant to Executive Director)
Karen Novo (Director, Human Resources)
Matthew Van Vessem (Manager, Labor Relations)

MEMBERS ON THE PHONE:
Commissioner LaVonne Ansari
Commissioner Joan Aul
Commissioner Rev. Mark Blue
Commissioner Margo Downey
Commissioner Wesley Hicks
Commissioner Jennifer Persico
Commissioner Stephen Tucker
Vicky-Marie Brunette (Deputy General Counsel)
Steven Duquette (Chief Information Officer)
John Schaefer (Director, Engineering)

CHAIR SISTER ROCHE: We'll start with a roll call so we know who is here. And I'm going to ask David State to take us through that.

MR. STATE: Thank you, Sister.
So a roll call just to make sure we have a
quorum and that we have a record of who is
present.
Commissioner Ansari?

COMMISSIONER ANSARI: Present.

MR. STATE: Commissioner Aul?

COMMISSIONER AUL: Present.
MR. STATE: Commissioner Baynes?
Commissioner Baynes, did $I$ hear you?
Commissioner Blue?

COMMISSIONER BLUE: Present.

MR. STATE: Commissioner Downey?
Commissioner Hicks?

COMMISSIONER HICKS: Here.

MR. STATE: Commissioner Hughes?
COMMISSIONER HUGHES: Here.
MR. STATE: Commissioner Perry?
COMMISSIONER PERRY: Here.

MR. STATE: Commissioner Persico?

COMMISSIONER PERSICO: Here.

MR. STATE: Commissioner Tucker?

COMMISSIONER TUCKER: Here.
MR. STATE: Sister Denise?

CHAIR SISTER ROCHE: Here.
MR. STATE: And Commissioner Wilcox?

We have a quorum.

CHAIR SISTER ROCHE: Thank you very much, David.
This is the annual board meeting of the Niagara Frontier Transit Authority, and it takes place April 22nd, 2021. It is also Earth Day today, and $I$ just want to say a word because we deal with transportation. And I commend our executive director, Kim Minkel, and all of the NFTA staff because when they bring us an issue, they always keep in mind the fact that we have an obligation to not only the citizens in Western New York, but to the citizens of the world, to use our resources capably and to work towards sustainability.

And you do a wonderful job bringing us ideas that we have never heard of before that help the environment, so thank you very, very much.

MS. MINKEL: Thank you, Sister.
CHAIR SISTER ROCHE: And now we will move forward with our meeting, and $I$ would like to ask for approval of the minutes.

COMMISSIONER PERRY: So moved.

COMMISSIONER HUGHES: Second.

CHAIR SISTER ROCHE: All in favor?
COMMISSIONER PERRY: Aye.
COMMISSIONER HUGHES: Aye.
CHAIR SISTER ROCHE: Any opposed? Any abstentions?
Thank you very much. And now we go to the executive director's report.

MS. MINKEL: Thank you, Sister.
A couple things for the board. Next week I'll be sending you an e-mail for your annual board self-evaluations. These are anonymous, so after you complete the evaluations, you can either e-mail or send it in the mail directly to Lara. She will compile the information, and then the board at the May meeting and executive session can review the results of your self-evaluations.

The second thing $I$ wanted to mention to the board is that the police exam that we've postponed for many, many months now, almost a year now, will be on three dates, June 17th, 18th and 19th. We're going to hold it at our properties at two sites, our 485 Cayuga Road site and our fire hall site on 120 Amherst Villa. We
will hold it on the three dates at the two locations so that we can do it in smaller settings so that we can get all the people who've signed up for the testing completed.

We are also planning -- yeah. I'm sorry.
COMMISSIONER PERRY: Can people still sign up to take the test?

MS. MINKEL: Yes. They can contact $H R$ if they would -- would that be fine?

MS. NOVO: Yes, they can call us directly.
COMMISSIONER PERRY: Have we engaged -- since we've got almost two months, and $I$ don't know when applications close, are we doing any kind of outreach or promotion, especially in areas where we might find candidates for underrepresented groups?

MS. MINKEL: So we did that earlier. We have thirteen hundred people signed up to take the exam.

COMMISSIONER PERRY: Great.
MS. MINKEL: And, certainly, anyone who wants to sign up and take the exam between now and a set date, they can reach out to Karen Novo to do so. Of
the thirteen hundred who signed up originally, very few have declined or asked for their money back --

COMMISSIONER PERRY: Good.
MS. MINKEL: -- so I think we will have a pretty diverse pool, because at that time, Commissioner, we did do tremendous outreach.

COMMISSIONER PERRY: And all commissioners can promote this to their own constituencies or groups at will?

