

NIAGARA FRONTIER TRANSPORTATION AUTHORITY

BOARD MEETING

AUGUST 11, 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 Michael Hughes, Chair
3 Commissioner Joan Aul, Treasurer
4 Commissioner Anthony Baynes
5 Commissioner Adam Perry
6 Commissioner Stephen Tucker
7 Commissioner Philip Wilcox

8 OFFICERS IN THE BOARDROOM:

9 Kimberley Minkel, Executive Director
10 John Cox, Chief Financial Officer

11 STAFF IN THE BOARDROOM:

12 Christine D'Aloise, Director, Risk Management and Special Projects
13 Patrick Dalton, Director, Internal Audit and Corporate Compliance
14 Steve Duquette, Chief Information Officer
15 John Fenz, Counsel
16 Michael Flaherty, Counsel
17 Tom George, Vice President, Operations
18 Dejuan Hardy, Chief Diversity Officer
19 Darren Kempner, Director, Government Relations and Development
20 James Morrell, Director, Public Transit
21 Karen Novo, Vice President of Human Resources and Talent Management
22 Brian Patterson, Chief of Police
23 Mark Pereira, Manager, Procurement
24 John Schaefer, Vice President Engineering and Facilities Management
25 Helen Tederous, Director, Public Affairs
26 Matthew Van Vessem, Director, Labor Relations
27 Lee Weitz, Director, Aviation

28 MEMBERS ON THE PHONE:

Commissioner Margo Downey
Commissioner Wesley Hicks
Commissioner Jennifer Persico

OFFICERS ABSENT:

David State, General Counsel

STAFF ON THE PHONE:

Vicky-Marie Brunette, Deputy General Counsel

CHAIR HUGHES: Good afternoon. Welcome to the August 11th Board
meeting of the NFTA. I will ask Mr. Flaherty to take the roll...

MR. FLAHERTY: Good afternoon. Commissioner Ansari?
Commissioner Aul?

COMMISSIONER AUL: Here.

MR. FLAHERTY: Commissioner Baynes?

COMMISSIONER BAYNES: Here.

1 MR. FLAHERTY: Commissioner Blue? Commissioner Downey?
2 COMMISSIONER DOWNEY: Here.
3 MR. FLAHERTY: Commissioner Hicks? Chair Hughes?
4 CHAIR HUGHES: Here.
5 MR. FLAHERTY: Commissioner Perry?
6 COMMISSIONER PERRY: Present.
7 MR. FLAHERTY: Commissioner Persico?
8 COMMISSIONER PERSICO: Here.
9 MR. FLAHERTY: Commissioner Tucker?
10 COMMISSIONER TUCKER: Here.
11 MR. FLAHERTY: Commissioner Wilcox?
12 COMMISSIONER WILCOX: Here.
13 MR. FLAHERTY: We have a quorum Sir.
14 CHAIR HUGHES: Great. With quorum, we can move forward. With
15 that I'll entertain a motion to approve the minutes from the last
16 meeting.
17 COMMISSIONER WILCOX: So moved.
18 COMMISSIONER AUL: Second.
19 CHAIR HUGHES: First by Commissioner Wilcox, second by
20 Commissioner Aul. All in favor?
21 CHAIR HUGHES, COMMISSIONERS AUL, BAYNES, PERRY, PERSICO, TUCKER AND WILCOX: Aye.
22
23 CHAIR HUGHES: We do not need a roll call vote for that?
24 MS. MINKEL: No.
25 CHAIR HUGHES: No, we do not. OK. We'll move on to the
26 Executive Director's report.
27 MS. MINKEL: Thank you Chair. A couple of things for the
28 Board this month. First, I want to mention that our Transit Police are

1 running their Lucky Duck Scavenger Hunt again this year. This is the
2 third year, and we do this with a number of partnered agencies, we have
3 these little rubber ducks that are hidden throughout our system. It is
4 well received among the community and our riders.

5 I also wanted to mention to the Board earlier today we had a
6 presentation and discussion from our procurement manager on MWBEs.
7 Next month, we will have a presentation related to our DBE
8 certification process that will be done by our Chief Diversity Officer
9 Dejuan Hardy.

10 Next month, as part of our fall service, we will have some
11 changes. In addition to Bill's game day service that was mentioned
12 earlier, school starts back up, so we'll have school service, and we
13 are doing a short extension to our Route 46 in Lancaster to accommodate
14 the Amazon facility. This is something we've heard from that community.
15 So, we're anticipating we will be able to accommodate that this fall.

16 I do have a resolution for the Board related to cyber risk and I
17 wanted to mention cyber risk for the Authority. There's an article
18 (that I am going to be sending to you later today) that says "transit
19 is seeing more cyberthreats, many agencies are already," according to
20 this report, ransomware attacks on transit systems were up 186% since
21 June 2020. That is a serious concern. It is a concern to me as an
22 agency. According to this study, transit agencies - 42% do not have an
23 incident response plan, 36% do not have a disaster recovery plan, 53%
24 have no continuity of operation plan, 58% lack of continuity of
25 business plan, 67% have no crisis communication plan. The resolution
26 that I will be bringing to you later to address cyber risk is to help
27 address all of these issues for our agency going forward. It's a big
28 concern in many businesses but certainly in transit and the airport, as

1 well, but I will be sending that out to you.

2 And then I also wanted to recognize a number of staff members who
3 responded and helped with the shoreline collapse. Specifically, Bill
4 Moran in our engineering department, Bob Guise at the rail, James
5 Morrell in Metro and John Schaefer and his team in engineering. They
6 really did an incredible job over the past couple of weeks. This is
7 something we do not have an area of expertise in, and their ability to
8 mobilize and respond and help to stabilize the area is certainly well
9 appreciated, so, so thank you to that team.

10 And then finally, I want to congratulate, I know she is not here
11 but, Dr. Lavonne Ansari. She will be celebrated on September 15th at
12 the Women of Influence event as the "Business Woman of the Year", so
13 congratulations to Dr. Ansari.

