

NIAGARA FRONTIER TRANSPORTATION AUTHORITY

BOARD MEETING

JANUARY 27, 2022

Transcript of Video Recording
of Proceedings held at NIAGARA FRONTIER TRANSPORTATION
AUTHORITY, 181 Ellicott Street, Buffalo New York,
STENOGRAPHICALLY TRANSCRIBED BY LARA K. SENIW, NOTARY PUBLIC.

1 MEMBERS IN THE BOARDROOM:

2 Sister Denise Roche, Chair
3 Reverend Mark Blue
4 Commissioner Adam Perry

4 OFFICERS IN THE BOARDROOM:

5 Kimberley Minkel, Executive Director
6 John Cox, Chief Financial Officer

6 STAFF IN THE BOARDROOM:

7 Vicky-Marie Brunette, Deputy General Counsel
8 Pascal Cohen, Sr. Manager Aviation Marketing/NFIA Operations
9 Steve Duquette, Chief Information Officer
10 Tom George, Director, Public Transit
11 Darren Kempner, Manager of Government Affairs
12 Karen Novo, Director, Human Resources
13 Mary Perla, Senior Counsel
14 John Schaefer, Director, Engineering
15 Helen Tederous, Director, Public Affairs
16 Bill Vanecek, Director, Aviation
17 Lee Weitz, Deputy Director, Aviation

13 MEMBERS ON THE PHONE:

14 Commissioner Michael Hughes, Vice-Chair (joined at 12:40PM)
15 Commissioner LaVonne Ansari, Secretary
16 Commissioner Joan Aul, Treasurer
17 Commissioner Anthony Baynes
18 Commissioner Margo Dawn Downey
19 Commissioner Wesley Hicks
20 Commissioner Phillip G. Wilcox

18 OFFICERS ABSENT:

19 David State, General Counsel

20 CHAIR ROCHE:

I'd like to welcome you all to the January 27th,
21 2022, Meeting of the Board of Commissioners of the Niagara Frontier
22 Transportation Authority and the Niagara Frontier Transit Metro System.
23 And I would ask Vicky to please take attendance.

24 MS. BRUNETTE:

Thanks, Sister. This is the attendance roll
25 call. Commissioner Ansari?

26 COMMISSIONER ANSARI:

Here.

27 MS. BRUNETTE:

Commissioner Aul?

28 COMMISSIONER AUL:

Here.

1 MS. BRUNETTE: Commissioner Baynes?
2 COMMISSIONER BAYNES: Here.
3 MS. BRUNETTE: Commissioner Blue?
4 COMMISSIONER BLUE: Here.
5 MS. BRUNETTE: Commissioner Downey?
6 COMMISSIONER DOWNEY: Here.
7 MS. BRUNETTE: Commissioner Hicks?
8 COMMISSIONER HICKS: Here.
9 MS. BRUNETTE: Commissioner Hughes? Commissioner Hughes?
10 Commissioner Perry?
11 COMMISSIONER PERRY: Present.
12 MS. BRUNETTE: Commissioner Persico? Once again, Commissioner
13 Persico?
14 MS. BRUNETTE: Commissioner Tucker? Commissioner Tucker?
15 Sister Denise?
16 CHAIR ROCHE: I think his initials are up there.
17 MS. MINKEL: Stephen, are you, are you here? I think you're
18 on mute. OK, maybe he's having connection issues.
19 MS. BRUNETTE: We'll come back to him. Sister Denise?
20 CHAIR ROCHE: Here.
21 MS. BRUNETTE: Commissioner Wilcox?
22 COMMISSIONER WILCOX: Here.
23 MS. BRUNETTE: We have a quorum.
24 CHAIR ROCHE: Thank you very much, Vicky.
25 MS. BRUNETTE: You're welcome.
26 CHAIR ROCHE: And now I'm going to ask for a motion to
27 approve the Minutes from our last meeting. May I have such a motion?
28 COMMISSIONER WILCOX: So moved. Phil Wilcox.

1 COMMISSIONER ANSARI: So moved. It's LaVonne.

2 CHAIR ROCHE: And who was that?

3 MS. MINKEL: I think Wilcox.

4 MS. SENIW: I heard Wilcox, then LaVonne.

5 CHAIR ROCHE: Wilcox. Thank you. Is there a second?

6 COMMISSIONER ANSARI: I'll second it if Wilcox, um, moved it.

7 MS. SENIW: [Laughter] Deal.

8 COMMISSIONER WILCOX: Fair enough.

9 MS. SENIW: Thank you.

10 CHAIR ROCHE: Thank you. Are there any questions or changes
11 to the Minutes? If not, I will ask for a roll call vote please.

