
NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Monthly Board Meeting

April 23, 2020

Transcript of Video Recording
of Proceedings held at NIAGARA FRONTIER TRANSPORTATION
AUTHORITY, 181 Ellicott Street, Buffalo, New York,
stenographically transcribed by VALERIE A. ROSATI, Notary
Public.

1 MEMBERS IN THE BOARDROOM:

2 Commissioner Peter Demakos (Vice Chair)
3 Commissioner Adam Perry
4 Kimberley Minkel (Executive Director)
5 David State (General Counsel).
6 John Cox (Chief Financial Officer)
7 William Vanecek (Director, Aviation)
8 Tom George (Director, Public Transit)
9 Helen Tederous (Director, Public Affairs)
10 John Schaefer (Director, Engineering)
11 Darren Kempner (Manager, Government Affairs)

12 MEMBERS ON THE PHONE:

13 Chair Sister Denise Roche
14 Commissioner LaVonne Ansari
15 Commissioner Wesley Hicks
16 Commissioner Bonita Durand
17 Commissioner Margo Downey
18 Commissioner Philip Wilcox
19 Commissioner Joan Aul
20 Commissioner Charles Gurney
21 Commissioner Anthony Baynes
22 Christine D'Aloise (Director, Risk Management
23 and Special Projects)
24 Karen Novo (Director, Human Resources)
25 George Gast (Chief of Police)

26
27
28 COMMISSIONER DEMAKOS: Welcome. This is the
29 regularly scheduled monthly board meeting and
30 also the annual meeting of the NFTA, April 23rd,
31 2020. And before we officially begin, we need a
32 roll call of commissioners on the line to
33 determine if we have a quorum.

1 So, David State, please.

2 MR. STATE: Commissioners, just going to do it by
3 alphabetical order, make sure we have our
4 six-person quorum.

5 Commissioner Aul?

6 COMMISSIONER AUL: I'm here, David.

7 MR. STATE: Ansari?

8 Commissioner Baynes?

9 Commissioner Demakos?

10 COMMISSIONER DEMAKOS: Here.

11 MR. STATE: Commissioner Downey?

12 COMMISSIONER DOWNEY: Here.

13 MR. STATE: Commissioner Durand?

14 COMMISSIONER DURAND: Here.

15 MR. STATE: Commissioner Gurney?

16 COMMISSIONER GURNEY: Here.

17 MR. STATE: Commissioner Hicks?

18 COMMISSIONER HICKS: Here.

19 MR. STATE: Commissioner Hughes?

20 Commissioner Perry?

21 COMMISSIONER PERRY: Present and accounted for.

22 MR. STATE: Sister Denise?

23 CHAIR SISTER ROCHE: Here.

1 MR. STATE: And Commissioner Wilcox?

2 COMMISSIONER WILCOX: Present.

3 MS. MINKEL: And someone just joined.

4 Did someone just join?

5 COMMISSIONER BAYNES: Anthony Baynes.

6 MS. MINKEL: Thank you.

7 And, Commissioner Ansari, did you happen to
8 join?

9 UNIDENTIFIABLE SPEAKER: Commissioner who?

10 MS. MINKEL: Ansari. LaVonne.

11 UNIDENTIFIABLE SPEAKER: Oh.

12 MR. STATE: Hughes was tentative, right?

13 MS. MINKEL: Yeah. Hughes was tentative, so I didn't
14 know. But, we do have a quorum.

15 MR. STATE: We do have a quorum.

16 COMMISSIONER DEMAKOS: All right. So we have quorum.

17 So since we have a quorum and as vice chair and
18 the presiding officer, I call the annual meeting
19 of April 23rd, 2020 to order.

20 Since I'm physically present in the
21 boardroom and the chair is participating by
22 teleconference, I've agreed to serve as chair of
23 the meeting. So I ask for unanimous consent to

1 serve as the chairman pro tem for the meeting of
2 April 23rd, 2020. Hearing no objection, I will
3 serve as the chairman pro tem for this meeting.

4 Okay. Great.

5 First order of business, the approval of
6 minutes from the March 26th, 2020 regular
7 meeting. Do I have a motion to approve the
8 minutes from the March 26th meeting?

9 COMMISSIONER PERRY: So moved.

10 COMMISSIONER DEMAKOS: Second?

11 UNIDENTIFIABLE AUL: Aul. Second.

12 COMMISSIONER DEMAKOS: Any discussion?

13 All in favor -- we don't need to do a roll
14 with that, do we?

15 MR. STATE: That's correct.

16 COMMISSIONER DEMAKOS: Okay. So -- approved.

17 Okay. Before I turn the meeting over to Kim
18 for the executive director's report, I have a few
19 comments. Today's meeting, and it's the annual
20 meeting, is unfortunately again structured
21 differently than normal. Per executive order and
22 keeping with CDC guidelines, the meeting is being
23 held telephonically for the board and staff.

1 Those on video you can see we are keeping our
2 social distancing. As Kim mentioned, it's also
3 being recorded with a transcript that will be
4 available once it's, once it's done. There are
5 about ten of us here or so, and we all have
6 brought our protective gear. And as was last
7 month, there are no committee meetings, only this
8 board meeting.

9 Kim has distributed all the material to the
10 board and committee members beforehand. Now, if
11 you have any question or comments, please feel
12 free to interject. And as Kim said, please put
13 your phones on mute unless you're speaking. And
14 then when asked for a motion and second and vote
15 on resolutions, we have combined the resolutions
16 into four groups so we only have to do four roll
17 calls.

18 COMMISSIONER PERRY: I just want to make a comment.

19 As an attorney who's currently counseling many
20 governments, boards, commissions and authorities
21 subject to the open meetings law and other laws
22 that were adjusted by the executive orders, I
23 just want to commend the staff on doing an

1 outstanding job in allowing public access but
2 following safe procedures and making just
3 exemplary meetings, and that's for the executive
4 director and the general counsel and all the
5 staff. Just an outstanding job.

6 COMMISSIONER DEMAKOS: Okay. Thanks, Commissioner
7 Perry.

8 You know, unfortunately, this virus has
9 affected every part of our normal lives, and our
10 first concern is always the health and safety of
11 our sixteen hundred plus employees. And later
12 Kim will be presenting the measures the NFTA is
13 continuing to implement to keep them safe. You
14 know, our team members continue to be on the
15 front lines with many of them leaving their
16 families, their home, providing our community
17 with reliable and efficient transportation
18 services.

19 And just a few examples of how the NFTA is
20 working. You know, the free ride, no fare
21 decision has been very well-received, and whether
22 it's an essential employee going to work, a
23 medical professional going to a hospital facility

1 or someone trying to get to a shelter, they don't
2 have to worry about paying for transportation.

3 Another example is that the NFTA through
4 Senator Tim Kennedy's office is working with
5 Buffalo Peacemakers delivering several hundred
6 meals a day to central locations for Buffalo
7 Public School students. So, again, thanks to
8 everyone, Kim and everybody in the staff and
9 everybody out there, the entire NFTA team for
10 helping our community get through this crisis.

11 So now I'd like to turn it over to Kim for
12 the executive director's report.

13 MS. MINKEL: Thank you, Peter.

14 So I'm going to be a little long today, and
15 I apologize, but in the absence of the committee
16 meetings, there are some things I want to
17 highlight for the board.

18 As a reminder, you did receive a packet of
19 the agenda, the resolutions and the PowerPoint
20 that we are going to go through, but, also,
21 previously you had a link to all the committee
22 reports so that you have all that information to
23 review and comment and ask questions on.

1 I will also be sending out to the board
2 early next week your annual board self-evaluation.
3 These are anonymous. So please complete these
4 and either e-mail or mail them, your completed
5 evaluation to Darlene so that we can compile
6 those for the board to review.

7 Since this is our annual meeting and,
8 typically, we review each of the committee
9 charters during the committee meetings, we won't
10 have the opportunity to do that; however, staff
11 has reviewed them. I did send them as part of
12 your packet, and we are not recommending any
13 changes at this time. However, if in the future
14 you want us to consider any changes, let me know
15 and certainly we can bring that back to the board
16 at a later date.

17 Also, during this month at the audit,
18 governance and finance committee, the board
19 designates a financial expert. The ABO
20 recommends that the audit committee shall have
21 access to the services of at least one financial
22 expert, and this person is then identified in the
23 annual report of the Authority. Joan Aul has

1 been designated over the past couple of years and
2 is willing to do this another year. If there's
3 no objections, I would keep Joan as the
4 designated financial expert.

5 So hearing none, Joan, you will get an extra
6 paced rate the next time we meet. Thank you for
7 doing this.

8 COMMISSIONER AUL: I was waiting for the objections.

9 Thank you, Kim.

10 MS. MINKEL: I was hoping you wouldn't object.

11 COMMISSIONER AUL: Seriously, happy to serve. Thank
12 you.

13 MS. MINKEL: Thanks, Joan.

14 Also at this month we usually do our annual
15 insurance premium summary, and there's a couple
16 things I wanted to highlight for the board. And
17 that was included in with the committee
18 information.

19 So although overall we are under budget,
20 we're under budget by five hundred thousand
21 dollars, we did this in a different way this
22 time. We did it by reducing our excess liability
23 insurance, the upper limit. So across most lines

1 of coverage, we're seeing significant increases
2 on the various lines, and these were due to
3 significant increases in the marketplace. They
4 were not due to our experience. So it was
5 becoming extremely challenging to reduce these.
6 So we took a look at our excess liability limit,
7 and we're lowering it from thirty million to five
8 million so that we can come in under budget by
9 five hundred thousand. If we were not to do
10 this, we would be over budget by an additional
11 three hundred thousand. And given some of the
12 financial constraints that we have, we thought it
13 was wise to reduce that upper limit. You should
14 also know, historically we took a look and we've
15 never pierced that five million limit. So at
16 this time I feel comfortable. Certainly in the
17 future as the market improves, we'll look to buy
18 that back up into the future.