MS. MINKEL: Absolutely.
COMMISSIONER PERRY: Okay.
MS. MINKEL: And $I$ would encourage that.
COMMISSIONER PERRY: Thanks.
COMMISSIONER HUGHES: Are you going to take the exam?
COMMISSIONER DOWNEY: Excuse me. Commissioner Downey
is on the line now.
MS. MINKEL: Okay. Thank you, Commissioner.
COMMISSIONER PERRY: I am not going to take this
exam, but $I$ have taken many such exams over the past --

COMMISSIONER HUGHES: (Inaudible.)
COMMISSIONER PERRY: Thank you, Commissioner, yes.

Over the past twenty-four years, I've been defending various municipalities and police officers and police departments, and $I$ have taken many such practice tests. I have also successfully passed the candidate physical agility test designed by the International Firefighters Association when $I$ was over the age of fifty, and also various police agility tests. MS. MINKEL: Well, wonderful.

COMMISSIONER PERRY: He asked.
MS. MINKEL: So anyone who wants to take the written test or the physical test can do so.

I also wanted to mention we're planning an event at the Buffalo airport. Earlier today Bill Vanecek talked about the update as to where we are with our terminal enhancement project. We have two important milestones that are coming up, both the west side expansion and the east side expansion. We are going to do one combined event based on the timing of when both of those will be complete. We're looking at doing actually a two-day event, one a peek behind the scenes before we do the formal event the very following
day. And it looks like it will be near the middle to end of June. I'll let the board know as we work with the contractor to get a firm date, so more information to follow.

I also wanted to mention to the board we're excited to announce our plans to improve the area around the Freedom Wall at our Cold Spring bus facility. A week from today at two p.m. we're going to hold a news conference with Senator Tim Kennedy who is helping to provide us with the funding for this project, where we're going to improve the streetscape around, improve the lighting and create a wonderful area for reflection and meditation. We're working with the Michigan Street African-American Heritage Corridor Commission and the Eastside Garden Walk to be sure that the community has input on the design and features. So that will be next week at two p.m. I'll be sending out an e-mail later today with more information on that, and that should be a wonderful event.

And then, finally, Tom didn't go through all his metrics, but $I$ review them every month.

There's one that $I$ wanted to call the board's attention to because $I$ just think it's outstanding. And $I$ wanted to recognize our Metro employees on their attendance. They had an attendance rate of ninety-two point five percent, which was the same attendance rate as the previous year. This is during the pandemic. I think that's phenomenal, that it really talks to our level of commitment from our employees, their level of engagement. They are absolutely dedicated. They were here day in and day out during the very early days of the pandemic interacting with the public when it was pretty scary, I think, for everyone. So I noticed that, I think it stands out, in spite of the fact that we had a pandemic, we had incredible attendance. So I just wanted to recognize all of our employees who did an outstanding job.

And that concludes my report.
CHAIR SISTER ROCHE: Thank you very much, Kim. Appreciate that.

We will move now to the audit, governance and finance committee report, and $I$ am going to
immediately turn it over to John Cox to tell us how we're doing.

MR. COX: Yes. Thank you, Sister.
Good afternoon, commissioners. If you can refer to page six in your packet. So here we are, we're at the end of our fiscal year. It just ended on March 31 st, so at this point we don't have final numbers, and we're just -- I'm just going to provide some financial highlights. And of course I'd like to point out at this point these numbers are unaudited.

Metro passenger fares for the month of March were approximately one point seven million or fifty-six percent below budget. On a year-to-date basis, we were approximately twenty-three point eight million or sixty-seven point one percent below budget.

BNIA concessions and commissions. We had an unfavorable variance of approximately one point eight million or sixty-six point three percent; and on a year-to-date basis, we were approximately nineteen point five million or sixty-five point nine percent negative variance
to budget.
Erie County sales tax. For the month of March, we were two -- approximately two hundred and seventy thousand dollars negative variance to budget; and on a year-to-date basis, we were approximately one point five million negative variance to budget or six point six percent. I think there you'll see during the year, luckily there was federal COVID relief which actually helped provide some additional federal unemployment assistance to individuals and I think that helped partially mitigate some of the loss that we initially anticipated that we would see on the sales tax. And as Chris mentioned earlier today, on mortgage tax we have seen a favorable variance of approximately seven hundred and twelve thousand dollars in the month of March; and on a year-to-date basis, approximately three point two million or twenty-seven point five percent positive variance to budget. So that was the one outlier out there during this very challenging fiscal year.

Now, on the expense side, we did see lower
expenses across the board. That was to due to of course cost reductions that we were able to obtain through delayed purchases and cost controls. Of course any exceptions being anything that was operationally critical or safety sensitive. Those expenditures still occurred. And we also did see, due to the slowdown in the economy, continued favorable pricing in the commodities we purchase such as fuels and electric.