12 MS. BRUNETTE: Roll call vote. Commissioner Ansari?
13 Commissioner Ansari?

14 COMMISSIONER ANSARI: Yes. I'm here.

15 MS. BRUNETTE: We've got a roll call vote. Is that a yes?

16 COMMISSIONER ANSARI: Yes.

17 MS. BRUNETTE: Commissioner Aul?

18 COMMISSIONER AUL: I'm sorry. Are we doing a roll call vote on the
19 Minutes?

20 CHAIR ROCHE: Yes.

21 COMMISSIONER AUL: OK. Yes.

22 MS. BRUNETTE: Commissioner Baynes?

23 COMMISSIONER BAYNES: Yes.

24 MS. BRUNETTE: Commissioner Blue?

25 COMMISSIONER BLUE: Yes.

26 MS. BRUNETTE: Commissioner Hicks?

27 COMMISSIONER HICKS: Yes.

28 MS. BRUNETTE: Commissioner Perry?

1 COMMISSIONER PERRY: Aye.

2 MS. BRUNETTE: Commissioner Tucker? Sister Denise?

3 CHAIR ROCHE: Yes.

4 MS. BRUNETTE: And Commissioner Wilcox?

5 COMMISSIONER WILCOX: Yes.

6 CHAIR ROCHE: Thank you, All.

7 MS. BRUNETTE: The item passes.

8 CHAIR ROCHE: And now we're going to turn to Kim for the
9 Executive Director's Report.

10 MS. MINKEL: Great. Thank you, Sister. And a couple of
11 things for the Board. The first, I wanted to mention on the budget. We
12 want to thank Governor Hochul for her support and investment in public
13 transit and airports throughout Western New York. Last week, the
14 Governor released her Executive Budget, and it has \$66.8 million in
15 State Transit Operating Assistance for the NFTA. This is three percent
16 (3%) higher than our budgeted STOA for fiscal year ending 2023. As is
17 the case each year, the Governor's Budget is simply the starting point
18 of the budget process. We look forward to working with the Governor and
19 members of the Senate and Assembly in finalizing a budget that will
20 address all the needs here in Western New York. We will be bringing a
21 revised budget based on what was in the Executive Budget back to the
22 Board for approval at the March Meeting, but this is a great starting
23 point. We're certainly very appreciative.

24 I also wanted to mention to the Board that we have
25 received notice from the Federal Transit Administration that they are
26 conducting a triennial review of our agency. They, as part of a grant
27 recipient, on a rotating basis, they do these triennial reviews of all
28 agencies. So it's our time. The review is fairly extensive. It will

1 start, it started already in January, and really will go throughout the
2 year. They look at twenty-three (23) different program areas. Some of
3 them include procurement, our financial management, safety, security,
4 real estate, they look at the Americans with Disability Act, EEO, DBE
5 and our Title VI Requirements. In addition, this time, their review has
6 been expanded to include the COVID-19 Relief Funds that we received. So
7 this will include the CARES Act Funding, the Supplemental CRRSA
8 Funding, and the American Rescue Plan funding of 2021. The review will
9 also look at how COVID altered our transit program due to the public
10 health emergency. So, some of the service changes that Tom talked about
11 earlier would be reviewed as part of this triennial review. So, that's
12 underway. I'll keep the Board posted and certainly share with the Board
13 the results of that review.

14 I also wanted to mention to the Board that the
15 Binding Interest Arbitration Bill was signed by the Governor on
16 December 30th. We're currently reviewing this new law and its impact on
17 labor, and we'll report back to the Board at a later time.

18 I also wanted to mention some upcoming staff changes
19 on my Management Team. Both Chief George Gast and Bill Vanecek will be
20 retiring in the spring. George will be leaving in March and Bill in
21 April. We're going to miss them both very much. I'll be bringing them
22 back separately to recognize them at future Board Meetings because
23 they're not leaving just yet.

24 MULTIPLE COMMISSIONERS: Laughter.

25 MS. MINKEL: But I wanted to let the Board know that we will
26 be going out for a search for both of these positions. And certainly we
27 wish them well. We'd like to keep them as long as possible, but we also
28 want them to have a very long, healthy and safe retirement.

1 CHAIR ROCHE: Laughter.

2 MS. MINKEL: Finally, I wanted to share with you an example
3 of our social media videos that Helen and her Team, and Karen Novo, and
4 Tom and his Team, have been working putting together to help with
5 recruitment. Now these videos feature our employees. We interviewed the
6 employees. These are their words as to why they like working here at
7 Metro. And one (1) I am going to show you features an operator who's
8 been with us since 2004, Operator Alice McDonald. She works out of our
9 Cold Spring facility, so she's been with us for eighteen (18) years,
10 does a fabulous job and I think she does a great job of selling Metro.

11 VIDEO [OPERTOR ALICE MCDONALD]: Oh, I love driving. I love meeting new
12 people. It's a great adventure, and it's new experiences, every day you
13 learn something new. Men do driving like this but females, we got this.
14 It's so easy, like the passengers, always, if there's like an incident,
15 the passengers always have your back. They take up for you. They, you
16 know, they love a female face, so it's refreshing for them. Oh, come on
17 board. It's easy. If you love driving, Metro's the place for you to be.
18 Great boss, great opportunities, great employees, and it's fun.