19 Additionally, I have some good news on our
20 Workers' Comp. front. In the actuarial review,
21 we will have a favorable adjustment of five point
22 nine million combined through both NFTA and Metro
23 operations. And this is really the results based

1 on very strong loss control efforts that we've
2 had throughout the Authority. As you know we
3 continue to put incredible emphasis on safety,
4 and all the workers here at NFTA have done an
5 outstanding job, so we're very happy to report a
6 favorable adjustment this year.

7 I also want to acknowledge, and I know he's
8 not on the line, but I want to thank Kaleida
9 Health and Commissioner Mike Hughes who opened up
10 testing for essential NFTA workers and first
11 responders. They did this for us last week. As
12 these brave men and women are out there
13 interacting with the public, they are
14 understandably nervous and scared, so this
15 service has been overwhelmingly well-received and
16 it's providing some comfort during this difficult
17 time.

18 At the end of the meeting, we will provide
19 an update on our COVID-19 impacts, but to date
20 we've had forty-eight employees who are
21 self-quarantined for COVID-19. Six confirmed
22 cases of the virus. Five of the six have
23 returned and recovered, and certainly our

1 thoughts and prayers are with those who are out
2 there dealing with this awful virus and the
3 effects on so many people during this difficult
4 time. My sincere appreciation to our entire NFTA
5 and Metro teams for their hard work, dedication
6 and perseverance, and the board for your support
7 during this difficult time. Thank you.

8 COMMISSIONER DEMAKOS: Thank you, Kim.

9 MS. MINKEL: The consolidated financials.

10 COMMISSIONER DEMAKOS: I see. Do you have -- oh,
11 that's part -- I see. That's part of the --
12 okay. So consolidated financials.

13 John, could you please take us through
14 those?

15 MR. COX: Sure. Good afternoon, commissioners. If
16 you can refer to page eight in your packets.
17 What we typically do for the month of March,
18 since it's the end of our fiscal year, we give
19 the financial highlights and basically the known
20 numbers, usually the large spends and known
21 variances that we have at this point in time. So
22 I'll just go through some of the highlights that
23 we have.

1 On the first half, you've got what we have
2 as far as the month of March, and then the second
3 set of numbers you'll see it's budget to actual
4 and the variance, and then the second set of
5 numbers on the other side are fiscal year --
6 through fiscal year end, or through fiscal year
7 end 2020.

8 So on the operating revenues and assistance,
9 you'll see, as we expected, Metro passenger
10 fares, we did see a variance of about -- almost
11 seven hundred thousand dollars unfavorable.
12 That's a twenty-percent variance. And of course
13 that would be associated with the, the lower
14 ridership and then eventually the zero fares that
15 we put in. So that had that effect.

16 BNIA concessions and commissions, of course
17 lower enplanements at the airport, which were --
18 we saw during -- we knew were occurring during
19 the month of March. We still had those follow
20 through, and we're down approximately one point
21 seven million dollars or approximately fifty-nine
22 percent.

23 Now, Erie County sales tax and mortgage tax,

1 those -- there's a little bit of lag in those, so
2 those held up through the month of March.

3 And now if we move over to the other side on
4 the year-to-date basis, you'll see Metro
5 passenger fares are down for the whole year about
6 one point seven million or four point seven
7 percent. And concessions and commissions, down
8 about one point seven million again, and that's
9 about five point seven percent. And those are
10 both unfavorable. But, there is a partial
11 offset. We did see Erie County sales tax for the
12 year, it's up in a favorable variance of about
13 five hundred and fifty thousand dollars or about
14 two point six percent. And our mortgage tax came
15 in favorable about one point five million
16 dollars, a fifteen-percent positive variance, so
17 there is a partial offset there.

18 Now, if you go below to the operating
19 expenses, you'll see salaries and overtime was
20 slightly elevated at two hundred and fifty
21 thousand dollars, approximately, above budget, or
22 three point two percent. And some of that is due
23 to our response to COVID, additional work that

1 needed to be done. And we will see -- we will be
2 able to apply to FEMA for some reimbursement for
3 those additional costs there. On a year-to-date
4 basis, we were essentially flat. We were just
5 under budget by about eighty-three thousand --
6 essentially on budget. It's just one tenth of a
7 percent.

8 Maintenance and repairs, those were below
9 budget by six hundred and thirty thousand dollars
10 or twenty-five percent. Utilities, as it has
11 been throughout the year, was below budget by two
12 hundred and fifteen thousand or fifty-one
13 percent, and on a year-to-date basis was below by
14 twenty-two percent.

15 And I wanted to actually back up. I want to
16 correct, the salaries and overtime, I actually
17 said that it was over. It was actually under.
18 So we actually had a better month in March where
19 we came in under versus budget. So I wanted to
20 correct that and make sure that you have the
21 correct information there.

22 Now, insurance and injuries, we had a pretty
23 good month. It was just slightly above budget by

1 thirty-four thousand or eight point six percent.
2 And on a year-to-date basis, we actually saw --
3 because of some higher claim loss reserves that
4 we had to put in during the course of the year
5 because of some information we received, we
6 actually ended up slightly above budget there by
7 one -- about one point four million dollars or
8 twenty-nine percent.

9 So those are the financial highlights that
10 we have. Of course we're working with the
11 auditors. We're going to be putting together the
12 financial statements and bringing those back to
13 you for your approval at the June meeting. So
14 unless there are any questions, that's the
15 financials, at least the highlights through
16 March.

17 COMMISSIONER DEMAKOS: And as you said, these will
18 get finalized once you get all your results in
19 and will be able to provide those at a later
20 date, right?

21 MR. COX: That's correct. Yes.

22 COMMISSIONER DEMAKOS: Are there any questions for
23 John regarding the financials?

1 Yes, John?

2 MR. COX: And if I could, I just wanted to touch on
3 one more thing before we moved on. I also wanted
4 to make the board -- we made you aware of some of
5 the draws we've done on the line of credit so
6 far.

7 Back in the first week of April, we did draw
8 two point one million, and this was for some
9 various projects that we were doing at the rail
10 and also at the DL and W project.

11 Then we had another draw of about four point
12 six million on April 15th, give or take a day,
13 and that, again, is associated with some various
14 rail projects and the DL and W project.

15 And we have another draw tomorrow --
16 anticipated for tomorrow of about one point five
17 million. And we anticipate another draw of a
18 million next week. And what these draws are
19 associated with are contracts where we have
20 grants from the state for these various projects.
21 And they're not from this current fiscal year.
22 Some of them are actually from two fiscal years
23 ago. So it was the nine million and the -- that

1 we received for the light rail, and also the ESDC
2 funds that we received for the DL and W project.

3 So at this point the board has approved
4 those, Kim has signed off on them, and they're
5 only at this point waiting for the state
6 sign-off. So once we have that sign-off from the
7 state, we will be able to draw those funds down
8 and then pay back this line of credit. And this
9 is the current line of credit that we have for
10 these purposes, and it's up to fifteen million.
11 So all of those together, we'll be at
12 approximately nine point two million, so we'll --

13 COMMISSIONER DEMAKOS: And the state has already
14 allocated those funds?

15 MR. COX: That's correct.

16 COMMISSIONER DEMAKOS: And these are all for
17 capital -- they're not for any operating
18 deficits; they're for capital projects?

19 MR. COX: That's correct. Yes. Yes.

20 COMMISSIONER DEMAKOS: All right. Thank you, John.

21 Now, we have, we have seventeen corporate
22 resolutions. We'll take the first two together,
23 and then the remaining fifteen together.

1 So, Kim, if you could go over those, please.

2 MS. MINKEL: Sure. Thank you, Peter.

3 So the first two, one is for NFTA and the
4 second is for Metro System, it's the election of
5 officers. And in speaking with the chair, she is
6 recommending that the existing slate of officers
7 serve for another year. I know that she has
8 spoken and reached out to the various officers
9 and they are open to that. So the vice chair for
10 NFTA would be Commissioner Demakos; secretary,
11 Commissioner Gurney; and the treasurer,
12 Commissioner Durand. And this would be for both
13 NFTA and then for NF -- Niagara Frontier Transit
14 Metro System, which is a wholly-owned subsidiary
15 separate from the NFTA. And those are the two
16 resolutions.

17 COMMISSIONER DEMAKOS: So could I have a motion,
18 please, to approve the slate of officers as
19 presented by the chairman for fiscal year --
20 2021, right?

21 COMMISSIONER PERRY: So moved.

22 COMMISSIONER DEMAKOS: Commissioner Perry.

23 Second?

1 COMMISSIONER WILCOX: Second. Commissioner Wilcox.
2 COMMISSIONER AUL: Aul. Second.
3 COMMISSIONER DEMAKOS: All in favor?
4 COMMISSIONER PERRY: Aye.
5 UNIDENTIFIABLE COMMISSIONERS: Aye.
6 COMMISSIONER DEMAKOS: We have to -- sorry. We have
7 to do a roll call. I'm sorry. We will do a roll
8 call for this.
9 MR. STATE: All right. It's David State. Roll call
10 in alphabetical order.
11 Commissioner Aul?
12 COMMISSIONER AUL: Yes.
13 MR. STATE: Baynes?
14 COMMISSIONER BAYNES: Aye.
15 MR. STATE: Demakos?
16 COMMISSIONER DEMAKOS: Aye.
17 MR. STATE: Durand?
18 COMMISSIONER DURAND: Yes.
19 MR. STATE: Gurney?
20 Commissioner Gurney?
21 COMMISSIONER ANSARI: Let me interrupt for one
22 minute. Ansari is here. Yes.
23 MR. STATE: Commissioner Ansari. Thank you.