Now, at this point we're going to be working with the auditors. We'll be producing our annual financial statements and we will be bringing those back for your consideration at the June meeting. And we're required to actually submit those to the ABO office and to the state, to the comptroller, due within ninety days of the end of our fiscal year which will be the end of June.

And that concludes the consolidated financial highlights, unless there are any questions.

CHAIR SISTER ROCHE: Thank you very much, John. Any questions of John?

Okay. Thank you. And the first two resolutions, as you see, are about the officers, and I'm going to take those separately. The first is the election of officers for the Niagara Frontier Transportation Authority. And I am going to recommend for approval vice chair, Commissioner Michael Hughes; secretary, Commissioner LaVonne Ansari; and treasurer, Commissioner Joan Aul.

Are there any other comments, suggestions?
Hearing none, may $I$ have a motion to accept this slate of officers?

COMMISSIONER PERRY: Oh, yeah. So moved. CHAIR SISTER ROCHE: Thank you. And is there a second?

COMMISSIONER TUCKER: Second. This is Commissioner Tucker.

CHAIR SISTER ROCHE: Thank you very much, Commissioner Tucker.

All in favor of accepting this slate of officers, say aye.

We'll do this by individual vote.
MR. STATE: Roll call vote, commissioners.

Commissioner Ansari?

COMMISSIONER ANSARI: Aye.

MR. STATE: Commissioner Aul?

COMMISSIONER AUL: Aye.

MR. STATE: Commissioner Blue?
COMMISSIONER BLUE: Yes.
MR. STATE: Commissioner Hicks?

COMMISSIONER HICKS: Approved. Yes.
MR. STATE: Commissioner Hughes?

COMMISSIONER HUGHES: Yes.

MR. STATE: Commissioner Perry? COMMISSIONER PERRY: Yes.

MR. STATE: Commissioner Persico?
COMMISSIONER PERSICO: Yes.
MR. STATE: Commissioner Tucker?

COMMISSIONER TUCKER: Yes.

MR. STATE: And Sister Denise?

CHAIR SISTER ROCHE: Yes.

Thank you. Now, the election of officers for Niagara Frontier Transit Metro System Inc. I'm going to recommend vice chair, Commissioner Michael Hughes; secretary, Commissioner LaVonne Ansari; and treasurer, Commissioner Joan Aul.

Are there any additions or comments?
Hearing none, $I$ ask for a motion.
COMMISSIONER PERRY: So moved.
CHAIR SISTER ROCHE: And a second?
COMMISSIONER BLUE: Reverend Blue, second.
CHAIR SISTER ROCHE: Thank you.
Any discussion?
I will ask for a roll call vote.
MR. STATE: A roll call vote on the item.
Commissioner Ansari?
COMMISSIONER ANSARI: Aye.
MR. STATE: Commissioner Aul?
COMMISSIONER AUL: Aye.
MR. STATE: Commissioner Blue?
COMMISSIONER BLUE: Yes.
MR. STATE: Commissioner Hicks?
COMMISSIONER HICKS: Aye.
MR. STATE: Commissioner Hughes. COMMISSIONER HUGHES: Yes.

MR. STATE: Commissioner Perry?
COMMISSIONER PERRY: Yes.
MR. STATE: Commissioner Persico?
COMMISSIONER PERSICO: Yes.

MR. STATE: Commissioner Tucker?
COMMISSIONER TUCKER: Yes.
MR. STATE: And Sister Denise?
CHAIR SISTER ROCHE: Yes.
Thank you all. Thank you, David.
We have a number of other resolutions, and I'm going to turn them over to Kim.

MS. MINKEL: Thank you, Sister.
So there's sixteen more resolutions. Many of these are policies and procedures that have not changed, so $I$ can go through them fairly quickly.

The first one on page ten, corporate resolution number three is the adoption of our mission statement which has not changed since 2010. As a best practice it's recommended that the board review this annually. In short, our mission statement is divided and supports four different areas, the first being aviation. That serves as a catalyst for economic growth by maintaining cost competitive -- cost effective, customer oriented, efficient airports to attract and retain comprehensive and competitive air
transportation services.
And earlier today we talked about independent measures that talk about the performance of our airports, recognizing that J.D. Power has awarded us number one in all of North America for customer service for midsize airports, and numerous awards from the Balchen/Post for snow removal.

On surface, our mission is to enhance the quality of life of residents and visitors by providing the highest level of safe, clean, affordable, responsive and reliable transportation.