19 VIDEO [VOICE]: Take a look at job options at NFTA.com. We
20 always got you, at Metro Bus and Rail.

21 MS. MINKEL: So, I think Tom paid her to say "great Boss".

22 MULTIPLE COMMISSIONERS: Laughter.

23 MR. GEORGE: Well, we know she wasn't talking about me.

24 MULTIPLE COMMISSIONERS: Laughter.

25 MS. MINKEL: But those are some of the things we're doing. I
26 particularly like that one (1) because you know, she's talking about
27 "girl power" and trying to attract women into the career field and I
28 think she does a great job. And that concludes my report, Sister.

1 CHAIR ROCHE: It's a nice way to start out. Thank you very
2 much. And now we will move into the meeting of the Governance, Audit
3 [clears throat] excuse me, and Finance Committee and we met this
4 morning as a part of our Combined Committee Meeting. And I am going to
5 turn it over now to John Cox.

6 MR. COX: Yes. Thank you, Sister. [clears throat] Good
7 afternoon, Commissioners. If you refer to page seven (7) you have the
8 month of December numbers and also on page nine (9) are the December
9 year-to-date numbers. Now for the month of December 2021, which is the
10 end of the third quarter of our fiscal year so all that remains is the
11 fourth quarter which is January, February and March, we had a positive
12 variance to budget of \$783,000.00 dollars and on a year-to-date basis,
13 \$17 million, \$17.8 million dollars. Total operating revenues and
14 assistance were above budget by \$1,700,000.00 dollars or approximately
15 eight-point-eight percent (8.8%) for December and on a year-to-date
16 basis, \$16.4 million or nine-point-seven percent (9.7%). And this is
17 primarily due to higher than budgeted BNIA concessions and commissions,
18 that is your parking, your ridesharing, your taxis and your food and
19 retail revenues and that's due to higher than anticipated enplanements.
20 Metro has experienced higher than budgeted passenger fares. We also are
21 having higher State Transit Operating Assistance or STOA, Erie County
22 sales tax has held up and actually outperformed what we originally
23 budgeted, and the same thing is happening with the mortgage tax. And
24 this is both for December and on a fiscal year-to-date. Total operating
25 expenses were below budget by approximately \$1 million dollars or five-
26 point-three percent (5.3%) in December and on a year-to-date basis, \$11
27 million dollars or six-point-eight percent (6.8%). And this is
28 primarily due to lower personnel services, maintenance and repairs,

1 safety and security and general business expenses which were, excuse
2 me, partially offset by higher utilities, insurance and injuries and
3 various other puts and gets. Now I just wanted to emphasize something,
4 if we could look at the bottom of page nine (9), you'll see each of the
5 business centers there. So (clears throat) you'll see how, you can see
6 December, which was December year-to-date, from where we were with
7 budgeting and what we were thinking was going to happen. Of course we
8 weren't sure when we were going to see a recovery. Now if you look at
9 actuals, we haven't recovered significantly but it's really when you
10 think about it and you look at the numbers as far as enplanements, and
11 also as far as actual ridership on a, in Surface Transportation, we're
12 really, it was late spring to early summer that we really did see the
13 first significant increase and move towards recovery. So, we're still,
14 you know, partway through the first year of this recovery process, and
15 this is part of a multi-year recovery process. I think we have a few
16 years ahead of us before we're fully recovered and then really the
17 question about that is, is "what is fully recovered?", because, you
18 know, during this pandemic, you know, we did see things like people
19 working from home which was on a much higher scale than we had ever
20 seen before. You know you went from business travel to Zoom meetings
21 and Team meetings and there are a multitude of other factors involved
22 too so how much those things stick or how much we go back to the way
23 things were is yet to be determined. And that may, you know, so that
24 will be determining whatever full recovery is which certainly we expect
25 to be up from here, but it may never, or it may take longer to return
26 to the point it was prior to this, the beginning of the pandemic. So,
27 unless there are any questions, that concludes the consolidated
28 financials.

1 CHAIR ROCHE: Thank you. Are there any questions? OK. We have
2 some corporate resolutions, and I am going to ask Kim if you would like
3 to do them?

4 MS. MINKEL: Yup. Thank you, Sister. There are seven (7)
5 Corporate Resolutions. The first one is on page fifteen (15). Staff is
6 asking that the Board authorize an agreement with New York State. This
7 is part of our Master Grant Agreement in the amount of \$2,915,403.00
8 dollars. This is the ten percent (10%) match of the Federal Funds that
9 we receive from the Federal Government that the State provides and then
10 as an agency, we provide an additional ten percent (10%) match.