1 Commissioner Gurney, final call.

2 All right. Commissioner Hicks?

3 COMMISSIONER HICKS: Yes.

4 MR. STATE: Commissioner Perry?

5 COMMISSIONER PERRY: Aye.

6 MR. STATE: Sister Denise?

7 Sister Denise?

8 MS. MINKEL: You may have to unmute your lines --

9 CHAIR SISTER ROCHE: Yes.

10 MS. MINKEL: Okay. Thank you.

11 MR. STATE: And Commissioner Wilcox?

12 COMMISSIONER WILCOX: Yes.

13 MR. STATE: Any other commissioners that I did not
14 call voting on this item?

15 Thank you. Item passes.

16 COMMISSIONER DEMAKOS: All right. Thanks, David.

17 The motion has been approved.

18 There are an additional fifteen resolutions
19 which Kim will present right now.

20 MS. MINKEL: Thank you, Peter.

21 So starting on page twelve, the first one is
22 the adoption of our mission statement. As a best
23 practice, we rank the board every year. There's

1 no changes in the current mission statement since
2 it was adopted on March 22nd, 2010, and this is
3 the same one that the board approved last year as
4 well.

5 The fourth corporate resolution on page
6 thirteen is the amendment to the bylaws. Staff
7 is recommending a couple of minor changes to the
8 bylaws. First is it would provide changes that
9 are reflective of video conferencing capabilities
10 that should have been changed previously as
11 required by the ABO that we noticed, so we're
12 recommending those changes. And then the other
13 change is to authorize an amendment to provide
14 that regularly scheduled meetings of the board
15 will be held on the fourth Thursday of each
16 calendar month at twelve-thirty p.m., unless
17 directed otherwise by the chair. Just inserting,
18 unless directed by the chair, to provide some
19 clarity. And then the only other minor changes
20 is reflection of chair versus chairman within the
21 bylaws.

22 The next, corporate resolution five, is on
23 page thirty-one. And staff is asking for

1 approval of our whistleblower's policy. This has
2 not changed since that was brought to the board
3 and the board approved it last in September of
4 2019.

5 The next corporate resolution is on page
6 thirty-four. And this is approval of our
7 harassment in the workplace policy. This policy
8 has been updated using language that's consistent
9 with the new Executive Order 187 that was issued
10 by Governor Cuomo. So the changes are
11 highlighted in the policy itself that you can
12 see, but most of the language changes are the
13 ones that are recommended to comply with
14 Executive Order 187.

15 Corporate resolution number seven on page
16 thirty-eight is the approval of the investment
17 guidelines. These also have not changed since
18 they were last approved by the board in April of
19 2019.

20 Corporate resolution number eight is on page
21 forty-four. This is our master liability
22 management policy. Again, this policy, which is
23 attached, has not changed since it was last

1 reviewed and approved by the board in April of
2 2019.

3 Corporate resolution number nine is on page
4 fifty-eight. And this is the guideline for the
5 disposition and transfer of capital and
6 non-capital assets. Staff is not recommending
7 any changes at this time. And this was last
8 reviewed and approved by the board in 2019.

9 Corporate resolution number ten on page
10 sixty-three is the adoption of the amended
11 procurement guidelines for the NFTA and Metro
12 System. Now, there are a couple of changes in
13 the amended policy. Specifically, we have
14 language in there to indicate that the
15 responsibility for contract management and
16 monitoring will rest with the executive director,
17 so that I have the ability to terminate a
18 contract and it's specifically identified within
19 the procurement guidelines. We've added this
20 language in to keep with the proper separation of
21 board oversight and executive management
22 functions as recognized by New York Authority
23 Budget Office. So we wanted to abide by those

1 requirements and those best practices that are
2 specifically included in the New York Authority
3 Budget Policy Guidance number 6 dash 02.

4 Staff is also recommending an increase from
5 two hundred thousand to five hundred thousand for
6 the purchase of goods or services from small
7 business concerns for those certified as minority
8 or women-owned business enterprises, or goods for
9 technology that are recycled or manufactured,
10 pursuant to Section 2879 of the Public
11 Authorities Law. The law changed the dollar
12 amount increase, so we want that to be reflected
13 in our procurement guidelines as well. And those
14 are the changes within that policy.

15 Skipping over to corporate resolution eleven
16 is the approval of guidelines for acquisition and
17 disposition of real property. And, I'm sorry,
18 this is on page one o four. This also has not
19 changed since it last came to the board in April
20 of 2019.

21 Corporate resolution number twelve is our
22 travel policy and guidelines. We have some minor
23 changes, specifically changing chairman to chair,

1 within the travel policy and guidelines. And
2 those are the only changes within that document.

3 Corporate resolution thirteen, which is on
4 page one twenty. Staff is recommending an
5 authorization for agreement with M and T Bank for
6 a line of credit. This would increase our line
7 of credit to forty-five million and would provide
8 funding to help bridge any timing issues that
9 might arise from our operating assistance through
10 the CARES Act. The term would be one year. The
11 floating rate will be equal to one-month LIBOR
12 plus three percent with a three-percent rate
13 floor. There will be an annual facility fee of
14 forty-five thousand, and the bank's legal and
15 documentation fee to close the transaction will
16 not exceed six thousand dollars. This has been
17 excluded from Empire State Development MWBE goals
18 because there are no certified providers of this
19 service. And certainly anytime we need to draw
20 on this line of credit, just like we do with the
21 existing fifteen million that we have, we would
22 notify the board if and when that becomes
23 necessary.

1 The next, corporate resolution fourteen, is
2 on page one twenty-five in your book. Staff is
3 looking for authorization for an agreement with
4 National Fire Adjustment Company. And this would
5 be to provide services to help us analyze insured
6 property recovery as it's related to COVID-19.
7 The fee for this service would be seven percent
8 of any amount recovered in excess of our two
9 hundred and fifty thousand dollar self-insured
10 retention. And we would seek reimbursement for
11 these fees under FEMA or the CARES Act, providing
12 that it's eligible, and we think it might be.

13 Under FEMA and CARES, they strongly
14 encourage that we use our insurance products
15 first to cover any claimed losses, and this is
16 quite involved. We've used NFA in the past, and
17 due to the specialized nature of the services and
18 the complexity of the potential claims, we
19 thought it was best to bring NFA back on and use
20 them as well. We're also asking that the board
21 waive competition on this because it is so
22 specialized and we have a very short amount of
23 time to really perfect our insurance claims. So

1 that's that resolution.

2 On page one twenty-six, corporate resolution
3 fifteen is an authorization for agreement with
4 PMA. This is for a third-party administrator for
5 our Workers' Comp. services. As a reminder to
6 the board, we are self-insured for Workers' Comp.
7 We do use a third-party administrator to help
8 administrate those claims for us. This would be
9 a three-year agreement with the option of four
10 additional one-year terms. The estimated cost
11 for year one is four hundred and eight thousand
12 two hundred eleven dollars. That would remain
13 for the first three years. And then years four
14 through seven, it would increase, starting at
15 four hundred and twelve thousand four hundred and
16 sixty-one dollars and ending at four hundred
17 twenty-eight thousand seven hundred and eleven
18 dollars in year seven.

19 We did go out with an RFP. We did receive
20 seven responsive proposals. Three firms were
21 selected to participate in interviews. Staff
22 ranked the proposal from PMA as the most
23 responsive. In addition, PMA is willing to put

1 ten percent of its annual fee at risk based upon
2 meeting agreed upon performance measures. And
3 Empire State Development has excluded this
4 procurement from MWBE requirements because there
5 are no New York State certified providers. And,
6 likewise, we've excluded the SDVOB requirements
7 for these services.

8 On page one thirty-one, corporate resolution
9 sixteen is an authorization for agreement with
10 Daigle Law Group. And this is for consulting
11 services to help assist our transit police
12 department as we move to get that department
13 accredited through New York State Department of
14 Criminal Justice Services. This would be a
15 five-year agreement. The total cost over the
16 five years would be a hundred and fifty-two
17 thousand three hundred and seventy-six dollars.

18 We did go out with an RFP. We received two
19 proposals. This was scored the highest. Daigle
20 Law Firm has partnered with PowerDMS who is a
21 nationwide leader in providing advisory services
22 to law enforcement. We are anticipating that it
23 would take a minimum of two years to get all our

1 policies and procedures to the point that we
2 could then consider accreditation. There's also
3 a physical inspection, a look at our properties
4 and perhaps additional capital improvements that
5 will be needed to help us reach this ultimate
6 goal of accreditation.

7 While the MWBE and DBE goals have been
8 waived by Empire State because there are no
9 certified providers, I do think it's noteworthy
10 to mention that some of the senior experts on
11 this team are female law enforcement with
12 extensive expertise, so we're certainly happy
13 about that, and we look forward to moving towards
14 accreditation within our police department.

15 On page one thirty-four, corporate
16 resolution number seventeen is an authorization
17 for procurement for road salt. This is for next
18 season, 2020 and '21. Approximately forty-two
19 hundred tons of bulk road salt. We would get
20 this with OGS, but OGS requires our commitment by
21 the end of this month in order to be a part of
22 the group. They set the MBE goals, and their MBE
23 goal is five percent; WBE is five percent and the

1 SDVOB is zero percent for this procurement.

2 And on page one thirty-five, the final
3 resolution, before my voice fails me, is a lease
4 agreement with U.S. Customs and Border Patrol.
5 They've been a tenant here at MTC pretty much
6 since the day the facility was built. They are
7 looking to lease two hundred and sixty-eight
8 square feet of office space at a rate of
9 twenty-two dollars and forty-six cents a square
10 foot or a little over six thousand a year,
11 subject to a three-percent annual escalator. And
12 this lease would expire at the end of April in
13 2025. And those are the resolutions.

14 COMMISSIONER DEMAKOS: Thanks, Kim.

15 If I may have a motion to approve the
16 sixteen corporate resolutions as presented by
17 executive director? Now, if you're going to
18 abstain, you can do so or object when the roll
19 call is given. So I'll just ask right now for
20 the motion.