14 MULTIPLE COMMISSIONERS: Clapping.

15 MS. MINKEL: I'm all finished.

16 CHAIR HUGHES: Great. Thanks Kim. Next, we'll move to the
17 Corporate Report. John Cox, what about your financials?

18 MR. COX: Yes, thank you Chair. Good afternoon,
19 Commissioners. The performance report it's actually going to be, that
20 I'm going to be going over is in the front packet, in the Audit,
21 Governance and Finance Committee starting on page six (6) through nine
22 (9) just for reference. So, for the month of June, total operating
23 revenues and assistance, and we're above budget by \$162,000.00 or
24 approximately 2.7% and above budget by \$2.1 million or 2.9% on a fiscal
25 year-to-date basis. And that was primarily due to for the month of
26 June, higher than budgeted Metro passenger fares, BNIA concessions and
27 commissions, mortgage tax and higher state transit operating
28 assistance. In addition, on fiscal year-to-date, we also experienced

1 higher than budgeted NFIA parking lot and auto rental revenues, and
2 Erie County sales tax. Total operating expenses were below budget by
3 \$84,000.00 or four-tenths of a percent for the month June of 2022, and
4 \$723,000.00 or 1.3% on a fiscal year-to-date basis. And that was
5 primarily due to for both June of 2022 and on a fiscal year-to-date
6 basis, we experienced positive to budget of lower personnel services,
7 maintenance and repairs, safety and security which were partially
8 offset by higher transit fuel power, utilities and various other
9 inputs. So, with revenues coming in above budget both on the month
10 basis and fiscal year-to-date and expenses being below budget, again
11 for June and on a fiscal year-to-date, we experience an overall
12 positive variance to budget of \$718,000.00 for June and a positive
13 variance to budget of 2.7 million dollars on a fiscal year-to-date
14 basis. And unless there are any questions, that concludes the
15 consolidated financials for the month of June.

16 CHAIR HUGHES: Any questions for John? I will note as part of
17 the Audit, Governance and Finance Committee before, we did have a
18 presentation discussion on our MWBE and SDVOB procurement for the
19 state. And then we'll, in the September meeting, we will have a
20 discussion on the Federal as well. Correct?

21 MS. MINKEL: Yup. That's right.

22 CHAIR HUGHES: Great. With that we will move to Corporate
23 Resolutions. There are eleven (11) of them. I'll take the first two
24 (2). First, as a package here, so with the change in Board leadership,
25 there's some openings in VC as well as Officer positions. So, I've
26 spoken to everyone and so what we'll do today is for both NFTA and NFTA
27 Metro we put together a slate. So, Dr. Ansari for Vice Chair, Anthony
28 Baynes for Secretary, Joan Aul for Treasurer. So, with that, I would

1 make a motion for those three (3) for those three (3) positions for
2 both NFTA and NFTA Metro. Is there a second?
3 COMMISSIONER WILCOX and then COMMISSIONER TUCKER: Second.
4 CHAIR HUGHES: Who's second?
5 MS. MINKEL: Commissioner Wilcox.
6 CHAIR HUGHES: Commissioner Wilcox?
7 COMMISSIONER PERRY: Wilcox.
8 CHAIR HUGHES: Want to call the roll?
9 MR. FLAHERTY: So, we are going to combine Corporate
10 Resolutions 1 & 2?
11 CHAIR HUGHES: 1 & 2
12 MR. FLAHERTY: Election of Officers?
13 CHAIR HUGHES: Yes.
14 MS. MINKEL: Yup.
15 MR. FLAHERTY: Commissioner Aul?
16 COMMISSIONER AUL: Yes.
17 MR. FLAHERTY: Commissioner Baynes?
18 COMMISSIONER BAYNES: Yes.
19 MR. FLAHERTY: Commissioner Hughes?
20 CHAIR HUGHES: Yes.
21 MR. FLAHERTY: I'm sorry. Chair Hughes. I misspoke.
22 MULTIPLE COMMISSIONERS: Laughter.
23
24 MR. FLAHERTY: Commissioner Perry?
25 COMMISSIONER PERRY: Aye.
26 MR. FLAHERTY: Commissioner Persico?
27 COMMISSIONER PERSICO: Yes.
28 MR. FLAHERTY: Commissioner Tucker?

1 COMMISSIONER TUCKER: Yes.

2 MR. FLAHERTY: Commissioner Wilcox?

3 COMMISSIONER WILCOX: Yes.

4 MR. FLAHERTY: Motion passes.

5 CHAIR HUGHES: Thank you. Thank you all for your willingness
6 to serve. There's also been some changes in some of the committee
7 assignments as well as the appointments that the NFTA has with some of
8 our community partners as well so thank you. With that, we'll turn it
9 over to Kim for the remainder of the resolutions.

10 MS. MINKEL: Thank you Chair. Starting on page nine (9),
11 Corporate Resolution Number Three (3) is an authorization for a term
12 consultant agreement. This is for our IT services. So, by way of
13 information, we do these term consultant agreements for smaller
14 projects, typically projects that we envision to be under \$125,000, for
15 a couple of reasons. There's a lot of work putting together an RFP,
16 putting it out on the street, there's a lot of costs for those who have
17 to respond to each individual RFP, and sometimes you have smaller
18 projects, that it's more conducive to just be able to go from a list of
19 those companies who've been pre-qualified under a term agreement. So
20 that's why we do these term consulting agreements. It also from an MWBE
21 standpoint, gives us an opportunity to evaluate smaller companies so
22 they get to see our operation, and what's required, and puts them in a
23 better position to bid on larger projects going forward. So, that's the
24 advantage of term consultant agreements. Where this IT agreement, it
25 would be for an initial term of three (3) years with the option to
26 renew for two (2) single two-year renewals at our discretion. So, we
27 have a number of disciplines. The first discipline is for a network
28 infrastructure telecommunication, and we are recommending ECC

1 Technology, FirstLight, Manchester CS, Normaltech and U&S Services. For
2 Discipline number two (2) for our desktop, server and application and
3 backup administration, we're recommending Absolute Performance,
4 ComSource, Entre Computer Services, Normaltech, Presidio and U&S
5 Services. Discipline number three (3) for our server, printer, copier
6 and storage services, Absolute Performance, Advizex Technologies, Entre
7 Computer and Presidio. For Discipline number four(4), for our
8 application development and support, we're recommending Absolute
9 Performance, ComSource, COSOL, Entre Computer Services, Presidio,
10 Normaltech and Stellar Services. Discipline number five (5) for
11 database design and administration, we're recommending Absolute
12 Performance, ComSource, Nortmaltech and Stellar Services, and
13 discipline number six (6), information and the physical security
14 policy, technology, implementation, response and remediation, we're
15 representing Absolute Performance, Entre Computer, Nortmaltech and U&S.
16 Now disciplines number seven (7), eight (8), nine (9) and ten (10) are
17 new this time that we've added as part of our term consulting
18 agreements. So, for Audio and Visual Systems, we're recommending ECC
19 Technologies and U&S Services. For our GIS services, we're recommending
20 ECC Technologies and Stellar Services. For microwave radio services,
21 we're recommending Entre Computer Services and for business process
22 solutions, we're recommending Stellar Services and USC Consulting
23 Group. The, as these projects are awarded, we will get, we go out, we
24 identify what the assignment is, with a written description and scope
25 of the work to be done and then the consultant responds back with a
26 cost proposal based on previously agreed terms on salary rates and
27 overhead. So, we already have that as part of this proposal. As this is
28 a term consulting contract, the MWBE/SDVOB requirements and goals will

1 be assessed on a per assignment basis, so as those projects are
2 developed. However, you should know that Stellar is a New York State
3 Certified MBE, ECC Technologies is certified as a WBE, and Normaltech
4 is a SDVOB organization.