11 The next item, on page sixteen (16), Staff is
12 recommending that the Board authorize a five-year agreement with Crown
13 Castle Fiber. This is for dark fiber connection between our 485 Cayuga
14 Road facility and our Operation Control Center, here on Oak Street. The
15 cost of the connection would be provided at a rate of \$2,505.00 dollars
16 per month over the term of the five-year agreement, just over
17 \$150,000.00 dollars. This is being procured using OGS and this will
18 provide diversification to our system so that we have two (2) redundant
19 lines so that if it goes down on one (1) end, we can continue to
20 operate our control centers.

21 The next Corporate Resolution on page seventeen (17)
22 is an authorization for procurement with FirstLight Cisco Phone System.
23 This is in the amount of \$850,000.00 dollars. This procurement is also
24 through OGS. This is a project that will take about two (2) years to
25 complete. This is replacing a system that we have that is life expired.
26 It was originally installed back in 2009. This will improve our
27 capacity, our resiliency, and provide redundancy. We've heard from our
28 Accessibility Advisory Committee some of the frustration that the

1 paratransit community has had when our phone system has gone down.
2 Really our phone system is a lifeline for them. So I personally made
3 the commitment to them last fall that we would address this and fix
4 this problem. So this is one of the steps to do just that. Improve our
5 phone system and ultimately, we'll cut back on the IDR component but
6 improve that for that community and for our operations here overall.

7 The next Corporate Resolution on page nineteen (19)
8 is a procurement with Insight. This is for Desktop Central software.
9 It's at a cost of \$75,885.54. We use Desktop Central to track and patch
10 all of our desktop computers with software updates. This procurement is
11 also being done through OGS.

12 Our next Resolution is on page twenty (20). Staff is
13 recommending the Board authorize a settlement agreement in the amount
14 of \$335,000.00 dollars to settle the matter of Latiesha Vass vs. NFTA
15 Metro. Since I have Vicky here at the table and Vicky does an
16 incredible job with each and every one of these, Vicky, maybe, if you
17 could take us through this particular Resolution?

18 MS. BRUNETTE: Certainly. This matter involves a fairly minor
19 motor vehicle accident that occurred on Michigan Avenue near the Cold
20 Spring Bus Garage. One of our Operators was making a left turn into the
21 garage and struck a vehicle that was stopped on Michigan Avenue at a
22 light. There was minor damage to the right rear bumper of the vehicle
23 that the bus hit. As a result of that, the Plaintiff indicates she
24 sustained cervical injuries and required a cervical fusion, and
25 bilateral carpal tunnel injuries that required surgical release. And
26 you know I underscore the minor nature of the damage because we did
27 retain a biomechanical expert to opine on whether or not this minor
28 impact would have resulted in this kind of injury. The biomechanical

1 expert felt that the force was not enough to create these injuries but
2 the neurosurgeon that we retained opined that they were sufficient to
3 produce the cervical fusion injuries. He said it's possible and that
4 was really a tough one for us to get past as far as causal
5 relationship. He did not feel the carpal tunnel injuries were related
6 so we were able to negotiate out of the carpal tunnel injuries and
7 future lost wages and focus on the cervical injury. And we went to a
8 mediator, a private mediator, the initial demand was \$1.7 million
9 dollars. We were able to negotiate that down to \$335,000.00 dollars
10 which included \$10,000.00 dollars in outstanding chiropractic bills. I
11 will say this much, the Lower Court did grant summary judgement on the
12 issue of negligence, serious injury and causation and that is up, that
13 was up on appeal. It's actually still on appeal pending a decision from
14 this Board, at which time it would be withdrawn, because we did
15 challenge the Lower Court's early decisions in that regard. But as from
16 the negligence standpoint, we did hit a standing vehicle and we did
17 have some obvious problems with our own neurosurgeon who opined that
18 the cervical injury was related. So we're requesting approval for
19 \$335,000.00 dollars. We were able to get to that number with the help
20 of the mediator. And this case was scheduled for jury selection in
21 February, late February.

22 MS. MINKEL: Great. Thank you, Vicky. The next Corporate
23 Resolution, Corporate Resolution Number Six (6) on page twenty-two (22)
24 is for a lease amendment with Reef Creation at our 485 Cayuga Road
25 facility. This is for additional space at the facility. They started a
26 new three-year lease on October 1st of 2020, and they're requesting to
27 amend their existing space by adding just under 1,600 square feet of
28 light industrial space. This will increase the current space to just

1 under 7,000 square feet. The additional space rental rate will align
2 with their current lease rate of \$8.22 per square feet [foot]. The
3 Amendment will start February 1st, and will end September 30, 2022, with
4 the option to renew for one (1) year so that it would co-terminate with
5 the existing lease in September 2023. The total amount that this 8-
6 month lease equals is just over \$8,600.00 dollars. And the renewal
7 option year rental rate will increase with a three percent (3%)
8 escalator, similar to their existing lease.