21 COMMISSIONER PERRY: So moved.

22 COMMISSIONER DEMAKOS: Commissioner Perry.

23 Second?

1 COMMISSIONER DURAND: Durand. Second.

2 COMMISSIONER DEMAKOS: Okay. And so David State will
3 call the roll on these resolutions.

4 MR. STATE: All right. And before I call the roll,
5 Commissioner Aul did notify us prior to the
6 meeting in writing that she was recusing on item
7 thirteen, the line of credit resolution.

8 So I'll start and go alphabetically, but for
9 Commissioner Aul, this would be your vote on
10 every item except for item thirteen which you
11 have recused yourself from.

12 COMMISSIONER AUL: That is correct, David. Thank
13 you.

14 MR. STATE: All right. And that's a yes vote for the
15 rest?

16 COMMISSIONER AUL: Yes. I'm sorry.

17 MR. STATE: And continuing. Ansari?

18 COMMISSIONER ANSARI: Yes.

19 MR. STATE: Commissioner Baynes?

20 COMMISSIONER BAYNES: Yes.

21 MR. STATE: Demakos?

22 COMMISSIONER DEMAKOS: Yes.

23 MR. STATE: Durand?

1 COMMISSIONER DURAND: Yes.

2 MR. STATE: Gurney?

3 I'll skip Commissioner Gurney.

4 COMMISSIONER GURNEY: Yes.

5 MR. STATE: Commissioner Gurney, thank you.

6 Commissioner Hicks?

7 COMMISSIONER HICKS: Yes.

8 MR. STATE: Commissioner Perry?

9 COMMISSIONER PERRY: Abstaining on number thirteen.

10 Aye on all the rest.

11 MR. STATE: Thank you.

12 Sister Denise?

13 CHAIR SISTER ROCHE: Yes.

14 MR. STATE: And Commissioner Wilcox?

15 COMMISSIONER WILCOX: Yes.

16 MR. STATE: Any other commissioners that I did not
17 call?

18 Thank you. Item passes.

19 COMMISSIONER DEMAKOS: Okay. So the item passes

20 except for the two ones that were noted, so thank
21 you, Kim.

22 Next on the agenda is the aviation business
23 group report. Commissioner Perry.

1 COMMISSIONER PERRY: Well, I guess I'm just turning
2 it over --

3 COMMISSIONER DEMAKOS: I have to turn it to you.

4 COMMISSIONER PERRY: Yes. Thank you, Mr. Chair.
5 Turning it over to Mr. Vanecek and company.

6 MR. VANECEK: John, do you want to give a quick
7 update on the AIP projects?

8 MR. SCHAEFER: Please.

9 MR. VANECEK: Do you want to just do the big one?

10 MR. SCHAEFER: Yeah, I'll just take the big one.
11 Right. I usually go through a few of them.

12 So the terminal enhancement project.

13 Recently we have had -- negotiated -- there's
14 some delay claims that were of course submitted
15 by the contractor, Pike, and a number of them
16 that we've worked through. Long story short, as
17 they show up in the report, that we've extended
18 some of the interim milestones but have kept the
19 end date. This is to account for some existing
20 conditions and design issues up through and
21 including change order twelve. So basically sets
22 the slate clean. There are no compensatory items
23 related to the delay claim and it's strictly

1 time, time given on that.

2 Other than that, progress on it, foundations
3 are complete on the west side, so the next thing
4 coming up is steel. That will be delivered here
5 next month to start erecting steel. And on the
6 east side, we're looking to pour the floor on the
7 meet and greet area. We're working through some
8 social distancing issues right now on the
9 project. We expect a resolution here shortly.
10 And that concludes my report. And of course I
11 can answer questions on that or any other, would
12 be happy to.

13 COMMISSIONER PERRY: So for the original schedule
14 that we had for the airport project, will this
15 cause a substantial, whatever that means, change
16 in those dates? The end dates, the completion
17 dates, the substantial use dates and the final
18 dates for the construction.

19 MR. SCHAEFER: So, yeah. So the end date remains
20 April, 2022. There have been some that range
21 from a ten-day to one is up to about a two-month
22 extension within the interims. So what -- of
23 course the contractor being careful of many of

1 those. They have liquidated damages associated
2 with those, so they're sensitive to those, and
3 they are there to be motivating folks to keep
4 moving along on the project and they're doing so.
5 So as long as they kept the end date, we found it
6 as amicable.

7 COMMISSIONER PERRY: Couple of months I can deal
8 with. And generally with that there's no,
9 there's no kind of force majeure or other kind of
10 risk that we're at and the project is fully
11 funded and that's held in an escrow, so if some
12 contractor wasn't able to continue, that would be
13 fully bonded and covered, so the project will as
14 far as we know at this point complete and what
15 you're reporting doesn't have any impact on that.

16 MR. SCHAEFER: Right. The project is continuing as
17 designed and all forces are out there, are out
18 there working on it. We do -- of course with the
19 latest with COVID, there are -- we have had one
20 I'll call it a blanket delay claim, and we don't
21 recognize blanket delay claims.

22 Second to that, what's being worked out is
23 the -- some of the tasks require close

1 distancing. Pouring of concrete floor, for
2 example. You can imagine, it's quite a large
3 area, and usually they're shoulder to shoulder,
4 quote, unquote, in trying to spread the concrete
5 around. It looks like it's heading to wearing
6 appropriate PPE so we can work closer together
7 without that risk, but it still stands and
8 they're working through it in fairness to Pike.

9 COMMISSIONER PERRY: And just one last thing. So
10 none of the orders affecting the continuation of
11 various construction impact us at all, so the
12 contractors are permitted by law to proceed with
13 all available speed that they have?

14 MR. SCHAEFER: That is true, with this one claim that
15 I was making mention to is the social distancing
16 and making -- you know, the work -- where the job
17 requires people to work closely, to make that
18 task safe. So they're working their way through
19 those items, but there's nothing that's stopping
20 anybody from completing the job as its whole.

21 COMMISSIONER PERRY: Great. Thank you. I don't have
22 any more.

23 COMMISSIONER DEMAKOS: Thank you.

1 Are there any questions on the aviation
2 business report?

3 MR. VANECEK: I do have a comment if I could make
4 one.

5 COMMISSIONER DEMAKOS: Sure.

6 MR. VANECEK: And this is pretty eye-opening. You
7 mentioned the, you know, the desolate look of the
8 terminal. And to give you a little bit of an
9 idea about the effect not only on us, but
10 nationwide, the amount of people that were
11 supposed to be screened through checkpoints
12 throughout the United States yesterday by TSA was
13 ninety-nine thousand, and that would compare to a
14 normal day of two point seven million. And at
15 Buffalo, we had two hundred and seventy-nine
16 versus what would normally be about seventy-five
17 hundred. So, I mean, it is -- you know, we were
18 clapping our hands yesterday because we had
19 thirty-five people get on a plane, and that's our
20 record so far once this whole thing started. And
21 normally it's been five, six people max. So it's
22 been a real challenge.

23 And I can tell you our staff has done a

1 great job of keeping their spirits up, because
2 it's tough on them as well. You know, we're
3 keeping everything as -- you go in there now, I
4 mean, you need sunglasses because the terminal
5 looks so bright from the wonderful job that our
6 people are doing. But, it's tough on them, you
7 know, because they're the type of folks that
8 normally will interact with our passengers, and
9 there's nobody to talk to in the terminal. So
10 it's been tough. And I give my staff all the
11 credit in the world for being able to be as
12 positive as they are during this time.

13 COMMISSIONER DEMAKOS: That's great. Thanks, Bill.

14 There are two resolutions in the aviation
15 group, and Kim will present those.

16 COMMISSIONER PERRY: Can I just ask one question
17 before we get into those? Are we able to --
18 obviously with the situation at the border, I was
19 wondering, are we able to determine how many
20 Canadian users we still have? Because there is
21 still some essential travel for which people
22 might cross the border.

23 MR. VANECEK: Yeah. You know, again, if you're

1 talking two hundred and seventy-nine people in a
2 day, we're talking ones or twos probably --

3 COMMISSIONER PERRY: Okay.

4 MR. VANECEK: -- coming down from Canada, and so that
5 is a big concern for us, you know. And when we
6 start to recover and we start to get back, we're
7 going to be hopeful that the Canadian border will
8 open as soon as possible to get those -- in a
9 safe way. We want everybody to be safe first and
10 foremost, understand. But, hopefully that
11 they'll make the decisions that are prudent and
12 get that flow of traffic coming from Canada
13 again.

14 COMMISSIONER PERRY: Thank you. And that's all I
15 have.

16 COMMISSIONER DEMAKOS: All right. Thank you.

17 Kim?

18 MS. MINKEL: Thanks. So starting on page one
19 thirty-eight, staff is recommending that the
20 board approve the Niagara Falls International
21 Airport tariff. We're looking specifically to
22 add parking fees for the commercial air carrier
23 remain overnight. The parking fee would be a

1 hundred and ten dollars per twelve hours. By
2 comparison, we charge a hundred and twenty-five
3 dollars for twelve hours at the Buffalo Airport,
4 and the non-signatory carriers would pay a
5 hundred and thirty-seven dollars and fifty cents
6 for twelve hours.

7 And then the final aviation resolution is
8 for the procurement with M and B Companies. This
9 is for two multi-task snow removal vehicles and
10 this is for at the Buffalo Airport. The cost of
11 the two vehicles is one million six hundred and
12 twenty-four thousand nine hundred and twenty
13 dollars. We did go out with an RFP. We only
14 received one responsive proposal, but the cost
15 was determined to be fair and reasonable based on
16 previous purchases. FAA, since we're using
17 federal funding for this, the DBE goals are
18 exempt because there's no certified providers for
19 this specialized equipment. So in total this
20 will provide five of these units for the Buffalo
21 Airport and one for Niagara Falls going forward.
22 Those are the resolutions.