There's been independent surveys of greater than ninety percent customer satisfaction of our surface transportation. Again, an independent metric, something that we're very proud of.

Property. The goal is to manage and develop NFTA-owned real property to optimize the generation of self-supporting discretionary revenue to support our transportation business while fostering economic growth.

And we're doing this through the development
of our properties, $D L$ and $W$ in particular, and other transit oriented development as an example of that.

And then, finally, our support services. Proactively provide high quality, coordinated, innovative, technological, cost-effective support service solutions for our internal and external stakeholders.

We talked earlier today about our fare collection project. That's an example of that. And Token Transit. We'll be talking down the road about smart parking at the airport going forward and a number of MIS initiatives.

So that's the mission of the Authority.
The corporate resolution on page eleven, corporate resolution number four. Authorization for approval of our whistleblower policy. It has not changed since the board approved it last year.

Corporate resolution number five on page fourteen is an approval of harassment in the workplace policy. This has not changed since the board last approved it in 2020. We are required
to do annual training. I sent an e-mail to the board letting them know that we are doing the annual training. I also sent a copy of that training material as a best practice. While the board does not require annual training, any board member who wanted to review that training could do so. And our harassment policy looks at both physical harassment, visual and verbal harassment as well as sexual harassment.

Corporate resolution number six, which is on page eighteen, is our investment guidelines. These have not changed. They have been attached for your review. The board had last approved these in April of 2020 .

Corporate resolution number seven, which is on page twenty-four, is our master liability management policy. Again, this remains unchanged from when the board last approved this in April of 2020 and is included for your review.

Corporate resolution number eight is on page thirty-eight. And this is the guidelines for disposition and transfer of capital and non-capital assets. Again, there's no
recommended changes at this time from when the board last approved it.

Corporate resolution number nine on page forty-three is the guidelines for the acquisition and disposition of real property. Again, these are attached and have not changed since the board last approved them last year.

On page forty-seven, corporate resolution number ten is the approval of our travel policy and guidelines for NFTA and Metro. These have not changed since the board last approved these in April of 2020 .

Corporate resolution number eleven, which is on page fifty-nine, this does have some changes. This was last revised in 2015. The changes are three minor changes as -- in compliance with the Federal Transit Administration and the Federal Aviation Administration. Specifically, those changes are we are increasing the minimum rate of random drug testing from twenty-five percent to fifty percent as required by FTA requirements. We are also updating the cutoff levels for the initial screening as required by the DOT
regulations. And then, finally, FAA is requiring that the employees notify us in writing. The word in writing was not in our policy before, so that's the only change. They had always been required to notify us, but FAA wanted it to specify in writing. So those are the changes in the policy which was attached for your review.

Corporate resolution number twelve. Now we're outside of the policies. And staff is recommending that the board approve our term consultant, AddOns, for updating our security within the Ellipse system at a cost of a hundred and twenty-five thousand dollars, plus travel expenses not to exceed fifteen thousand. So this is to upgrade the security within our Ellipse system going forward.

Corporate resolution number thirteen on page ninety-nine. Staff is recommending that the board authorize a one-year agreement for the support and maintenance of our Lawson system at a total amount of a hundred and three thousand three hundred and seventy-nine dollars and thirty-five cents. This is just the annual
maintenance agreement that we have for our Lawson system.

Corporate resolution number fourteen on page one hundred. Staff is recommending an authorization for agreement with Windstream Services. This is for our local and long-distance phone services. This is a three-year agreement. The cost over the three years is seventy-nine thousand two hundred dollars. We will be moving from a primary rate interface to using a session Internet protocol. So what that means is it's going to be a dynamic system. If there's a fail, it will automatically fail over so that we have redundancy and fail-safe in our phone system. It also means that we can update information directly with our Web -- using a Web browser so that we don't have to call and wait for additions or changes made that way going forward. The important thing to note as part of this agreement is we expect to save seventy-six thousand dollars over the three years by switching to this new dynamic system.

Corporate resolution number fifteen on page
one o one. Staff is recommending a collective bargaining agreement with our Teamsters 264 . This would be a three-year agreement. These are our Metrolink/ADA controllers. It's a small group, there's only seven of them, but they do tremendous work for us and we certainly appreciate everything that they do. As part of this agreement, their salary would increase two percent for year one, two percent for year two and two and a quarter percent for year three. In addition, their health care contribution, which is currently at ten percent, would remain at ten percent for year one, but would increase at eleven percent for year two and twelve percent in year three.