5 Our next corporate resolution on page twelve (12) is an
6 authorization for an agreement with Stellar Services. This is for the
7 security support vendor that I had mentioned earlier as part of my
8 Executive Director report. Staff is recommending that the Board
9 authorize an agreement with Stellar for security support services. The
10 term of the agreement would be for three (3) years with two additional
11 one (1) year periods at our discretion. The total baseline cost of the
12 agreement for five (5) years is \$3,761,442.00. To give you the idea of
13 the magnitude of these services, this would be for all of our computing
14 systems for two airports, two police divisions, a fire department,
15 public transportation over two counties using bus and rail,
16 paratransit, and all back-end business operations. So as Steve Duquette
17 has reminded me, each and every one of our buses has multiple systems,
18 from cameras to our GIS, to our fare boxes - many ways into our
19 operations so there is an awful lot to be managed. We did issue an RFP
20 for this procurement. We did receive five (5) responsive proposals.
21 Stellar did score the highest. In addition, the cost to add systems to
22 the security monitoring and patching will be an additional \$54 per
23 device per year. Stellar Services is a New York State Certified MBE.
24 This procurement was excluded from the SDVOB requirement because there
25 are no certified New York State providers of these services.

26 Page fifteen (15), Corporate Resolution number five (5) is an
27 authorization for agreement with Insight, Palo Alto Firewalls. This
28 will be a one (1) year of support at the cost of \$108,002.32. This is

1 for our network perimeter security. This will be replacing end of life
2 equipment with four (4) new pieces of hardware to secure our firewalls
3 going forward and we are procuring this using GSA Contract as part of
4 the procurement.

5 Corporate Resolution six (6) on page sixteen (16) is an agreement
6 with Axon Enterprise. This is for fleet 3 car camera systems at a cost
7 of \$361,825.40 over a five-year agreement. So, this is to replace the
8 camera systems in our Transit Police cars. We had issued an RFP
9 previously for our body camera solution and Axon Enterprise was
10 selected. The beauty of these cameras is that they are integrated in
11 with the police body cameras so that if they activate the body camera,
12 the car camera also goes on, so you get multiple views. Incredible
13 technology. Easier to download. Easier to have available for evidence
14 in a quicker, more timely manner. Empire State Development has excluded
15 this procurement from MWBE requirements because there are no New York
16 State providers of this product and similarly it's excluded from SDVOB
17 requirements.

18 Corporate Resolution number seven (7) is an authorization for
19 renewal for a maintenance agreement with Hitachi Energy. This is for
20 software support systems. This is for our Ellipse Enterprise
21 Management. This is just an annual maintenance agreement. Previously
22 Hitachi was formerly known as ABB Enterprise Software. There has been a
23 number of name changes but essentially this is our Ellipse Enterprise
24 Management software. This is in the amount of \$152,956.89 and this is
25 considered a single source procurement because Hitachi is the original
26 developer of the Ellipse software.

27 Corporate Resolution number eight (8) is an authorization for
28 procurement for FirstLight. This is to purchase twenty (20) Cisco

1 network switches in the amount of \$161,105.80. I'm losing my voice so
2 please bear with me.

3 MULTIPLE COMMISSIONERS: Laughter.

4 MS. MINKEL: And I am not even finished yet. This will
5 replace one-third of our network switches throughout the Authority. The
6 equipment is being procured under New York State contract. The OGS
7 goals were 10%, 10% and 0% for MBE, WBE and SDVOB.

8 The ninth Resolution on page twenty-one (21) is the authorization
9 for a collective bargaining agreement. This is with Local 2028. This is
10 a four (4) year agreement that would take us from April 1st of this year
11 through March 31st of 2026. This union represents fifty-three (53)
12 individuals who are employed in administrative, technical and related
13 positions. Under the proposed agreement, the first year, retroactive to
14 April 1st of this year, they would see and 4.5% increase, next year a
15 2%, in '24/'25 a 2% and then in the final year of the agreement and
16 2.5%. In, effective January 1, 2026, they would increase their health
17 insurance contributions up to 13% as part of the monthly premium. And
18 then as Karen had mentioned earlier in Audit, Governance and Finance,
19 we have one (1) other labor agreement that's out there and that is our
20 1949 group who represents custodians and our FMD facility maintenance
21 at the airport. Then everything will be up to date until it's not
22 again. As a reminder, we have thirteen (13)...

23 CHAIR HUGHES: Start the cycle again.

24 MS. MINKEL: ... thirteen(13) unions so we're always in
25 negotiation.

26 Matt Van Vessem, oh he's here, did a good job negotiating this so thank
27 you, Matt. Corporate Resolution number ten (10) on page twenty-three
28 (23) is an authorization for agreement with Grove Roofing. This is for

1 roof repairs at 485 Cayuga in the amount of \$158,900.00. This is to do
2 the repairs for the lower roof of bay 1. As part of this facility, this
3 is a huge facility, we've been doing the roof upgrade and repairs
4 section by section. So, they will install 8,500 sq. ft. of a 115 mil
5 EPDM, that's a synthetic rubber membrane over the existing roof and
6 this will have a warranty of twenty (20) years going forward. Grove
7 Roofing will meet the established procurement compliance goals of 0%
8 for MBE, 10% for WBE, and 0% for SDVOB. And, you should know on this
9 project it was determined there were no MBE or SDVOB subcontractor
10 opportunities.

11 And the last Corporate Resolution, before my voice totally goes..

12 CHAIR HUGHES: Laughter.

13 MS. MINKEL: ...is authorization for agreement with National
14 Fire Adjustment. We had mentioned as part of our Service Committee,
15 Surface Committee, meeting earlier, as part of John Schafer's
16 presentation that we want the ability to look at our insurance coverage
17 as it relates to the incident so National Fire Adjustment, who we have
18 used in the past for unique claims, would assist us in preparing and
19 submitting that property claim. As part of their fee for services, they
20 would be provided seven percent (7%) of any amount recovered in excess
21 of our self-insured retention. And those are the resolutions. Any
22 questions?