23 COMMISSIONER DEMAKOS: Thank you. I'd like a motion

1 to --

2 COMMISSIONER HICKS: I'm sorry, Kim. This is Wes.

3 Can I ask a question before we have a motion?

4 COMMISSIONER DEMAKOS: Sure. Absolutely.

5 COMMISSIONER HICKS: Okay. I probably misheard this.

6 It's a hundred and twelve dollars for twelve

7 hours of parking? Is that what you said? I got

8 that wrong, right?

9 MS. MINKEL: A hundred and ten dollars per twelve

10 hours for parking, yes, you got that right.

11 COMMISSIONER HICKS: And that's for short-term?

12 MR. VANECEK: No. This is for aircraft,

13 Commissioner, so it's --

14 COMMISSIONER HICKS: Oh, aircraft.

15 MS. MINKEL: Yes. I'm sorry.

16 COMMISSIONER HICKS: I thought, if I'm driving my

17 Prius --

18 COMMISSIONER PERRY: What is this, New York City?

19 COMMISSIONER HICKS: Okay. I accept that. Thank

20 you. I feel much better.

21 COMMISSIONER DEMAKOS: All right. If I may have a

22 motion to take these two items in the aviation

23 group, please indicate.

1 COMMISSIONER PERRY: So moved.
2 COMMISSIONER DEMAKOS: Second?
3 COMMISSIONER DURAND: Second. Durand.
4 COMMISSIONER DEMAKOS: Okay. And please indicate,
5 then, your vote in the roll call.
6 MR. STATE: Commissioner Aul?
7 COMMISSIONER AUL: Yes.
8 MR. STATE: Ansari?
9 COMMISSIONER ANSARI: Yes.
10 MR. STATE: Baynes?
11 COMMISSIONER BAYNES: Aye.
12 MR. STATE: Demakos?
13 COMMISSIONER DEMAKOS: Yes.
14 MR. STATE: Durand?
15 COMMISSIONER DURAND: Yes.
16 MR. STATE: Gurney?
17 COMMISSIONER GURNEY: Yes.
18 MR. STATE: Hicks?
19 COMMISSIONER HICKS: Aye.
20 MR. STATE: Perry?
21 COMMISSIONER PERRY: Aye.
22 MR. STATE: Sister Denise?
23 CHAIR SISTER ROCHE: Yes.

1 MR. STATE: And Wilcox?

2 COMMISSIONER WILCOX: Yes.

3 MR. STATE: Any other commissioners?

4 Thank you. Item passes.

5 COMMISSIONER DEMAKOS: Okay. The motion on the
6 resolutions has passed.

7 Next is the surface transportation business
8 group report. In the absence of Mike Hughes, I
9 would just like to turn it over to Tom George.

10 MR. GEORGE: Thank you and good afternoon. As
11 earlier, we do not have a financial report for
12 this month as we -- normally the practice for
13 April is we look at the books. A couple of items
14 I'd like to cover, though, on the initiatives
15 report.

16 First of all, on the Amherst rail extension,
17 a couple of items there. We have closed the
18 public comment period for the SEQR process for
19 the environmental impact statement for that. We
20 have received comments back from all fed -- or,
21 all agencies. In the interim, we have received
22 notice from the Federal Transit Administration
23 that they are willing to act as lead agency on

1 this project. This is something we have been
2 pursuing for quite some time, nearly a year. And
3 I'll just talk briefly about what that means to
4 us.

5 First of all, in order to apply and receive
6 federal funding for the project, we need to have
7 environmental clearance through the federal
8 government in the NEPA process. In order to do
9 that, a federal agency has to be the lead agent.
10 It's normal that the Federal Transit
11 Administration would do that, so we have pursued
12 them. Now we have received that. There is a
13 caveat applied to that, however. What they've
14 asked us to do is advance that environmental
15 impact statement under the NEPA process, but to
16 include not only the two alternatives we had
17 initially which was the null alternative or do
18 nothing and the light rail alternative, they have
19 asked us to include a bus rapid transit
20 alternative in that as well.

21 And the rationale that they've provided for
22 that is simply when they look at our project, it
23 scores very well, it's a very attractive project

1 for Western New York, but the competition for the
2 New Starts money is very significant and it's
3 very challenging. We will be going against
4 agencies who will be putting in potentially a
5 bigger portion of the money for the same type of
6 dollars who also will be able to provide a larger
7 ridership share.

8 So they recognize that it is a light rail
9 project for NFTA and for Western New York.
10 They've recognized and commit to the fact that it
11 is our locally preferred alternative, but they
12 want to include and get environmental clearance
13 for the bus rapid transit alternative. What that
14 does is it positions us in a place where we if we
15 continue to pursue light rail funding under the
16 New Starts in the future and we're unable to be
17 successful for that and we as an agency decide to
18 switch gears and move into a bus rapid transit as
19 an option and there is money readily available
20 for that, we would already have the environmental
21 clearance in place and we could move directly
22 into that process.

23 But, that does create some complications for

1 us, as we've gone through and almost completed
2 the final environmental impact statement under
3 the SEQR process, and now we have to fall back
4 and look at what that means before we complete
5 that. So our team is now meeting. We're coming
6 up with options on how we pursue that. We are
7 setting up meetings with the Federal Transit
8 Administration to establish scope and approach
9 for moving forward with a comprehensive approach
10 both on the SEQR state-based process and the NEPA
11 federal-based process, so at the end of the day
12 we've got one comprehensive environmental
13 clearance document that will both clear the SEQR
14 as well as the NEPA process and give us a
15 reckoned decision.

16 So it's great news for us. We've got them
17 to move forward and have recognized our project,
18 acknowledge it and move into the lead agency
19 status, but it does create some complications for
20 us as an agency to move forward with that. And
21 I'll have much more to report on that in the
22 coming months. We just received that last week,
23 so we're moving forward with that.

1 The other thing I just wanted to touch base
2 briefly on is our fare collection project, MetGo.
3 As you're all aware, we've talked a lot about it.
4 We've waived fares and deferred fares for a
5 period of time. It's created some challenges for
6 that project. We were supposed to move into a
7 pilot project for fare boxes. It's created some
8 challenges. We're still moving it forward, but
9 it could again cause us some additional delays in
10 moving that project to completion. We're
11 challenged again with some of the things, as well
12 as some of the travel restrictions that are
13 created. A lot of the support team for this
14 project are both Canadian as well as German and
15 from other parts of the world. So there are some
16 challenges that the COVID response has created
17 for this project, but we're working through
18 those.

19 I have some reports on operations and
20 ridership that I'll get into in our presentation.
21 I will state that we did not have either
22 accessibility advisory committee or a citizens
23 advisory committee, although I'll talk a little

1 bit about citizens advisory committee again
2 later. And that's my report for today.

3 COMMISSIONER DEMAKOS: Okay. Let's see. There are
4 three corporate resolutions under surface
5 transportation.

6 Kim?

7 MS. MINKEL: Thank you, Peter.

8 Starting on page one forty-four. The first
9 one is an authorization for agreement with
10 Patterson-Stevens. This is for the fastener and
11 pad replacement project. This would be phase ten
12 of that project. We're also looking for a
13 supplemental agreement with Mott MacDonald for
14 the construction monitoring portion of this
15 project.

16 Patterson-Stevens responded to a bid. The
17 award for their portion of the work is one
18 million nine hundred sixty-four thousand eight
19 hundred and eighty-eight dollars. They were the
20 lowest bidder. The supplemental agreement with
21 Mott MacDonald in the amount of three hundred and
22 forty-one thousand seven hundred and forty-three
23 dollars for their portion of the work.

1 The established MBE, WBE and SDVOB goals for
2 three percent, five percent and one percent,
3 respectively. They have identified their WBE
4 participation as two point two percent, their MBE
5 as zero point one percent and their SDVOB
6 participation as one percent, so staff is working
7 with the contractor to find additional WBE and
8 MBE opportunities and complete a waiver
9 application for any unmet goals. For the Mott
10 McDonald portion, they've identified fourteen
11 point four percent WBE participation, which is
12 slightly over the ten-percent goal that was
13 established for this work.

14 The second resolution is for a change order.
15 It's on page one forty-seven. This is change
16 order number two in a lump sum increase of four
17 hundred thousand for Progress Rail Services
18 Corporation. And this is a material supply
19 contract. It went out for proposals back in the
20 end of 2016. We were looking for an option to
21 purchase additional direct fixation rail fastener
22 assemblies, so this is for that option. As part
23 of this procurement, we will be able to purchase

1 an additional thirty-three hundred DFF assemblies
2 to put towards our fastener and pad replacement
3 project, phase number nine. And the funding for
4 this is being provided by New York State and
5 local funds.

6 The final surface resolution is on page one
7 forty-nine. And this is for a Chevy Silverado
8 5500 MD work truck, crew cab, four-wheel drive,
9 diesel, for a total cost of a hundred and fifteen
10 thousand nine hundred and ninety-nine dollars and
11 eighty-two cents from Joe Basil Chevrolet. We
12 did a mini bid process through OGS. One bid was
13 received, which staff has evaluated and
14 determined this to be fair and reasonable based
15 on past practices. This will replace a 2005
16 vehicle that we had that has not only exceeded
17 its useful life; we've recently needed to retire
18 it because of the excessive structural
19 deteriorations on that vehicle.