9 The final Corporate Resolution on page twenty-three
10 (23) is a lease agreement with Glenn Kumm who is doing business as
11 Scratchbusters at our 247 Cayuga Road facility. This is a new lease
12 agreement with them. They have been operating an automobile repair shop
13 since 2012. The new lease would continue their occupancy of over 1,800
14 square feet of light industrial space for three (3) years. The new
15 lease would start on March 1st and expire on [in] April of 2025, and
16 they would have two (2) additional one (1) year options. The rental
17 rate for the first year will be \$9.14 per square foot, that's fully
18 gross or just over \$16,500.00 for a year. The total amount of the three
19 (3) year lease exceeds \$51,000.00 and there would be a three percent
20 (3%) annual escalator as part of the lease. And those are the Corporate
21 Resolutions, Sister.

22 CHAIR ROCHE: I suggest we take all seven (7) together. Is
23 there any Commissioner who would like to have one (1) of them taken
24 separately? Alright. May I have a motion please to accept all seven (7)
25 of these Resolutions?

26 COMMISSIONER PERRY: So moved.

27 COMMISSIONER BLUE: Second.

28 CHAIR ROCHE: Is there any question, conversation regarding

1 any one of these seven (7) Resolutions? Alright, I'd ask for a roll
2 call vote please.

3 MS. BRUNETTE: This is a roll call vote for Corporate
4 Resolutions One through Seven (1-7). Commissioner Ansari?

5 COMMISSIONER ANSARI: Yes.

6 MS. BRUNETTE: Commissioner Aul?

7 COMMISSIONER AUL: Yes.

8 MS. BRUNETTE: Commissioner Baynes?

9 COMMISSIONER BAYNES: Yes.

10 MS. BRUNETTE: Commissioner Blue?

11 COMMISSIONER BLUE: Yes.

12 MS. BRUNETTE: Commissioner Hicks?

13 COMMISSIONER HICKS: Yes.

14 MS. BRUNETTE: Think I saw Commissioner Hughes jump on?
15 Commissioner Hughes?

16 COMMISSIONER HUGHES: Yes.

17 MS. BRUNETTE: Commissioner Perry?

18 COMMISSIONER PERRY: Aye.

19 MS. BRUNETTE: Commissioner Tucker? Sister Denise?

20 CHAIR ROCHE: Yes.

21 MS. BRUNETTE: Commissioner Wilcox?

22 COMMISSIONER WILCOX: Yes.

23 MS. BRUNETTE: All seven (7) Resolutions passed.

24 CHAIR ROCHE: Thank you very much, Vicky. And now we'll move
25 on to Aviation Business Group Report. And Commissioner Perry, would you
26 introduce us to the Aviation?

27 COMMISSIONER PERRY: Aviation, this is the NFTA.

28 [Laughter]

1 CHAIR ROCHE: Thank you.

2 COMMISSIONER PERRY: NFTA, this is Aviation.

3 CHAIR ROCHE: We've met.

4 [Laughter]

5 COMMISSIONER PERRY: So there was a presentation by Mr. Vanecek and
6 by Mr. Schaefer earlier today regarding the AIP status report and other
7 matters. Is there anything that we want to go over from those? Or do we
8 want to move right to the Resolutions?

9 MS. MINKEL: Yeah. I think so.

10 COMMISSIONER PERRY: Resolutions? Let's do that. It looks like we've
11 got seven. Seven is our lucky number today.

12 CHAIR ROCHE: Laughter.

13 MS. MINKEL: Seven is our lucky number. So starting on page
14 twenty-six (26), Staff is recommending the Board authorize a lease
15 agreement with the United States Government to lease approximately
16 12,046 square feet of space at the Buffalo Airport. The term of the
17 lease agreement is ten (10) years and the rate would be \$44.57 for the
18 first five (5) years for per square foot and \$54.23 for the second five
19 (5) years of the term. So this lease agreement is done through GSA.
20 This is for space the TSA uses at the airport. Under the new lease,
21 they will add approximately 563 square feet of additional space. So
22 over the term for years one through five (1-5) it's approximately
23 \$536,890.00 dollars. Currently they pay \$391,275.00 dollars so if you
24 back out the additional square footage it's almost a thirty-one percent
25 (31%) increase over what they're currently paying. And thank you to
26 Mary Perla for helping to negotiate that lease agreement.

27 The second Resolution in Aviation on page twenty-
28 seven (27) is an authorization for amendment with Ready Credit

1 Corporation for the Buffalo Airport. Staff is recommending the Board
2 authorize an extension of a two-year period with Ready Credit
3 Corporation. They operate a self-service kiosk that dispenses debit
4 cards based on the value that's desired by the customer at the Buffalo
5 Airport. Back in January of 2017, the Board had authorized a license
6 agreement with Ready Credit Corporation. This request really came in
7 from the airlines who really wanted to move to a non-cash basis at the
8 gates so having a kiosk that dispenses debit cards allows those
9 travelers to put in their cash and have a debit or credit card
10 available to make payments at the airline ticket counter or on the
11 aircraft with a card. Ready Credit did invest a fair amount of capital
12 to put the kiosk in at the Buffalo Airport. They saw a significant
13 decrease in revenue due to the pandemic. And they will continue to pay
14 us five percent (5%) of the gross revenues to the Authority. And this
15 is really more of a service convenience thing for the passengers.