23 CHAIR HUGHES: Any questions for Kim on Resolutions three (3)
24 through eleven (11)? Hearing none so I would like to take them as a
25
26 group. So, if there is a motion to approve?

27 COMMISSIONER WILCOX: So moved.

28 CHAIR HUGHES: Mr. Wilcox

1 COMMISSIONER BAYNES: Second.

2 CHAIR HUGHES: Mr. Baynes with a second. Any abstentions? Want
3 to call the roll?

4 MR. FLAHERTY: Roll call for Corporate Resolutions three (3)
5 through eleven (11). Commissioner Aul?

6 COMMISSIONER AUL: Yes.

7 MR. FLAHERTY: Commissioner Baynes?

8 COMMISSIONER BAYNES: Yes.

9 MR. FLAHERTY: Commissioner Hicks?

10 COMMISSIONER HICKS: Yes.

11 MR. FLAHERTY: Chair Hughes?

12 CHAIR HUGHES: Yes.

13 MR. FLAHERTY: Commissioner Perry?

14 COMMISSIONER PERRY: I am in the affirmative on three (3) through
15 ten (10) and abstaining on number eleven (11).

16 MR. FLAHERTY: Commissioner Persico?

17 COMMISSIONER PERSICO: Yes.

18 MR. FLAHERTY: Commissioner Tucker?

19 COMMISSIONER TUCKER: Yes.

20 MR. FLAHERTY: Commissioner Wilcox?

21 COMMISSIONER WILCOX: Yes.

22 MR. FLAHERTY: Motion passes.

23 CHAIR HUGHES: Great. Thank you. We'll move on to Aviation.
24 Commissioner Perry?

25 COMMISSIONER PERRY: Thank you Commissioner, er, Chairman. The
26 Aviation Committee met earlier today. We started off with the Airport
27 Improvement Project highlights and highlighted specifically the
28 passenger boarding bridge replacement project which is in its early

1 phases. And also, the engineering and planning by Wendel Engineering
2 for electric vehicle charging infrastructure planning and other items.
3 Mr. George presented an overview of the gateway and parking pavement
4 replacement evaluation plan and design and repair and resurfacing of
5 those parking lots and roads at BNIA. Mr. Weitz noted several key items
6 including that fact that concessions are trending well and are
7 approaching 2019 levels. In some cases, exceeding 2019 levels. Same for
8 parking, approaching or exceeding 2019 levels so that is going in a
9 positive direction. 84% of our 2019 on enplanements. Some of the
10 headwinds on those numbers is due to the number of seats available
11 resulting from pilot and other air ground shortages. Commissioner
12 Baynes asked about Canadian travelers and it was noted that's trending
13 positively and with new border crossing requirements, there is still
14 some additional issues, but it is trending in a positive direction.
15 Niagara Falls enplanements continue to trend positive, about 12% higher
16 than last year but there is still some ways to go. The variety of data
17 including the TSA Checkpoint data tracking and it is at 80% of the 2019
18 levels and finally, there was some discussion about Niagara Falls and
19 methods addressing challenges and expanding the number of flights. And,
20 that was all for the Aviation Committee, Mr. Chairman.

21 CHAIR HUGHES: Any questions for Commissioner Perry on the
22 Aviation report? Hearing none, we'll move on to Resolutions.

23 MS. MINKEL: Thank you Chair. There are five (5) Aviation
24 Resolutions that start on page twenty-eight (28). The first one, Staff
25 is recommending that the Board approve the landing fee tariff, for this
26 year for the signatory scheduled passenger air carriers and charter
27 operations at the Buffalo Airport at a rate of \$6.82 per thousand
28 pounds of gross certified landing weight and for non-signatory carriers

1 at a rate of \$8.53 per thousand pounds. The rate will be effective July
2 1st and go through June 30th of 2023. So, by way of information, the
3 landing fees are based on our operating costs from the previous year
4 and based on the anticipated flight activity we get from the airlines.
5 We then calculate what the landing fee should be and then the following
6 year there is a true-up based on the landing fees. So, these landing
7 fees are actually going down from last year because of the increase of
8 flight activity, so that's good news. The terminal rental rate for 2023
9 will be \$47.36 per sq. ft. This is higher than last year's rate. Last
10 year they were paying \$38.52. \$32.89 as the base and then additional
11 money as it related to the new baggage claim area. Although it's
12 higher, the reason it is higher is because we used the Federal COVID
13 relief fund to help apply it to the debt service, to reduce the
14 airlines' costs last year. We obviously don't have COVID relief funds
15 to do that for this year, so that's why it will be higher. I also want
16 to mention for new Board Members' benefit, that the tariff exempts
17 tariff fees for organizations whose sole purpose is providing
18 humanitarian aeronautical missions at BNIA by providing free air
19 transportation on private aircraft for patients in need of medical
20 care, so Mercy Flight, for example, does not pay.

21 The next resolution in Aviation is on page thirty-three (33) is
22 an authorization to amend the parking rates at both the Buffalo and
23 Niagara Falls Airports. This will be effective September 15th of this
24 year. We are also recommending, going forward, an annual standard
25 adjustment to parking rates at both airports. This would be effective
26 September 15th of next year. So, before I go over the new proposed
27 rates, let me talk a little bit about why we are proposing that going
28 forward it would just be adjusted based on CPR, CPI. Previously,

1 whenever we would do parking rates, we tried to do it in terms of
2 making change for the people working at the tolls and trying to limit
3 the amount of change. It's important in terms of speed but also having
4 the change available. This day and age, most everyone's paying for
5 their credit card, so it's, paying with their credit card, so it's less
6 of an issue having to make change. So, it's much easier having this
7 tied to the CPI going forward in terms of change and signage. I also
8 want to make mention that the last time we increased parking was
9 January of 2013, so it's been nine and a half (9.5) years. We would
10 have recommended a parking rate increase in 2020 but then the pandemic
11 hit, and it certainly didn't make sense.