20 And those are the three resolutions.

21 COMMISSIONER DEMAKOS: Fifteen years is not bad --

22 MS. MINKEL: No.

23 COMMISSION DEMAKOS: -- especially, you know, with

1 severe duty. These vehicles are out there, so --

2 MS. MINKEL: Yeah. We certainly got our money's
3 worth.

4 COMMISSIONER DEMAKOS: Definitely. Definitely.

5 If I may have a motion to approve the three
6 surface transportation group resolutions.

7 COMMISSIONER PERRY: So moved.

8 COMMISSIONER DEMAKOS: Commissioner Perry.

9 Second?

10 COMMISSIONER GURNEY: Second. Second.

11 MS. MINKEL: Is that Gurney?

12 COMMISSIONER GURNEY: Mr. Gurney.

13 COMMISSIONER DEMAKOS: Okay.

14 MS. MINKEL: Thank you.

15 COMMISSIONER DEMAKOS: And please indicate your
16 approval or abstention at the roll call.

17 David?

18 MR. STATE: Commissioner Aul?

19 COMMISSIONER AUL: Yes.

20 MR. STATE: Ansari?

21 COMMISSIONER ANSARI: Yes.

22 MR. STATE: Baynes?

23 COMMISSIONER BAYNES: Baynes is yes, but I need to

1 abstain from number three.

2 MR. STATE: The vote is yes with Commissioner Baynes
3 abstaining on number three.

4 Commissioner Demakos?

5 COMMISSIONER DEMAKOS: Yes.

6 MR. STATE: Durand?

7 COMMISSIONER DURAND: Yes.

8 MR. STATE: Gurney?

9 COMMISSIONER GURNEY: Yes.

10 MR. STATE: Hicks?

11 COMMISSIONER HICKS: Aye.

12 MR. STATE: Perry?

13 COMMISSIONER PERRY: Aye.

14 MR. STATE: Sister Denise?

15 CHAIR SISTER ROCHE: Yes.

16 MR. STATE: Commissioner Wilcox?

17 COMMISSIONER WILCOX: Yes.

18 MR. STATE: Any other commissioners voting?

19 Item passes.

20 COMMISSIONER DEMAKOS: Okay. So the resolutions were
21 approved with one abstention as noted.

22 Kim, do you want to do your presentation or
23 the executive director's report first?

1 MS. MINKEL: Maybe general counsel?

2 COMMISSIONER DEMAKOS: I'm sorry. The legal counsel
3 report.

4 MS. MINKEL: Yes.

5 MR. STATE: Just a quick general counsel report. The
6 financial disclosure statements of which JCOPE
7 sends out every year, they've given us a little
8 bit of a break in terms of the filing deadline
9 because of COVID. So you would normally get that
10 e-mail April 15th and it would always be due
11 thirty days later, May 15th. The good news is
12 they're allowing you to file until August 17th,
13 so that's a pretty generous extension. If you
14 want to go ahead and file by May 15th, you can.
15 They're encouraging electronic filing. I know
16 some of you do hard copy, that's also still okay,
17 but you've now got additional time to submit your
18 financial disclosure statement. If you have any
19 questions, concerns about the questions, please
20 contact me and we can take you through it. And
21 for those of you who need a further extension
22 even beyond August 17th, you're able to do that
23 as well.

1 And then, secondly, the -- as you recall, we
2 had the water main break January 22nd of this
3 year, 2020. This week -- earlier this week we
4 served a Notice of Claim on the city and some of
5 the other municipal entities with the city simply
6 preserving our right to make a claim for damages
7 in the future. That's required under the law.
8 If you don't file a Notice of Claim, you are out
9 of luck. So we did serve that earlier this week,
10 and we will continue to keep the board apprised
11 of that process. And that's the report.

12 COMMISSIONER DEMAKOS: Okay. Are there any questions
13 for David on the general counsel report?

14 Okay. Thanks, David.

15 Kim, you have a presentation --

16 MS. MINKEL: Yes.

17 COMMISSIONER DEMAKOS: -- on our continued response
18 to the COVID-19 epidemic.

19 MS. MINKEL: Yes. Thank you, Peter.

20 And before I kick it over to Darren to
21 provide an update on the financial implications
22 and where we are with the CARES Act, I just --
23 and maybe I'm stealing his thunder. But, I will

1 mention we were the first agency in the nation to
2 submit our application under surface
3 transportation. Darren was very eager and was
4 first in line to make certain that we got our
5 application in so that we could get our funding.
6 We were not the first to receive funding because
7 it -- part of the process requires that it goes
8 to the Department of Labor and sign-off from the
9 various unions. And we're lucky to be
10 represented by thirteen of them, so that process
11 is a little bit longer. But, we were the first
12 in line thanks to Darren and his team's efforts.

13 So thank you, Darren. If you want to talk
14 about the CARES Act.

15 MR. KEMPNER: Sure. We're on slide three and four
16 here. I've got two slides with no pictures, just
17 dollar signs. So the CARES Act was signed into
18 law on March 27th, 2020. This is the same Act
19 that you think of with the paycheck protection
20 program and other large assistance programs from
21 the federal government, the two trillion dollar
22 Act. That Act appropriates twenty-five billion
23 for transit systems across the country and ten

1 billion for airports to prevent, prepare for and
2 respond to coronavirus.

3 I would mention it was not a small lift to
4 ensure that transit systems and airports were
5 included at this level in the Bill. I give a lot
6 of credit certainly to our federal delegation,
7 and Kim sent a thank-you letter to them, but also
8 the industry associations that represent airports
9 and transit systems. And that's how this kind of
10 thing gets done industry-wide. It has an
11 industry impact.

12 So on April 2nd and then on the 14th, U.S.
13 DOT announced the allocations of that money to
14 individual systems. And I've listed the
15 allocations to NFTA-Metro and the two airports,
16 which received individual allocations. So
17 sixty-one point three million to NFTA-Metro and
18 just under twenty-two million for Buffalo and
19 almost two million for Niagara Falls. As I'll
20 mention later, the airport funds can be pooled
21 across the aviation system. And then just one
22 small note. There's also some money to take our
23 2020 AIP grants to a hundred-percent share, which

1 means about three hundred and twenty thousand
2 dollars in additional funds to the NFTA.

3 So slide four, Helen. Thank you.

4 So the eligibility for these funds is quite
5 broad. The priority is for operational expenses,
6 and U.S. DOT has encouraged agencies to spend the
7 funds expeditiously to respond to local needs to
8 offset the adverse impacts of the crisis.

9 So the operational expenses have to be
10 qualifying and they can date back to January
11 20th, and they are at up to a hundred-percent
12 federal share. So what I would say on the status
13 is that, as Kim mentioned, we do have the FTA
14 grant executed and we're preparing our first draw
15 this week for the operational expenses from
16 January -- I'm sorry. February 1st to April
17 20th. And then with FAA, since it was a little
18 bit later that the money was allocated, we're
19 still working with them. We sent them drafts of
20 the application. We had to apply to execute a
21 contract for those, for those funds.

22 All right. Any questions?

23 That concludes my portion of this report.

1 MS. MINKEL: I will add one other thing. So this
2 certainly is a significant amount of money and
3 we're very appreciative of the funding, but in
4 terms of how does this look for us financially
5 going forward, it's difficult to know. If I look
6 strictly on the expense side, this is enough
7 funding to cover five months' worth of expenses.
8 That's assuming worst case, no additional
9 operating assistance coming through. I'm very
10 concerned.

11 We know the state is struggling financially,
12 and as a reminder, a significant portion of our
13 operating assistance comes through New York
14 State. We also receive operating assistance
15 through mortgage recording tax, and we know
16 what's happening with the housing market, and
17 sales tax with Erie County. And then on the
18 airport side of the house, concessions and
19 parking are pretty much nonexistent, and it's
20 hard to imagine that they will return to normal
21 in five months' time. So while this is very much
22 appreciated and it is significant, there are some
23 concerns looking down the road. It's something

1 we are very carefully monitoring.

2 Okay. So with that, Metro. Tom?

3 MR. GEORGE: So to start with some goals here for
4 what we've been trying to accomplish. Obviously,
5 it's a balancing act between the safety of our
6 operators in our system and the safety of our
7 passengers, so we've been focused on that on a
8 daily basis. And most of the things we've done
9 have been -- have looked at that focus. We're
10 also trying to maintain the highest amount of
11 public transit service that we can, primarily for
12 two reasons. One is obviously to create as much
13 capacity in the system so that people have as
14 much room as possible to continue to use it.
15 Also, to maintain our workforce and keep them
16 actively engaged. And then there's COVID-19
17 guidelines and requirements that come out every
18 single day, and we stay abreast of those and
19 continue to adopt and implement those into our
20 processes and our practices.

21 So what have we done to protect our
22 employees and our riders? Well, we're fortunate
23 to have plexiglas barriers on about a third of

1 our fleet, a hundred vehicles, so those have all
2 been fully deployed.

3 Intensive cleaning of buses, rail cars and
4 transit stations. PAL operators are deployed to
5 bus loops and transit centers. So what's
6 happened here is our paratransit operations are
7 significantly down as you might imagine. We've
8 taken twenty-four of those paratransit operators
9 and deployed them into the system, specifically
10 fourteen of those at bus loops. So if you go out
11 here today at the MTC or a number of our bus
12 loops, University Station, you'll see actually an
13 NFTA employee getting on vehicles as they come
14 into the loop and disinfecting those vehicles in
15 high-touch areas. Since we've implemented this,
16 it's maybe been about a week, we've done eleven
17 hundred vehicles.

18 The other ten are deployed to the bus
19 garages and we've been doing deep cleaning. So
20 we've really enhanced our deep cleaning of the
21 buses during this period, and we've deep cleaned
22 eighty-four buses during the period with these
23 additional folks.

1 And then we're also providing PPE for
2 employees, including masks, which is in
3 accordance with the latest guidance, and we've
4 provided gloves as well for the operators.

5 Other items that we've done. As you're
6 aware, at the last board meeting we suspended the
7 fare collection, which has been well-received.
8 We've blocked seats. You can see identification
9 of a chain here in the location with -- it's got
10 a hook in the middle. It's important from a
11 safety perspective that we have egress from both
12 doors, if there was something to occur in the
13 vehicle that the passengers are able to get off.