Corporate resolution number sixteen is for the purchase of road salt. Staff is asking that the board allow us to work with Erie County and New York State OGS Procurement Services ahead of next season. We need to get in by the end of April and May in order to be included. Since they do both purchases, we save money that way. Normally, $I$ wouldn't be talking about salt when
summer is about to hit, but since we have snow on the ground, it seems appropriate. The OGS procurement guidelines -- or, procurement goals are five percent for MBE; WBE, five percent; SDVOB at zero percent; and slightly higher for Erie County where they have goals of ten percent for MBE, two percent for $W B E$ and zero for SDVOB. Corporate resolution seventeen is a lease agreement with Kevin McMahon doing business as Fencing Center of Buffalo. This is at our 485 Cayuga Road facility. He is looking -- he's been a tenant of ours since 2018. He's looking for a new five-year lease using light industrial space of a little over forty-four hundred square feet. He's also going to be providing improvements at his own expense, installing a new vinyl composition flooring and a new wash sink. The five years would start August lst and end July 31 st of 2026 . The initial rent rate will be eight twenty-five per square foot or a little over thirty-six thousand six hundred for the first year, and it would have a three-percent annual escalator.

And the final corporate resolution is an authorization for a lease agreement with GEO DATA Intelligence Corp. They're a Start-Up NY participant. They're a software company that designs and develops software and mobile applications for $K$ through twelve education. They're looking to lease just under seven hundred and fifty square feet of $C$ plus office space at 247 Cayuga. The initial rent rate will be thirteen dollars and seventy-five cents a square foot, subject to a three-percent annual escalator. It's a one-year lease with the option of two additional one-year periods.

And those conclude the resolutions and my voice.

CHAIR SISTER ROCHE: Thank you very much.
I'm going to suggest we take these all as a group, unless one of the commissioners wants to take one separately.

COMMISSIONER HUGHES: I'll make a motion to approve them as a batch.

CHAIR SISTER ROCHE: Thank you very much.
Second?

COMMISSIONER BLUE: Second the motion, Reverend Blue. CHAIR SISTER ROCHE: Thank you. So I turn it over to you.

MR. STATE: Voting on corporate items three through eighteen.

Commissioner Ansari?
COMMISSIONER ANSARI: Yes.
MR. STATE: Commissioner Aul?
COMMISSIONER AUL: Yes.
MR. STATE: Commissioner Blue?
COMMISSIONER BLUE: Yes.
MR. STATE: Commissioner Hicks?
COMMISSIONER HICKS: Yes.
MR. STATE: Commissioner Hughes?
COMMISSIONER HUGHES: Yes.
MR. STATE: Commissioner Perry?
COMMISSIONER PERRY: Aye.
MR. STATE: Commissioner Persico? COMMISSIONER PERSICO: Yes.

MR. STATE: Commissioner Tucker?
COMMISSIONER TUCKER: Yes.
MR. STATE: And Sister Denise?
CHAIR SISTER ROCHE: Yes.

MR. STATE: Item passes.
CHAIR SISTER ROCHE: Thank you very much.
We're going to turn now to the aviation business group report, and I'll turn it over to Commissioner Perry.

COMMISSIONER PERRY: Thank you, Sister.
Continuing to follow our pandemic protocol for said meetings, $I$ 'm going to kick it right over to Mr. Vanecek for the AIP update.

MR. VANECEK: All right. Thank you, Commissioner.
So a quick update on the projects affecting the airports. The first one is the terminal enhancement project. We are currently -- we have completed baggage carousel number two which is in place and operating. We are rapidly approaching the completion of both the east exit concourse as well as the west exiting concourse which should be done by end of June. And all that will remain after that will be the completion of our new -two new carousels, three and four, which should be completed by the end of the year, give or take.

With respect to our subsurface wetlands,
they have -- our contractor has started doing the work there. They have been excavating soil and ground and pavement to start developing the underground storage facility for that project, and that is ongoing.

The Buell Avenue parking lot. We have not yet broken ground there, but we are rapidly approaching the starting point of the construction. We expect to have a notice to proceed for construction any day, as soon as we get the contractor onboard.

Runway 5-23 rehab. It's the pavement management study. We will be requiring a rehabilitation. That will -- the construction for -- the design should be -- well, it was delivered in January of 2021 . Notice to proceed for construction is anticipated for September, 2022 .

Niagara Falls taxiway rehabilitation. In January the board approved the construction contract, and we are expecting the notice to proceed for construction to be October of 2021 . And the west end security fence will be -- at

Niagara Falls will be approximately eight hundred, eight hundred and eighty -- eight thousand eight hundred linear feet. And the construction for that should be issued in June of this summer.

Any questions on the AIP?
If not, just -- maybe just a couple of quick highlights. I wanted to point out that our enplanement numbers for Buffalofor this -- for March came in at seventy-five thousand three twenty-nine. That was only twelve point -approximately about thirteen percent lower than the year before. The first two months of the year we were up in the seventies down from the year before, so we're starting to see some traction with respect to increased travel at the airport.