12 So, looking at the parking rates, what we're proposing is a
13 twenty-seven percent (27%) increase. Essentially this is the CPI that
14 took place from January 2013 to March of 2022, that's twenty-seven
15 percent (27%) and then we're just rounding down to the nearest quarter.
16 So that the new parking fee structure at Buffalo would also eliminate
17 the weekly rate going forward because we are not really seeing people
18 take advantage of that. It's easier just focusing on an hourly rate and
19 a daily rate. So, for the preferred lot, the current daily rate is
20 \$12.00. That would go up to \$16.00. The hourly rate at that lot is
21 \$1.00. It would go to \$1.25. The hourly rates at long-term lot and the
22 economy lot are both \$1.00, they would go to \$1.25. The hourly, or the
23 daily hourly garage rate is \$4.00, it would go up to \$5.00, and the
24 proposed daily rates correspondingly would go from \$10.00 to \$13.00,
25 \$9.00 to \$11.00 and \$23.00 to \$28.00. By way of comparison at other
26 airports, we looked at Rochester, Syracuse, Albany, Cleveland,
27 Pittsburgh, and the rates that we're proposing are directly aligned
28 with what they're charging in terms of rates. Similarly, the frequent

1 parker program participants would be charged the posted rates. This is
2 the program where they can get perks like free parking stays, car
3 washes, similar rewards, same with the corporate parker program as well
4 as the FPP. Those rates are increasing so that the current term lot is
5 \$10.00 a day would go up to \$11.00 a day and the economy lots where
6 they're \$8.00 a day would go up to \$11.00 a day so that is keeping
7 things constant throughout.

8 NFIA, that airport has not increased their parking fees since
9 April 1, 2017. So, we are not proposing changing the daily parking
10 fees, we are proposing at keeping those the same at \$13.00, but the
11 weekly max, we are proposing to increase that from \$65.00 to \$78.00,
12 essentially from two (2) to one (1) free day as it went to a weekly
13 basis. The additional revenue that these proposed increases will
14 provide the Aviation system based on parking is an additional \$5.5 to
15 \$7.5 million dollars a year. And, so this is money that would then go
16 towards improving the parking lots, the circular roads. Tom George,
17 earlier, had shown a presentation to the Board. We're working on
18 putting together a capital plan to address those needs. This is the
19 funding to do that. Areas such as the circular roads and parking are
20 not eligible for AIP funding, so we have to self-fund that and that's
21 the way to do that, as it relates to the CPI. So, it could be every
22 September 15th, starting next year, on an hourly rate, it would round to
23 the nearest \$.10 and to the nearest dollar for daily rates. If there is
24 a negative adjustment in the CPI, we would just hold that, not adjust
25 for that going forward.

26 Aviation Resolution number three (3) is on page thirty-six (36).
27 Staff is recommending an authorization for agreement with Lakestone
28 Development. This is for snow removal services at the Buffalo Airport.

1 It's actually two agreements. One is for the airside operation and the
2 second is for the landside operation. The term of each agreement is for
3 one (1) year with four (4) one (1) year renewals at our discretion. And
4 as we put this together, typically our winter season goes from November
5 1st and ends April 15th, and there have been years that we've seen things
6 go longer or differently and if that would happen, we would obviously
7 come back to the Board, if increases are needed. The estimated cost for
8 Area 1 [A] is \$1,668,602.00 with a cumulative Minimum Seasonal
9 Guarantee (MSG) amount of \$584,730.00 during the maximum five-year
10 term. So, if we don't receive snow, then they would get that minimum
11 seasonal guarantee. The estimated cumulative cost for Area B is
12 \$2,859,292.00 with a cumulative MSG amount of \$126,891.00. So, whatever
13 is greater, either the actual cost or the MSG will be paid. We did go
14 out for an RFP; we did receive three (3) responses. Lakestone scored
15 the highest. Lakestone has been the provider for Area B over the past
16 seventeen (17) years. The established MBE, WBE and SDVOB goals were 1%,
17 1% and 0% respectively. They have identified their MBE participation as
18 0% and WBE participation at 1% and they have requested that ESD approve
19 a waiver of MBE requirements because there are no certified providers
20 of this service. And similarly, it's been excluded from the SDVOB
21 goals.

22 Our fourth Aviation Resolution is an authorization for
23 procurement with Lamb & Webster. This is for purchasing grass cutting
24 equipment at the airport at a cost of \$130,441.61. We are purchasing
25 this Kubota off of the OGS contract for purposes of procurement with
26 OGS. The Contract does not offer sufficient opportunities to set goals
27 for participation by MWBEs or SDVOBs.

28 And the final resolution in Aviation is an adoption of our goal

1 for participation of Disadvantaged Business Enterprise. This is for our
2 Aviation system. Karen mentioned this earlier as part of her report.
3 Staff is recommending that the Board adopt a goal of 16.9% for
4 participation of DBE in our projects that are funded in whole or in
5 part by the FAA through September of 2025. By way of information, when
6 Dejuan had done his goal plan, he can up with the number of 15.4%. Last
7 year our goal was, last three (3) years, it was 16.9%. We think we can
8 hit it, so we want to keep that same goal of 16.9% for Aviation. And
9 those are the resolutions.

10 CHAIR HUGHES: Any questions for Kim on the resolutions? So,
11 why don't we take resolutions 1-5 as a group. Is there a motion?

12 COMMISSIONER AUL: So moved.

13 CHAIR HUGHES: Commissioner Aul.

14 COMMISSIONER TUCKER: Second.

15 CHAIR HUGHES: Second, Commissioner Tucker. Questions? Call
16 roll.

17 MR. FLAHERTY: So, roll call vote for Aviation Resolutions 1-
18 5. Commissioner Aul?

19 COMMISSIONER AUL: Yes.

20 MR. FLAHERTY: Commissioner Baynes?

21 COMMISSIONER BAYNES: Yes.

22 MR. FLAHERTY: Commissioner Hicks?

23 COMMISSIONER HICKS: Yes.

24 MR. FLAHERTY: Chair Hughes?

25 CHAIR HUGHES: Yes.

26 MR. FLAHERTY: Commissioner Perry?

27 COMMISSIONER PERRY: Aye.

28 MR. FLAHERTY: Commissioner Persico?

1 COMMISSIONER PERSICO: Yes.

2 MR. FLAHERTY: Commissioner Tucker?

3 COMMISSIONER TUCKER: Yes.

4 MR. FLAHERTY: Commissioner Wilcox?

5 COMMISSIONER WILCOX: Yes.

6 MR. FLAHERTY: The resolutions pass.

7 CHAIR HUGHES: Great. Thank you. Next, we'll move on to

8 Surface Transportation Committee report. James, I don't know if you

9 want to give a quick update? We did have a presentation on the Bills

10 serv..., Bills stadium service and the shoreline incident. I don't know

11 if you want to hit any other highlights?