14 We've closed the Portage Road and the
15 Niagara Falls Transit Center locations to
16 eliminate the opportunity for social, social
17 separation there. And we've also really limited
18 what's going on in the MTC down here as you can
19 see when you walk through. There's very little
20 opportunity for folks to sit next to each other.
21 So we've adopted those. And now we're requiring
22 our riders to wear masks or some sort of cloth
23 covering in order to enter the system and to use,

1 to use our buses. Also, our operators are
2 required to wear those as well.

3 So our service changes. What have we done
4 here? So April 11th we had full service. On the
5 12th of April, we implemented our summer service.
6 Normally this is done at the end of June. We
7 implemented it earlier. What it does is it
8 basically eliminated the school-day service. We
9 have the same service we had in the summer of
10 2019, so it's a fairly robust level of service.
11 So we looked at both summer service or Saturday
12 service. Summer service is more like eighty-five
13 percent, eighty-two to eighty-five percent of our
14 existing service, where summer (sic) service is
15 closer to fifty-five. So once again, as I spoke
16 earlier, maintaining as robust service as
17 possible.

18 There is less peak service involved --
19 available with this. But what it does is it
20 increases our flexibility to direct chase buses
21 where we need to assist in passenger
22 distribution. So what we've done is we've -- we
23 have -- I've talked to you before about our

1 automatic passenger counting system. So
2 basically two days after any day we can get
3 up-to-date data on our system and what the riders
4 look like both during the day or peak trips. So
5 we've done an extensive analysis. On a weekly
6 basis, we look at all the data. We identify
7 specific trips that are having high-capacity
8 routes on those.

9 And then what we've done is for each one of
10 our three stations, we've identified specific
11 what we call blocks, which are trips or pieces of
12 work that are operated by an operator that we
13 then put chase buses on. So if we identify --
14 and one of the routes specifically we've had the
15 most issues with is route nineteen. We actually
16 designate on route nineteen, we have chase buses
17 during certain periods of the day. So we'll
18 actually run two buses down the line. Within
19 basically two to five minutes, we'll have a
20 second bus coming down through so that if we get
21 some higher capacities, we have -- or, higher
22 ridership, we have more capacity to spread those
23 folks out.

1 This, however, is becoming a problem because
2 just with the COVID-based issues that we have
3 with our workforce, we're already down thirty
4 operators. So even though we put summer service
5 in, which opened up some operations, now we're
6 seeing an erosion of those operators. So we are
7 seeing continued erosion for people, whether it's
8 COVID-based or the expanded Family Medical Leave
9 Act, both of those things are eroding our
10 operator base which is creating some challenges
11 for us. But, we're continuing to move forward
12 with the chase program.

13 On communications, we've communicated
14 essential trips only. We've had extensive
15 conversation about the essential trips only. A
16 couple of the issues associated with that is we
17 are very cognizant of not putting our operators
18 into an enforcement action. We're entering
19 everyone through the rear of the bus, which is
20 upwards of twenty-five feet away from the
21 operator on the opposite side. It's very
22 difficult -- when people talk to us about
23 implementing programs to ensure that people are

1 essential trips only, it's very difficult for us
2 to pursue a program like that.

3 So what we've done is we've used the media
4 that's been identified on here as well as signage
5 in the system to inform people that it's
6 essential trips only, but it's very, very
7 difficult, if not impossible, to enforce that.
8 We also have equity issues associated with that
9 that we get concerned about relative to that.
10 The example that's been used before, if we have
11 eight people on the bus and we limit it to
12 essential riders or we limited the numbers to
13 those riders and you come to a stop and there's
14 four people there at the stop, now we're asking
15 our operators to say, okay, you two are allowed
16 and you two are not, from twenty-five away. It's
17 really creating some hardships.

18 So we've used the media that we've had to
19 try to enforce that in the community, to try to
20 reinforce it over and over again with signage and
21 notices, and we're hoping for the best behavior
22 from our community, and we think we've seen quite
23 a bit of it. There's always the one-offs. As I

1 like to say, if you move thirty thousand people a
2 day, you're going to have one-offs. So that's
3 where we are. And then we've also continued to
4 communicate with our citizens advisory committee
5 on a regular basis.

6 So on the monitoring/assessment, what are we
7 doing to get a feel for what's going on out
8 there? So we're doing daily monitoring of what's
9 going on in our systems; our peak loading, our
10 wheelchair boardings, so just some ridership
11 information. I talked about the automatic
12 passenger counting system, so I wanted to provide
13 the board with some data. We talked about the
14 APC or the automatic passenger counting system.
15 So ninety-eight point five percent of our routes
16 have fifteen or less passengers on those routes
17 on an average, so our ridership is significantly
18 down. We put supervisors out in the system to
19 watch the busiest routes. We had over four
20 hundred and fifty observations. Only four of
21 those routes had over fifteen riders on them, and
22 the average was four riders per trip, to give you
23 an idea. It's not four riders per trip, but four

1 people on the bus at any observation. So, you
2 know, we're significantly down.

3 Wheelchairs is another issue relative to the
4 boardings we've put in and the chains we put in.
5 So our wheelchair boardings are down to less than
6 thirty a day. So we do twenty-six hundred trips.
7 So less than thirty actual boardings of
8 wheelchairs. Significantly down. And our
9 paratransit system is less than a hundred and
10 sixty riders a day. As you recall, we were
11 panicking earlier in the year. We were creeping
12 up over nine hundred riders a day. We're down to
13 about a hundred and sixty now. And we're able
14 to -- basically, almost all cases have a single
15 rider for paratransit. So there's only a few
16 instances daily, less than ten a day, where
17 there's more than one paratransit customer on a
18 trip.

19 And as far as ridership, our bus ridership
20 is about twenty-five to thirty thousand trips a
21 day, and our rail ridership is less than four
22 thousand a day. So we're down over sixty percent
23 on bus and over seventy percent on rail. Buses

1 fluctuates a lot. The rail is very consistent.

2 So another thing we're doing is we're
3 tracking the COVID-19 based best practices. We
4 do a daily update on upwards of thirty-five
5 different peer agencies to see what they're
6 doing. We also -- we talk about our benchmarking
7 groups. There's daily things that come up from
8 them on worldwide practices. American Public
9 Transit Association is doing daily webinars and
10 information sharing. So we've got all this
11 information coming at us every day. We're
12 evaluating that. We're doing peer exchange.

13 And then last but not least, we wanted to
14 reach out to our citizens advisory committee and
15 find out from them. We wanted to keep them
16 engaged, but we also found out from them what
17 about our practices they had suggestions on and
18 what about our communications, and, generally,
19 they're very pleased. We do have a list of
20 suggestions that we're using and we're going
21 through those and seeing if we can adopt any of
22 those. We have them engaged as well. We did a
23 survey and the survey engaged fourteen of the

1 twenty-eight members, so about half of them, but
2 I think that's pretty good.

3 And then last but not least, we're trying to
4 assist the community. And you might have seen
5 some information, some press information on what
6 we're doing with the Buffalo Board of Education.
7 And you'll see that we're delivering three
8 hundred meals daily through our paratransit
9 system with the Peacekeepers. And so there's a
10 Peacekeeper volunteer here. These folks are
11 great. I know Kim was out and got engaged with
12 Senator Kennedy. Our operators are great and
13 there's just so much energy with the volunteer
14 groups, and we're really pleased to be part of
15 that.

16 And then the last thing we had was we're
17 still working with Erie County Hearts and Hands
18 as well as Wegmans to do additional programs.
19 You know, we've been contacted recently about --
20 with some other groups that we will be continuing
21 to pursue, and we've actually scheduled something
22 for the end of May with the City of Lackawanna as
23 well.

1 So just kind of an overview of the things
2 we've been working on. It's been very busy. I
3 would be remiss if I didn't take an opportunity
4 to just recognize our frontline workers
5 especially. We talk about the operators and the
6 work they're doing out there. They're up and
7 down the streets. They've got thousands of
8 people on and off these vehicles every day.
9 We've tried to give them the tools they need to
10 be effective and to be safe; but, nonetheless,
11 it's scary out there for them. And if I were to
12 say -- use the word brave, I think brave is a
13 great word for what our operators are
14 demonstrating right now as well as some of our
15 customer service agents and our supervisors, so I
16 just really wanted to send a recognition out to
17 those folks. And that was all I had. If there's
18 any questions.

19 COMMISSIONER DEMAKOS: Thanks, Tom.

20 MS. MINKEL: Thanks, Tom.

21 COMMISSIONER AUL: Mr. Chair, it's Joan.

22 But, Tom, if I could ask a question. And
23 I'll try to get my thought process here. So when

1 you reach out to your peer groups and those in
2 the benchmarking group, probably more across the
3 country than across the state, are there others
4 that are -- well, obviously we're still on the
5 stay-at-home rule. I guess it would be
6 interesting to see over time as conditions ease
7 up in other marketplaces how we watch if and when
8 their business recovers. You know what I mean?
9 I think it, I think it will be -- obviously
10 everybody is in the same boat which is such an
11 unusual and hopefully once in a lifetime
12 situation, but I think what will be especially
13 interesting is as people start opening up and
14 business starts recovering to see how that --
15 what that recapture rate is. Does that make
16 sense? Are there other -- are there peer, are
17 there peers that are kind of fairly similar size
18 to us that we benchmark ourselves against
19 typically that would be interesting to watch as
20 things start to recover? Does that make sense?
21 MR. GEORGE: It does make sense. There's a couple
22 things I'll comment on. First of all, yes,
23 there's a peer group that we monitor that share

1 our size and our demographic. One of the most
2 interesting things that we look at -- and we
3 don't know what we'll look like six months from
4 now or even a year from now, but one of the
5 things that's very interesting is some of the
6 larger cities, what we do is we track what we
7 call the transit-dependent riders. And some
8 transit agencies have a much smaller portion of
9 transit-dependent riders than we do, choice
10 riders, and that's something that we're looking
11 to see how that impacts us. We have a very high
12 propensity for transit dependency in our system,
13 so we think that there will be a greater need for
14 people to come back to the transit system. We do
15 anticipate some significant erosion long-term in
16 ridership. We're interested to see how the
17 telecommuting phenomena or practice plays out in
18 the future. We feel that that could have a very
19 big impact.