16 The third Resolution in Aviation is an
17 authorization for an agreement with Buffalo Exterior Maintenance. This
18 is for windows and surface cleaning at both the Buffalo Airport and the
19 Niagara Falls Airport. Staff does just about everything, but we don't
20 do windows.

21 MULTIPLE COMMISSIONERS: Laughter.

22 MS. MINKEL: So we went out with an RFP for this. The term
23 of the service contract is three (3) years, with two (2) additional one
24 (1) year terms at our discretion. The cumulative cost for the five (5)
25 year term for both airports for the passenger terminal building, the
26 parking structure and the taxi building would be \$1,617,041.50. There
27 is also an option for additional service up at Niagara Falls that would
28 include high dusting, spider dusting and window cleaning at the air

1 traffic control tower. The cumulative five (5) year cost for those
2 services are estimated to be \$71,300.00 and would only be done as
3 needed based on our observation. We did issue an RFP. We did receive
4 three (3) responses. Buffalo Exterior Maintenance was selected as the
5 highest rated among the respondents. The MBE, WBE and SDVOB goals were
6 five percent (5%), five percent (5%), and zero percent (0%). They have
7 reached out and requested a waiver from ESD on the MBE requirements
8 because the certified providers are limited. Their WBE participation
9 will be thirteen and a half percent (13.5%) and zero percent (0%) for
10 the SDVOB goals.

11 The next Resolution on page thirty-two (32) is
12 Resolution Number Four (4) and I'm really going to take Resolution
13 Number Four (4) and Number Five (5) together because they are companion
14 Resolutions. The first one is for the Buffalo Airport. The second one
15 is for the Niagara Falls Airport. And Staff is recommending that the
16 Board amend and renew the incentive program that, and this would be
17 effective February 1st, 2022. We've been using an incentive program for
18 many years at both airports to increase air travel and to promote the
19 competitiveness of both airports. And we certainly recognize the value
20 of new domestic and international air service at the airport. To
21 further this, there was an article in the Buffalo News earlier this
22 week regarding Unifrax that's located in Tonawanda, they're moving
23 their headquarters to Dallas, but in that article, there was a quote
24 that said "Dallas was also chosen for the corporate headquarters
25 because of its access to international airports and the ease of flying
26 customers into and out of the city". So, we know that it's important
27 that for a region to remain more competitive, the airports need to
28 remain competitive. So certainly having an incentive program helps do

1 just that. So that change that Staff is recommending to our incentive
2 program is fairly minor. We are adding a new location, Nashville,
3 Tennessee, to replace St. Louis, Missouri, and we are recommending that
4 for our European destinations, that we increase the advertising
5 incentive, the matching dollars from \$100,000.00 to \$200,000.00 to be
6 more in line with other airports. In addition, the incentive program
7 will continue to offer incentives to new entrants or incumbent air
8 carriers in the form of matching advertising incentives to define
9 domestic and international destinations, waivers of landing fees for
10 twelve (12) months to targeted domestic destinations, and waiving
11 landing fees for twenty-four (24) months for targeted international
12 destinations and gate use fee waivers not to exceed twelve (12) months
13 for domestic air carriers and twenty-four (24) months for international
14 air carriers. And as I mentioned, this Resolution and the next
15 Resolution which is the same but it's for the Niagara Falls
16 International Airport. And Pascal Cohen's with us who does a great job
17 marketing both airports. Pascal, I don't know if there's anything you
18 want to add that I may have missed on the Resolutions? Or are we good?

19 MR. COHEN: No, I think you got it. Thanks.

20 MS. MINKEL: OK. Great. Thank you. Resolution Number Six in
21 Aviation, an authorization for a lease and operating agreement with
22 Vulcan Aviation. They would operate a flight school at Niagara Falls
23 Airport. The initial lease and operating agreement is for one (1) year
24 that would start in February, and it would expire in January of 2023.
25 And they would have the option to renew for four (4) additional one (1)
26 year periods at our discretion. Falcon Aviation owns a private hangar
27 at Niagara Falls that will be used to store its aircraft. It will also
28 be used for flight training. Additionally, they will lease 240 square

1 feet of space in our old terminal building for classroom instruction
2 and as an office. They will pay the NFTA three percent (3%) of gross
3 revenues generated from the operation of the flight school for the
4 first year of the lease and five percent (5%) with each renewal period.
5 They will also pay us a rent rate of \$10.00 per square feet [foot] for
6 the first year of the lease and that would increase by two percent (2%)
7 thereafter. These are the same terms that we have with OnCore who
8 operates out of Buffalo Airport that had come to the Board I believe
9 last year.