Relative to Niagara Falls, they are still struggling given the fact that Spirit Airlines is not operating at the airport, so they were -but, despite that, they were still only down fifty-seven percent compared to eighty-four and ninety-one percent in January and February.

And we did have a discussion on some of the adds, puts and gets for the airlines, mostly good news at Buffalo with some of our key business markets getting significant increases amongst those. I won't go into the details on that.

And then we did have a discussion item on -just showing the development of the terminal enhancement project at the airport.

And with that, I'll conclude the conversation.

CHAIR SISTER ROCHE: Thank you very much.
MR. VANECEK: Thank you.
CHAIR SISTER ROCHE: And we'll turn it over to Kim Minkel for the resolutions.

MS. MINKEL: Thank you, Sister.
There are two resolutions in aviation. The first starts on page one ten. Staff is recommending the board award a construction contract to Union Concrete for a total bid amount of four hundred and eighty-five thousand five hundred and seventy-five dollars. This is a two-year contract. This is to address foreign object debris in taxiway $C$ pavement deteriorations
at the Niagara Falls airport. This will be accomplished over two seasons. Each season there would be approximately ten thousand three hundred square feet of pavement work that would be done.

Union Concrete was the low bid. The MBE, WBE and SDVOB goals were two percent, four percent and three percent. Union Concrete comes up short. They did apply for a waiver to Empire State Development who is granting the waiver due to the fact that there is insufficient providers of these construction-type services. Similarly, NFTA has approved a waiver of the SDVOB requirements because there's limited certified providers of these services.

The second aviation resolution on page one twelve is staff is recommending an award to Bognar Construction also at Niagara Falls International Airport for a lump sum total bid amount of three hundred and thirty-three thousand five hundred and twenty dollars and thirty-five cents. This is to install perimeter fencing around the recently purchased Hutchinson property. This is property that we did a lot of
tree topping and tree removal in the area of our runway protection zone. So this is to install eighty-eight hundred linear feet to secure the airport.

Bognar was the lowest bid. The MBE, WBE and SDVOB goals were zero percent, five percent and zero percent, and they will be meeting those participation goals.

And those are the two resolutions.
CHAIR SISTER ROCHE: Thank you very much.
I suggest we take these two resolutions
together. May $I$ ask for a motion?

COMMISSIONER HICKS: So moved.
CHAIR SISTER ROCHE: Thank you. And a second?
COMMISSIONER AUL: Joan Aul, second.
COMMISSIONER TUCKER: Second, Commissioner Tucker.
CHAIR SISTER ROCHE: Thank you. Are there any
comments or conversation, questions about this?
Hearing none, we're going to turn it to the
vote. And, David State, I give it to you.
MR. STATE: Motion to approve on the two items.
Commissioner Ansari?

COMMISSIONER ANSARI: Yes.

MR. STATE: Commissioner Aul?

COMMISSIONER AUL: Yes.
MR. STATE: Commissioner Blue?
COMMISSIONER BLUE: Yes.
MR. STATE: Commissioner Hicks?
COMMISSIONER HICKS: Yes.
MR. STATE: Commissioner Hughes?
COMMISSIONER HUGHES: Yes.
MR. STATE: Commissioner Perry?
COMMISSIONER PERRY: Aye.
MR. STATE: Commissioner Persico?
COMMISSIONER PERSICO: Yes.
MR. STATE: Commissioner Tucker?
COMMISSIONER TUCKER: Yes.
MR. STATE: And Sister Denise?
CHAIR SISTER ROCHE: Yes.
Thank you all. And we turn now to surface transportation business group report and Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Sister. Similar to the aviation committee, we have an abbreviated report, and for that we'll turn it over to Tom George.

MR. GEORGE: Thank you, commissioners. At today's surface transportation committee meeting, we started with a discussion of our fare collection system, our initiatives report, indicating that we are installing fare boxes on the buses at this point in time and should have that completed in the next four to six weeks, which those will continue to operate as they currently do today, using today's media and today's fares and that's the first major step in our transition.

We also talked a little bit about ridership year to date, reflective of where we have been over the year of pandemic. So the fiscal year essentially from April 1st of 2020 through March 31 st of 2021 , we were down fifty percent on the bus side and sixty-four percent on the rail side ridership during those periods, one year compared to the other.