12 MR. MORRELL: Sure. We talked about ridership, and there is a

13 45% increase in our rail ridership and 18% increase in the fiscal year,

14 for the first quarter of the fiscal year. Four-one of six in '22. And

15 we're about 56% of pre-COVID ridership for the bus and 55% of pre-COVID

16 ridership for rail. We also talked about the Citizens' Advisory

17 Committee, and we talked about the Parks Adventure Bus as well as the

18 DL&W Riverwalk multi-modal study and how we presented that to the

19 group, and that's not going to change the results of that study, I'm

20 sorry, the results of that study, but it is going to provide some

21 opportunities for us in the future. And then we talked about the

22 Accessible Advisory Committee and how that group is doing well. An AIRA

23 update is going to provide some tools for the visually impaired

24 community. Thank you.

25 CHAIR HUGHES: Thank you. Any questions for James?

26 COMMISSIONER PERRY: Yes.

27 MR. MORRELL: Yes Sir.

28 COMMISSIONER PERRY: So, our level of ridership now, is that about

1 the same as other similar systems nationally. Higher? Lower? Or are we
2 right about where everyone else is?

3 MR. MORRELL: We're just about where people are across the
4 country. As Kim indicated, New York City MTA is going to be, it's going
5 to take about four (4) years for them to reach 60% or 80%.

6 MS. MINKEL: 80%, yeah.

7 COMMISSIONER PERRY: Wow.

8 MS. MINKEL: That's what they're projecting, yes.

9 MR. MORRELL: So, across the country, 56% is pretty good for
10 pre-COVID ridership. But what's interesting is the trends that we are
11 seeing. More individuals are coming back in to downtown and taking the
12 rail.

13 COMMISSIONER PERRY: So that's a positive. Do we have a four-year
14 projection? What is our four-year projection if we have one as compared
15 to New York City's? Do we have that kind of...?

16 MR. MORRELL: No. We don't have a projection. What we are
17 seeing is the trends are looking good for us, in a positive manner from
18 quarter to quarter.

19 COMMISSIONER PERRY: OK.

20 MR. MORRELL: I think we're doing really well.

21 COMMISSIONER PERRY: Thank you.

22 CHAIR HUGHES: Kim, anything you want to add on the Bills
23 discussion or the shoreline restoration, or the shoreline incident?

24 MS. MINKEL: Sure. So, John Schaefer had presented earlier
25 on the summary of the findings to date on the shoreline project that
26 had collapsed at the end of April. We have brought in BIDCO and McMahon
27 & Mann to help with the investigation, determining root cause to help
28 with stabilizing the area, and securing the area, and to review next

1 steps in terms of repair going forward. We are also in discussion with
2 other stakeholders as it relates to the west end, the opposite end from
3 where this occurred, where it had been identified that there is some
4 areas of concern that need addressing so we have been in discussions
5 with those key stakeholders as well which includes the City of Buffalo
6 and DOT. What was the other item you wanted me to talk about?

7 CHAIR HUGHES: Just those two.

8 MS. MINKEL: Oh, the Bills. Bills service, we are going to
9 be doing a pilot for the pre-season game for the August 20th pre-season
10 game and we'll be ready for the first game, and it is our intention to
11 be providing service for this season for the Bills' games. As Rob Jones
12 had presented earlier for the Board at the Surface Committee. We've
13 also been in discussion with Chairwoman April Baskins, Senator Tim
14 Kennedy, the Buffalo Bills, Erie County as it relates going forward for
15 a new stadium incorporating a new station but also during construction,
16 how transit would look during the construction phase.

17 CHAIR HUGHES: Great. Any questions for Kim on either topic?

18 COMMISSIONER HICKS: Yeah, yeah, I have a question. Yes, excuse me
19 Chairman, Wesley Hicks. Could you give me a Reader's Digest version
20 exactly of what the NFTA is providing in terms of transportation, from
21 where to where, and it obviously ends up at the stadium? I must have
22 missed this from the last Board meeting, what is the cost to the NFTA?
23 Or is it being paid for by the Pegulas, or by the City or by the
24 County?

25 MS. MINKEL: Sure. So, I'm going to turn it over to James to
26 talk about that service.

27 MR. MORRELL: So, Commissioner. We're in discussions with the
28 Bills to provide four (4) services, one from different areas of the

1 community, the Lockport area, Niagara Falls, southern parts of the
2 region as well as downtown. We haven't finalized that service, so we
3 really don't know exactly the cost of the service. But, we're going to
4 be providing up to eight (8) trips a day for workers as well as
5 passengers for that service.

6 MS. MINKEL: \$5.00 fee?

7 COMMISSIONER HICKS: So, who's paying for it? Who's paying for it?

8 MR. MORRELL: So right now, we're in discussions with partner
9 groups with the Bills to see if they can offset that cost. It is going
10 to cost about \$5.00 per person, per trip.

11 COMMISSIONER PERRY: And how much do we collect per person... It's
12 going to cost \$5.00 as a return cost for the service estimated.

13 MR. MORRELL: The individual, per person.

14 COMMISSIONER PERRY: OK.

15 MS. MINKEL: We're charging \$5.00.

16 COMMISSIONER PERRY: OK.

17 MR. MORRELL: And once we finalize the service, then we will
18 be able to determine what the actual cost is going to be to those
19 partners to see if they can offset that service. At least for the
20 workers.

21 COMMISSIONER HICKS: What if they can't offset the service? What is
22 the contingency plan if they can't offset it?

23 MR. MORRELL: Well, we provided this service in the early
24 nineties, and individuals paid for the service on a per trip basis. So
25 that will offset the cost of that service.

26 MS. MINKEL: So, the individuals who pay for their own ride,
27 which would cost them \$5.00 each way versus their employer picking up
28 the cost. So, what's being proposed is a reimbursement set up so that

1 if they have ten (10) employees who hop on the bus, that would be
2 \$50.00, that way they would reimburse us the \$50.00 so that way their
3 employees can ride for free. And if they don't...

4 COMMISSIONER HICKS: OK.

5 MS. MINKEL: Yeah.

6 COMMISSIONER HICKS: Alright. Thank you.

7 MR. GEORGE: The cost to provide the service, is I think
8 what he is asking for, per day, is about \$2,000.00.

9 MS. MINKEL: So, the cost to provide the service...

10 MR. GEORGE: So, for all the service we're talking about the
11 revenue can be as much as...

12 MS. MINKEL: ...is about \$2,000.00 per day.

13 COMMISSIONER HICKS: Yeah, that's right. I was asking what the cost
14 was to us infrastructure wise.

15 MR. GEORGE: Infrastructure wise, the cost is \$2,000.00 and
16 the revenue we're looking at is about \$2,300.00 based on previous
17 ridership. So, at this point in time, that's where we are, but we're
18 looking to see if they can underwrite that total.