10 And then finally, the final Resolution within
11 Aviation, Staff is requesting the Board authorize the Authority to
12 participate in the Erie County Fire Mutual Aid Plan that was adopted by
13 the Erie County Fire Advisory Board in July of 2021. They sent this to
14 us at the end of October. We reviewed it and we're recommending that we
15 enter into the agreement. Really nothing much has changed since the
16 2003 Mutual Aid Plan that was put together, with the exception of some
17 new terminology and updates to different individual titles but
18 substantial changes, there were none and it in essence, remains the
19 same. These Mutual Aid Plans provide benefit in that they can assist
20 the airport if we have an issue, and assist, and we can provide
21 assistance which we have in the past. As a reminder, I think last
22 summer, there was that warehouse fire that we sent response vehicles to
23 and helped. The Board should know that we are looking at separate
24 agreements with municipalities as it relates to the application of fire
25 fighter foam. Recently, you may have seen in the news, a chemical
26 compound in a grouping known as PFAS, these are bio accumulators in the
27 environment and have been associated with some health hazards. It's in
28 our foams so certainly we're very careful about where we deploy foam,

1 and that clean-up is provided after the application of foam. So those
2 will be separate outside of this Mutual Aid Plan that we're
3 recommending approval on. And those are the Resolutions, Sister.

4 CHAIR ROCHE: Thank you very much, Kim. I suggest we take all
5 seven (7) of these Resolutions in Aviation together. Is there an
6 objection? Good.

7 COMMISSIONER PERRY: So moved.

8 CHAIR ROCHE: I call for a motion. And a second?

9 COMMISSIONER BLUE: Second.

10 CHAIR ROCHE: Thank you very much. And may I ask for a roll
11 call vote?

12 MS. BRUNETTE: Roll call vote regarding Aviation Resolutions
13 One through Seven (1-7). Commissioner Ansari?

14 COMMISSIONER ANSARI: Yes.

15 MS. BRUNETTE: Commissioner Aul?

16 COMMISSIONER AUL: Yes.

17 MS. BRUNETTE: Commissioner Baynes? Commissioner Baynes?

18 COMMISSIONER BAYNES: Yes.

19 MS. BRUNETTE: Commissioner Blue?

20 COMMISSIONER BLUE: Yes.

21 MS. BRUNETTE: Commissioner Hicks?

22 COMMISSIONER HICKS: Yes.

23 MS. BRUNETTE: Commissioner Hughes?

24 COMMISSIONER HUGHES: Yes.

25 MS. BRUNETTE: Commissioner Perry?

26 COMMISSIONER PERRY: Aye.

27 MS. BRUNETTE: Sister Denise?

28 CHAIR ROCHE: Yes.

1 MS. BRUNETTE: And Commissioner Wilcox?

2 COMMISSIONER WILCOX: Yes.

3 MS. BRUNETTE: Have I missed anyone who jumped on? The items
4 carry.

5 CHAIR ROCHE: Thank you very much. We move now to Surface
6 Transportation Business Group Report and Tom, you have a few things to
7 tell us.

8 MR. GEORGE: Yeah. So, we had a Surface Transportation
9 Committee Meeting earlier this morning. We had two (2) discussion
10 items. We started with a strategic discussion on our Transit
11 Development Plan which laid out initiatives that the NFTA-Metro is
12 going to pursue in a number of different phases, both immediately or
13 imminent, and then throughout a longer period of time. That is
14 available to the Board as well as to the Committee, or to the Community
15 on our website and we do encourage comments on that as well. It will
16 also be presented to our Citizens Advisory Committee this evening. And
17 then we had a discussion more on the tactical issue of the driver
18 shortages that we're currently experiencing and the impacts those are
19 having on our community and our riders and some of the changes that
20 we're forced to make to address those reliability issues and to make
21 our commitment. So, we are doing some reductions in service across the
22 system in a number of different ways once again, to address the driver
23 shortage and to allow us to be more reliable, making sure that we are
24 meeting that commitment to the community. And then just a late note
25 that we do have both an Accessibility Advisory Committee today at 2PM
26 and a Citizens Advisory Committee this evening at 5:30PM. And that's
27 the bulk of our discussion.