We also had a review of both the citizens advisory committee and the accessibility advisory committee notes and minutes. And then we followed that with two discussion items. One was an overview of the $D L$ and $W$ project construction
which included the construction that we have ongoing today including the rail yard and preparation for the new station. You know, we highlighted new pedestrian crossing that is up for your consideration as a board action for a change order to the existing contract. And then we talked as well about what's going to be featured in the design and the construction of the station itself which is anticipated to go to bid in July of this year with a completion at the end of 2023.

We then moved into a discussion on the service modifications that we're reviewing, broken into four different categories, those being Niagara Falls and Niagara County, Erie County, the Bailey Avenue limited express service as well as our express service itself. We talked at length about the process that we'll be using, the public outreach component, the timing and the board involvement in that moving forward.

And that's a summary of our meeting for today, if there's any questions.

CHAIR SISTER ROCHE: Thank you, Tom.

Any questions?
Thank you. I'm going to turn it over to Kim Minkel now for the resolutions, and there are six.

MS. MINKEL: Great. Thank you, Sister.
And the first one starts on page one
sixteen. Staff is recommending that the board approve an agreement with Penn Power. This is for up to seven hundred replacement bus batteries at a cost not to exceed a hundred and twenty-eight thousand nine hundred and thirty dollars. This will take us through the end of next year.

We did go out with a bid. We received six responsive proposals. Penn Power was the lowest cost. The MBE, WBE, SDVOB goals were zero point nine percent MBE, and zero and zero for WBE and SDVOB, respectively. Penn Power has requested a waiver from Empire State Development which was granted because there are no New York State certified providers of these batteries. The second surface resolution is an authorization for agreement with Prevost for our

Nova Bus K program kits within Metro. The total cost of this procurement is approximately four hundred and eighty thousand dollars. This is an initiative that goes back with our bus maintenance group back in 2018, where this $K$ program, it's a preventative maintenance plan that has scheduled replacement for bus parts based on mileage and hours in service with the idea that we would increase service miles without interruption, which has been successful.

Additionally, procurements of this type we do see procurement savings. So, for example, this procurement will result in material cost savings of over nine percent. Nine percent is eighty thousand dollars over the cost of the year. To date, in addition to this, we've seen procurement savings anywhere between eighty to a hundred and twenty thousand because of this type of procurement with using preventative maintenance and buying things as a kit.

Prevost is a sole source based on the fact these are Nova buses, so Empire State Development has excluded the procurement from MWBE
requirements because there are no New York State certified providers of this product.

Surface resolution number three on page one nineteen is a change order with Mark Cerrone for our DL and W station. The change order is an increase of one million seven hundred and forty-seven thousand four hundred and sixty-three dollars and eighty-seven cents. Tom had presented this earlier today. This is to include the ADA accessibility pathway crossing across South Park and to fill in over thirty-six hundred square feet of the rail ties and stone ballast to create a much improved area down in front of the DL and W station.

Surface resolution number four, which is on page one twenty-four. Staff is recommending a college/university pass agreement with the University at Buffalo Medical School that will take us through the school year ending in 2023 . The year-one cost will be sixty-four dollars for -- per pass. Year two, sixty-six dollars for a student pass. To give you an idea, this year the average fee was sixty-one dollars. So this
is an increase to that agreement, and the revenue generated by this agreement is estimated to be about two hundred and sixty thousand for the contract term.

The fifth surface resolution on page one twenty-five is an agreement with the city of Niagara Falls. This is for seasonal trolley service. We've been providing this service since 2005. It's paid for through receipts from the bed tax in Niagara Falls area hotels. The service this year would be slightly reduced from what was approved last year, based on the pandemic, it would start a little bit later. The City of Niagara Falls has agreed to pay us five hundred and fifty-two thousand nine hundred and eighty-five dollars for this service. To give you an idea, last year it was to be six hundred and thirteen thousand, but what we realized because of the pandemic was four hundred and eighty-one thousand. So it's slightly less than what was approved last year, but it is more than what we actually realized last year because of the pandemic.

And the final surface resolution on page one twenty-seven is an authorization for agreement with IBI Group. This is for NITTEC. As the administrative host agency for NITTEC, their procurements go through our procurement and brought to our board for approval. The agreement with $I B I$ would be a lump sum amount of a hundred and seventy-five thousand dollars to maintain and support their advanced traffic management system. Since this is proprietary software, it is considered a single-source condition as part of this procurement. And NITTEC provides the funding for this procurement.

And those are the resolutions.
CHAIR SISTER ROCHE: Thank you very much, Kim.
And we will take these as a group unless someone would choose to have one separately.

If not, may I have a motion, please, to take these resolutions as a group?

COMMISSIONER PERRY: So moved.
COMMISSIONER HUGHES: Second.
CHAIR SISTER ROCHE: Thank you. And $I$ turn it over to you, David.