19 COMMISSIONER PERRY: And, I think...

20 COMMISSIONER HICKS: I'd be very uncomfortable with us taking on
21 that cost. OK? I am very uncomfortable with that. I mean if it is
22 budget neutral, or we make a profit, but taking on a client, the NFTA
23 taking on a cost for a private enterprise, I have a problem.

24 COMMISSIONER PERRY: Also, I think Commissioner Hicks asked where
25 the drop off is? Or will the services change over time? Where is that?

26 MR. MORRELL: So, we're working with the groups to provide
27 the actual locations but we're trying to get as close to the front gate
28 as possible. What's important is for us is to be able to have

1 visibility to get out of there clearly, when there is lines of cars and
2 trying to park... We talked about that during the Surface Meeting. We're
3 working with DPW, the County as well as the Bills organization to see
4 if we can get in and out really easy.

5 COMMISSIONER PERRY: I guess the out is the big problem though.

6 MR. MORRELL: Especially with what we're proposing. So, we're
7 trying to use the same bus to drop individuals off in the morning to
8 work and go back to the community to pick individuals up to come to the
9 game. That piece is going to become very critical for this operation.

10 MS. MINKEL: And, so for the out, we talked about earlier at
11 the Surface Committee, we talked about having a police escort using our
12 transit police, working with the Sherriff's Department, so that our
13 buses can get out quicker from the game.

14 CHAIR HUGHES: OK. Should we go ahead with the resolutions?

15 COMMISSIONER HICKS: Whoa, whoa, whoa, whoa, whoa, hold on, sorry.

16 So, the cost of the police escort is included in the \$200.00?

17 MS. MINKEL: No, it is not.

18 COMMISSIONER HICKS: Or the \$2,000.00?

19 MS. MINKEL: No, it's not.

20 COMMISSIONER HICKS: So, as a Board Member, I want to know what the
21 total cost would be to provide this service? The service may need to be
22 provided, it may be a good thing, but I want to know what the total
23 cost is to the organization.

24 COMMISSIONER TUCKER: And, I assume it's like, not \$2,000.00. Is it
25 \$2,000.00 per trip or \$2,000.00 per bus?

26 MR. GEORGE: Buses. Four trips, it's four routes, about
27 \$500.00 per round trip, around \$2,000.00 per day. Revenue is \$2,300.00.
28 These are forecasts because it's preliminary. And, those were the four

1 routes. One leaving from the MTC, one leaving from the Black Rock
2 Riverside Transit Center, one leaving from the University Rail Station,
3 and one leaving from Eastern Hills Mall and the other thing I think we
4 are not discussing here is that we are getting people from the
5 community, the disadvantaged individuals who do not have transportation
6 to job access. It was an unwritten consideration that we had talked
7 with the Legislator and the Senator...

8 CHAIR HUGHES: And, the community groups that you talked to,
9 right?

10 MS. MINKEL: Right.

11 MR. GEORGE: ...and the community support as well and I will
12 forward this information to Kim so that you have this.

13 COMMISSIONER BAYNES: So, what we are trying to do Commissioner is,
14 you might have missed the presentation...

15 COMMISSIONER HICKS: I did. The idea... But I have been following the
16 stadium issue for some time and I think what you just said is laudable,
17 OK? But with all these organizations strapped for finances, every year,
18 we have a struggle. So, you know, the Buffalo Bills are a private
19 organization who are waiving the costs of the seats for anyone who
20 wants to go to the stadium. They already need a billion dollars in
21 money to put up the stadium. So, I want to make sure that whatever this
22 cost are, is, it is shared equitably and fairly and doesn't put us
23 further into the red. All this stuff about good faith, I'm all for
24 that. I'm a part of this community, I think it's a good thing to do.
25 But I also think we have to be fiscally responsible, where they should
26 pay a positive role in the costs, deferring the cost whatever they may
27 be.

28 COMMISSIONER BAYNES: What they are also trying to do is bring the

1 employees that work at the stadium who presently don't have
2 transportation to help them. That's the main focus, not the person who
3 is spending \$100.00 for a ticket.

4 COMMISSIONER HICKS: Yeah, yeah, yeah, I get it. I'm going to repeat
5 what was said. What you said has nothing to do with what I just said,
6 OK? That has nothing to do with what I just said. Yes, all those things
7 are good. Yes, we should support the community, yes, but cost is a
8 factor and who shoulders that cost is something this Board should be
9 considering. So, you know, yes, what you said is true, but unrelated.

10 MS. MINKEL: So, I will get the total cost. I'll send it to
11 the Board by way of information too, keep in mind, that most of our
12 routes, we do not make money. The fare that we collect only pays, on
13 average, twenty-five percent (25%) of the cost. So, based on our
14 projections, we'll be well within that, providing a service for the
15 disadvantaged, but I will absolutely get you those costs. I will make
16 certain that I include potential police costs, as well Commissioner, so
17 that you have that information. But I think, I think, we're meeting
18 your objective, maybe we're not stating it correctly, but I think we're
19 in synch.

20 COMMISSIONER HICKS: OK. Thank you.

21 CHAIR HUGHES: There is no resolution to vote on so there is
22 no consider...

23 MS. MINKEL: Right.

24 CHAIR HUGHES: Two, it is a pilot run.

25 MS. MINKEL: That's right.

26 COMMISSIONER AUL: That's what I was going to say. If anything,
27 we'll be putting our teeth on the existing stadium and getting this
28 program piloted and we'll see where the pitfalls are and then it arms

1 us better, I think, to structure whatever we structure for the new
2 stadium when it comes.

3 CHAIR HUGHES: Well said. Now, do you want to do resolutions?

4 MS. MINKEL: Yup. So, there are seven (7) resolutions
5 starting on page forty-three (43). The first one is an authorization
6 for a change order with Scheidt and Bachmann. This is for our fare
7 collection system. The change order will result in \$180,693.00
8 increase. The current contract of \$28,313,748.44 and there are two (2)
9 components to this increase that Tom George had mentioned earlier. One
10 is to allow stored value from the 7-day pass to the 31-day pass so that
11 those who are used to paying on a weekly basis will be able to take
12 advantage of a 31-day pass. And the second item is to integrate third-
13 party mobile app integration so, for example, our Token Transit, which
14 is very popular in the community, would be integrated as part of this
15 but other future apps whether it's GObike or other apps we haven't
16 anticipated, we would be able to integrate as part of that system. I
17 will also make mention I will get all Board Members MetGo passes for
18 friends and family so that we can test the system, so we'll be sending
19 that out to the Board as well.