28 CHAIR ROCHE: Thank you very much. We have three (3)

1 Resolutions in Surface and I'm asking Kim if she could share them with
2 us.

3 MS. MINKEL: Yup. Thank you, Sister. The first one (1)
4 starts on page forty-eight (48). Staff is recommending that the Board
5 award subject design services to Mott McDonald in the lump sum of
6 \$1,078,094.00. The purpose of the project is to replace track one (1),
7 the inbound track, and track two (2) between Mohawk Street and Church
8 Street. The existing girder rail is at minimum allowable thickness due
9 to the regular grounding, excuse me, regular grinding to assure ride
10 quality and normal wear, so this needs to be replaced. Additionally,
11 we're going to add a new track crossover which will help with single
12 tracking within this section of Main Street. We did go out with an RFP.
13 Mott McDonald's was the only proposal received. Other consultants, when
14 we reached out, indicated that they did not submit a proposal due to
15 the specialized and technical nature of the project, and similarly, and
16 I wanted to make mention of this, while we are struggling with
17 staffing, the reason why we didn't receive other responses is because
18 some of the other consultants are struggling with staffing, so quite
19 frankly, they couldn't respond because of insufficient staffing. The
20 negotiated cost proposal though is in line with our engineer's estimate
21 that you can see on page forty-nine (49). The established MBE, WBE and
22 SDVOB goals were eight-point-two percent (8.2%), five-point-seven
23 percent (5.7%) and four and a half percent (4.5%) respectively and Mott
24 has identified their MBE participation as fifteen percent (15%), WBE as
25 six percent (6%) and SDVOB at six percent (6%). And the Board should
26 know that only the design service contract is being requested now. We
27 will negotiate the construction monitoring and design support service
28 prior to the award of the construction contract.

1 The second Resolution is a change order with Horizon
2 Masonry. This is year three (3) of our change order renewal option in
3 the amount of \$192,820.00. The Board had previously awarded a multi-
4 year construction contract so that repairs and maintenance could be
5 done to our Metro bus garage and maintenance facilities. This will
6 result in a revised contract value of \$867,332.50. So as part of this
7 year three (3) work, they will be doing masonry restoration and the T-
8 Beam restoration at our Frontier Bus Garage.

9 And the final Resolution is an authorization for
10 supplemental agreement number three (3) with WSP for the extension,
11 excuse me, the light rail extension environmental review and the
12 associated engineering design services as part of phase two (2) of this
13 project in the amount of \$5,996,570.77. Tom and Rob Jones earlier
14 talked about this project. This is our big project that we have been
15 working on the environmental. We had gone through the State process,
16 the SEQOR process. We are now in the NEPA process which is the Federal
17 process of the environmental review. The NFTA was lead agency under the
18 State process. Under the Federal process, the FTA becomes the lead. So
19 as lead agency, FTA asked that we look at BRT as a component of this
20 analysis. So, this is for them to do the additional work to meet the
21 requirements that Federal Transit has. This will advance the project up
22 to fifteen percent (15%) of the preliminary design. We will come back
23 at a later date for additional work once we identify funding to get us
24 up to thirty percent (30%) design so that we can advance into the
25 Capital Investment Grant Program for funding for the project in total.
26 The funding for this project is through New York State funding that had
27 been provided from the Governor. And, moving right along on light rail.
28 And those are the three (3) Resolutions.

1 CHAIR ROCHE: Thank you very much. That's exciting. I suggest
2 we take all three (3) of these Resolutions together. And may I have a
3 motion please to accept these three (3) Resolutions?
4 COMMISSIONER BLUE: So moved.
5 COMMISSIONER PERRY: Second.
6 CHAIR ROCHE: Thank you very much. We will ask for a roll
7 call vote.
8 MS. BRUNETTE: Roll call vote for Surface Resolutions One
9 through Three (1-3). Commissioner Ansari?
10 COMMISSIONER ANSARI: Yes.
11 MS. BRUNETTE: Commissioner Aul?
12 COMMISSIONER AUL: Yes.
13 MS. BRUNETTE: Commissioner Baynes?
14 COMMISSIONER BAYNES: Yes.
15 MS. BRUNETTE: Commissioner Blue?
16 COMMISSIONER BLUE: Yes.
17 MS. BRUNETTE: Commissioner Hicks?
18 COMMISSIONER HICKS: Yes.
19 MS. BRUNETTE: Commissioner Hughes?
20 COMMISSIONER HUGHES: Yes.
21 MS. BRUNETTE: Commissioner Perry?
22 COMMISSIONER PERRY: Aye.
23 MS. BRUNETTE: Sister Denise?
24 CHAIR ROCHE: Yes.
25 MS. BRUNETTE: And Commissioner Wilcox?
26 COMMISSIONER WILCOX: Yes.
27 MS. BRUNETTE: All three (3) items carry.
28 CHAIR ROCHE: Thank you very much. Is there a General Counsel

1 Report today?

2 MS. BRUNETTE: There is no General Counsel Report today.

3 CHAIR ROCHE: And we have no Executive Session. No one asked
4 for one. And before we adjourn, I just to commend everyone at the NFTA
5 for doing a superb job in spite of snow and illness and all the other
6 circumstances that come up daily. And in fact, not only handling the
7 day-to-day issues, but of moving us forward with exciting plans for the
8 future. So, thank you all very, very much. Stay well please and know
9 that you're doing a great job.

10 MS. MINKEL: Thank you, Sister.

11 CHAIR ROCHE: And now, I call for adjournment. Motion?

12 COMMISSIONER BLUE: So moved.

13 COMMISSIONER PERRY: Second.

14 CHAIR ROCHE: Thank you. No objections. [Laughter] Bye. See
15 you next month.

16 COMMISSIONER PERRY: I'm over it.

17 COMMISSIONER AUL: Thank you.

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