MR. STATE: Motion to approve items one through six for the surface group.

Commissioner Ansari?
COMMISSIONER ANSARI: Yes.

MR. STATE: Commissioner Aul?
COMMISSIONER AUL: Yes.
MR. STATE: Commissioner Blue?
COMMISSIONER BLUE: Yes.
MR. STATE: Commissioner Hicks?
COMMISSIONER HICKS: Yes.
MR. STATE: Commissioner Hughes?
COMMISSIONER HUGHES: Yes.
MR. STATE: Commissioner Perry?
COMMISSIONER PERRY: Aye.
MR. STATE: Commissioner Persico?
COMMISSIONER PERSICO: Yes.
MR. STATE: Commissioner Tucker?
COMMISSIONER TUCKER: Yes.
MR. STATE: And Sister Denise?
CHAIR SISTER ROCHE: Yes.
And thank you, David.
Our next item is the general counsel's
report. And there is one?

MR. STATE: Yes. Thank you, Sister.
Just two quick items to report on. Your ethics financial disclosure statement is due. So you should have received an e-mail about around April $15 t h$ from Ethel, E-T-H-E-L. If you did not receive that e-mail, let us know. Karen and I will wring some heads in Albany. Sometimes they've had trouble with their e-mail systems. But, look for that e-mail from Ethel. Your financial disclosure statement this year is due May 17 th, so you have plenty of time to do this. If you have any questions about filling it out, the format, substantive questions, please let me know. We can take you through the guide and figure it out. So first and foremost, that's on the financial disclose statement.

Commissioner Perry?
COMMISSIONER PERRY: So if I feel I need an extension, can $I$ call Ethel? Is she in Albany? Does she work in the Albany office? Can $\quad$ call her or do $I$ have to e-mail her?

MR. STATE: There is an extension process -COMMISSIONER PERRY: Okay.

MR. STATE: - which is on their website. It's easy. We've done it before. I've done it myself. I don't think it's through Ethel, but it's the same --

COMMISSIONER PERRY: She will not grant me an extension?

MR. STATE: Correct.

COMMISSIONER PERRY: Even if I e-mail her or go to see her in Albany?

MR. STATE: Correct.
CHAIR SISTER ROCHE: Good luck. COMMISSIONER PERRY: Just checking.

MR. STATE: And then, secondly, we did put into suit -- as commissioners may recall, we had a large water main break near Delavan station back in January, sort of the start of the pandemic. January 22 nd of 2020 . We submitted a claim, the claim was not responded to, so when that happens, you file a lawsuit. So we've done that. So this will now be in the litigation track and hopefully we'll get a resolution.

I should tell you, Vicky commented to us that she -- you know, she's used to defending
cases. Right? Now she jumps to the other side of the table and has put together this lawsuit as a plaintiff, which was a stretch for her. But, as always, she's come through. She jokes and now has a saying, hurt in a flood, Vicky is out for blood. I'm joking for those who can't see me. But, I'm not about her preparing the case and doing her always admirable and diligent job. So we will see how this plays out. It's in the process of being served. It's been filed and we'll take it from there.
Yes, sir?

COMMISSIONER PERRY: Just as a matter of legal ethics. So commissioners were not consulted on whether to bring this suit in advance; is that correct?

MR. STATE: That's correct.

COMMISSIONER PERRY: Nor were commissioners asked to give their individual permission or to vote on permission as to whether to commence this litigation; is that right?

MR. STATE: Correct.

COMMISSIONER PERRY: And this is purely an executive
decision by the senior executive staff, the executive director, in consultation with their lawyers. And so when we read these things in the paper and people say, why are you suing the city, and, we're taxpayers, and all that kind of stuff, the answer is these are not decisions that commissioners make; is that right?

MR. STATE: Absolutely correct.
COMMISSIONER PERRY: Okay.
MR. STATE: And we will provide status updates as that plays out.

And if there's any questions, that's the conclusion of the report.

CHAIR SISTER ROCHE: Thank you very much.
There is no need today for an executive session, and so unless there is another issue to bring before the board of commissioners, we will adjourn for today. Thank you very much for being with us and for coming back for all of the committee meetings.

STATE OF NEW YORK)
SS:
COUNTY OF NIAGARA)

I, Valerie A. Rosati, a Notary Public in and for the State of New York, County of Niagara, DO HEREBY CERTIFY that the above transcript of a video recording was taken down by me in a verbatim manner by means of Machine Shorthand, and that the transcript was then reduced into writing under my direction.

I further CERTIFY that the above-described transcript constitutes a true and accurate and complete transcript of the video recording.

VALERIE A. $\overline{R O S A T I,}$
Notary Public.


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