20 The second resolution on page forty-five is an authorization to
21 award Fennick McCredie Architect a lump sum amount of \$335,693.00 for
22 design services. This is for our Church Street Station which is
23 original to 1984. We did go out with an RFP. Fennick McCredie scored
24 the highest in terms of this procurement. The engineer's estimate for
25 the project was \$327,765.00. Negotiated cost is actually a little bit
26 higher than our engineer's estimate based on what we understand the
27 project to entail. The MBE, WBE, and SDVOB goals were 10%, 13%, and 4%.
28 FMA identified their MBE participation as 9.2%, and their WBE

1 participation as 43.4% (they are a certified WBE) and their SDVOB
2 participation as 8.28%.

3 The third resolution is an authorization to award Fennick
4 McCredie Architect. This for the North Division Street Linear Transit
5 Hub in the lump sum amount of \$569,164.00. This is to create a transit
6 plaza and hub along the north side of North Division, between MTC here
7 and our Church Street Station on the light rail. Anyone who drives by
8 there, you'll notice a series of our traditional bus shelters. We have
9 significant ridership in that corridor, more than 850 riders per day
10 and even more on the bus on this route, so creating a linear transit
11 hub will provide tremendous improvement in visibility between our light
12 rail and our bus system. We went out with an RFP. We did receive a
13 number of proposals. Fennick scored the highest by coming in very close
14 to our engineer's estimate. The established DBE goals for this project
15 paid for by Federal funding was 17%. FMA identified their DBE
16 participation as 39.2%.

17 The fourth resolution is a procurement with Greater Niagara
18 Mechanical. This is for two (2) replacement boilers at a cost not to
19 exceed \$374,379.00. These two (2) natural gas boilers heat
20 approximately 25% of our Cold Spring facility. There are original to
21 the building that was constructed in '91. These boilers will be
22 replaced with higher efficiency units that are 90% or higher. This
23 project also includes a provision for interim heating options should
24 the project be delayed by supply issues. We did go out with an RFP. We
25 did receive two (2) proposals, Greater Niagara Mechanical scoring the
26 highest. Empire State Development has excluded this procurement from
27 MWBE requirements because there are no New York State certified
28 providers of this service. Similarly, for the SDVOB goals.

1 The next three (3) resolutions are very similar, and I am going
2 to talk to them together. So, resolutions number five (5), number six
3 (6) and number seven (7) and all of these are CRAM passes. The first
4 one is for Buffalo State College, and this will be a new four-year CRAM
5 pass that will start for this school year and end in '25-'26.
6 Previously, Buff State had had a CRAM pass. Their previous average fee
7 of what they were paying was \$51.44 per pass. Starting in year 1, they
8 will pay \$55.00, year 2, \$56.65, year 3, \$58.35, and year 4, \$60.10.
9 So, the revenue generated by this agreement is estimated to be
10 \$660,000.00 in the first year with a total revenue of \$2,761,200.00 for
11 the contract term based on current enrollment. Same for ECC. The
12 revenue is different based on their current enrollments but each year,
13 the cost of the pass would be the same. For UB Medical School, it's a
14 little bit different. It is a four-year CRAM pass that would take us
15 through '25-'26, but the cost is slightly higher. And the reason why
16 it's higher is that UB Medical School has a six-month semester instead
17 of the typical four and a half months semester. So, the cost per pass
18 for year 1 would be \$66.00, year 2, \$68.00, year 3, \$70.00 and year 4,
19 \$72.00. The revenue generated by this agreement is expected to be
20 \$132,000.00 in the first year with a total revenue of \$552,000.00 for
21 the contract based on current enrollment. And those are the
22 resolutions.

23 CHAIR HUGHES: Questions on resolutions 1 through 7?

24 COMMISSIONER BAYNES: I just have one question. In the past, we used
25 to have goals, scores but for the first three, we don't, but number 4,
26 we do. Is there a reason why?

27 MS. MINKEL: So, you mean MWBE goals?

28 COMMISSIONER BAYNES: No, I mean,

1 MS. MINKEL: Oh, on the scoring.

2 COMMISSIONER BAYNES: On the scoring and the price of the other
3 competitors.

4 MS. MINKEL: Yeah. So, if it is not an engineering item, we
5 always have the scoring sheets. If it is a qualification-based RFP,
6 where we select based on qualification and proposal, and we negotiate
7 the cost later, then there's no scoring. We identify those who
8 proposed, and we select based on the best qualified and then we
9 negotiate afterwards. It's important because Federal funded projects in
10 particular require that we do procurement that way if it's
11 qualification-based.

12 COMMISSIONER BAYNES: Thank you.

13 CHAIR HUGHES: Any questions? So, I would like to take all
14 seven (7) as a group again. So, I would entertain a motion to approve.

15 COMMISSIONER WILCOX: So moved.

16 CHAIR HUGHES: Commissioner Wilcox.

17 COMMISSIONER BAYNES: Second.

18 CHAIR HUGHES: Commissioner Baynes. Questions. Call the roll.

19 MR. FLAHERTY: This is a roll call vote for Surface
20 resolutions 1 through 7. Commissioner Aul?

21 COMMISSIONER AUL: Yes.

22 MR. FLAHERTY: Commissioner Baynes?

23 COMMISSIONER BAYNES: Yes.

24 MR. FLAHERTY: Commissioner Hicks?

25 COMMISSIONER HICKS: Yes.

26 MR. FLAHERTY: Chair Hughes?

27 CHAIR HUGHES: Yes.

28 MR. FLAHERTY: Commissioner Perry?

1 COMMISSIONER PERRY: I am voting in the affirmative on numbers 1
2 through 4 but I am abstaining on numbers 5, 6 and 7.

3 MR. FLAHERTY: Commissioner Persico?

4 COMMISSIONER PERSICO: Yes.

5 MR. FLAHERTY: Commissioner Tucker?

6 COMMISSIONER TUCKER: Yes.

7 MR. FLAHERTY: Commissioner Wilcox?

8 COMMISSIONER WILCOX: Yes.

9 MR. FLAHERTY: Resolutions pass.

10 CHAIR HUGHES: Great. Thank you. Is there a need for General
11 Counsel, or is there a General Counsel Report?

12 MR. FLAHERTY: Not this month.

13 CHAIR HUGHES: Is there a need for Executive Session?

14 MS. MINKEL: No.

15 CHAIR HUGHES: Any other business? With that we will entertain
16 a motion to adjourn.

17 COMMISSIONER PERRY AND COMMISSIONER WILCOX: So moved.

18 CHAIR HUGHES: Commissioner Perry. Don't all talk at once.

19 MULTIPLE COMMISSIONERS: Laughter.

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