20 But, to get back to the direct question.
21 The benchmarking is sharing information on
22 ridership as well as best practices. As an
23 example, we have been looking and we talked to

1 the board earlier about a potential express plan
2 change. We've put all of that on hold because
3 the way our system may look and the way we may
4 deliver services could change significantly in
5 the next number of months, and we're going to
6 have to be really flexible in how we move forward
7 and how we look at things.

8 So we'll be using those best practices from
9 those agencies, but trying to find agencies that
10 are in similar demographics, similar transit
11 dependency, similar communities. We do have a
12 list of those and we talk with those more closely
13 than some of the -- maybe the WMATAs or the MTAs
14 of the world or some of the very smaller agencies
15 that are very -- sort of more of a niche market.
16 We're definitely a solid mid-sized transit
17 agency. We're about the fiftieth size agency and
18 about the fiftieth size metropolitan area, in
19 that order of magnitude. Start to look at
20 Northeast in that size as well as people with
21 high transit dependency, we'll use those as our
22 best practices.

23 MS. MINKEL: In addition, Joan --

1 COMMISSIONER AUL: Perfect. Thank you, Tom.

2 MS. MINKEL: Joan, you bring up a good point. We are
3 starting very early to think about recovery and
4 what would a recovery plan look like and how
5 would we operate anticipating that tomorrow a
6 light switch wouldn't go on and everything goes
7 back to normal. So we will be able to through
8 our benchmarking look at, you know, when do you
9 put fares back online, how many people do you put
10 on a bus, when do you pull back on PPE and all of
11 those things as well. So, yes, I think that's a
12 great point and it provides us with a small
13 advantage to see how others are doing it at an
14 earlier point in time.

15 COMMISSIONER AUL: Perfect. Thank you, Kim.

16 Thanks, Tom.

17 MS. MINKEL: Thanks.

18 So next up we have John Schaefer to talk
19 about our property, because we have a fair amount
20 of leases and property, and the impact COVID has
21 had.

22 MR. SCHAEFER: Thank you, Kim.

23 So 247 Cayuga, 485 Cayuga and transportation

1 centers such as MTC are just a few examples as a
2 refresher of what's in the property group. Since
3 responding to the COVID issue, additional
4 expenses. You see a couple bullet items we point
5 out. Additional supplies. We spent just over
6 five thousand dollars year to date, and on pace
7 for about two thousand dollars per month. These
8 are for additional paper towels, cleansers,
9 gloves, mop heads. We're doing more cleaning, so
10 you consume more supplies.

11 The second bullet we have listed here is
12 outside cleaning services, about sixteen thousand
13 dollars year to date and about thirteen thousand
14 five hundred on pace. This is for outside
15 services that will, one, increase the frequency
16 of cleaning. We -- of course with much of what
17 you see around the nation, more cleaning, more
18 often, so in doing so we've got more forces to do
19 this. It also augments our custodial staff that
20 we have direct hire that are either off by
21 personal leave or off for sick or taking
22 advantage of FMLA.

23 So still with the property group, revenue

1 generation has to be looked at as well. So
2 tenant rents. So fourteen of sixty-seven tenants
3 we have in the property group have not paid
4 April's rent which was due April 1st. It's a
5 snapshot of what's happened. So right off the
6 bat seventy-four thousand dollars in the month of
7 April is not at our fingertips.

8 Tenant relief. So a lot of tenants -- of
9 course throughout the nation, there's different
10 discussions of what to do and how to do it. So
11 tenant relief, here's how we're approaching it in
12 the property group. Tenants need to request
13 relief by submitting in writing, what is it
14 you're looking for and what is it that you want
15 and want it. NFTA reviews each request and
16 responds uniquely or specifically to each one.
17 The lease -- it's important to know this. Leases
18 do not require any form of relief. It sounds
19 harsh, but we too are running a business as well.
20 So we at least have to start with that's where we
21 are.

22 That being said, the NFTA is considering one
23 to two-month deferred payment for tenants in good

1 standing. So we take it case by case and we try
2 to defer it in a way that -- what I like to call
3 focused on our business, what can we tolerate,
4 what can't we tolerate and still at the end of
5 the year pay the bills.

6 With paying the bills of course is normally
7 you're doing marketing, right? So the outlook of
8 where we are with that. Three potential new
9 tenants cancelled negotiations. That's about
10 thirty-two thousand -- thirty-two thousand six
11 that was nearly in hand that is now gone off the
12 table. The next one is a bit bigger. We had two
13 existing tenants cancel negotiations to expand
14 their lease. That's nearly a quarter of a
15 million dollars per year. So right off the bat,
16 revenue. So you can see there's a balancing act
17 of how comforting and relief can we give, but at
18 the same time keep things, keep things -- pay the
19 bills and pay the employees.

20 And another item is a typical -- the third
21 item. Typically, we average two showings per
22 week. Since March 23rd, we had one. We are
23 optimistic on that one. But, that gives you a

1 little feeling of of course the market is --
2 things have gotten pretty sour pretty quickly.
3 So that took care of property.

4 While I'm up, I wanted to make sure we
5 talked about engineering projects. We talked a
6 bit about the terminal enhancement project
7 earlier. But, in general, any project that's
8 under construction continues. Any project that's
9 in design continues. These are projects that
10 they've already been given a notice to proceed,
11 they're working away, there has been no
12 interruption to that by any direction.

13 The remainder of the projects, however, are
14 being reviewed on funding and criticality.
15 They've been reviewed once. We've got another
16 meeting tomorrow with some of the upper
17 management here to go over them again. And we
18 plan on doing these on a monthly basis, plus or
19 minus a few weeks, depending on what new
20 information comes available and what funding.

21 I do find it important to note these next
22 three projects. There are three projects that
23 the board has awarded; however, notice to

1 proceeds weren't issued and now we're actually
2 holding those due to an abrupt funding
3 uncertainty. The first is aircraft deicing.
4 It's also known as the wetlands project. That's
5 an eight and a half million dollar project that
6 we've put on hold. Metro's Frontier bus garage,
7 adding a fourth compressor installation. That's
8 an eight hundred thousand dollar project we've
9 put on hold. And Metro Rail's escalator
10 replacement, phase five. That's replacing three
11 escalators at Humboldt Station. And that's got a
12 value of three point six million.

13 So just to give you a feel that we are
14 reining in. And it's important to say, you know,
15 recently the board awarded these. We're doing
16 our diligence of bringing them back and to
17 reassuring. What was once certain has become
18 abruptly uncertain, and we have to sort it out
19 from there with what new revenue sources may or
20 may not appear. And that concludes the
21 engineering list. Are there any questions on
22 that or property?

23 COMMISSIONER DEMAKOS: Any questions?

1 Okay.

2 MS. MINKEL: One thing I want to point out on the
3 property line is under the CARES Act, we get
4 reimbursement for surface transportation, we get
5 reimbursement for the airport. There is no line
6 for property, so the expenses, the issues that
7 John raised, there isn't any provision under the
8 CARES Act that's addressing that currently, so I
9 thought it was important to make the board aware
10 of, considering that our annual expenses there is
11 about a half a million a year.

12 So now we'll talk about airports.

13 MR. VANECEK: Okay. So a lot of this is a little bit
14 redundant, but it's I think very important to
15 know we've supplied our masks to all of our
16 employees who interact with the public and
17 they're required to have a face mask on.
18 We've -- in our offices and break rooms, we
19 actually brought in a company that sprays
20 something called MicroShield 360 antimicrobial
21 coating which stays on those surfaces for quite a
22 while, and it actually eliminates the potential
23 for COVID-19 to exist on those surfaces.

1 We are allowing where possible and where
2 feasible for employees to work from home.
3 There's still work that needs to be done, but if
4 we can reduce the number of people in our office
5 locations, that helps us with our social
6 distancing, et cetera, so we've allowed some
7 people to do that.

8 We continually reinforce the social
9 distancing requirements, and not just with our
10 own staff, anybody we see in the terminal, if
11 they're walking too close together, you know, we
12 immediately say, please separate yourselves,
13 et cetera. Our contractors have also been given
14 that same guidance.

15 We are also rotating our employee rest
16 breaks and lunch breaks so that we can ensure
17 social distancing within the break rooms. Our
18 break rooms at the airport tend to be fairly
19 small, and so instead of having six or seven
20 people in the room, you know, we may only have
21 two or three people in the room so they can
22 actually have some distance because we think
23 that's important.

1 Another thing we did was we suspended or put
2 on hiatus, if you will, for a while our
3 hospitality ambassadors as well as Paws for Love.
4 Again, you know, being sensitive, now that I've
5 hit the sixty-year mark, you know, some of
6 those -- most of those people are north of that,
7 and so it's -- for one reason that's important.
8 But, the second one too is there's really nobody
9 in the terminal that are there to even need the
10 advice or to want to take time to, you know, pet
11 animals, et cetera.

12 Also, within the next slide is we're
13 requiring all of our contractor personnel
14 obviously to wear mask ventilators and also to
15 observe the social distancing. And me having the
16 ability from my office to look out into the
17 majority of the new work that's being done on the
18 expansion, I can actually tell you that they are
19 doing a great job of that. And if you get down
20 and are too close to them, they will -- they've
21 all been trained -- or, I don't know whether they
22 have been trained or not, but if you get too
23 close, if you get in that six-foot window by

1 them, they will immediately tell you, you're in
2 my space, you need to get out. So I'm very happy
3 to hear that they're reinforcing that amongst
4 themselves.

5 A couple of other things. The TSA is
6 implementing a plexiglas shield at the ticket
7 check when you go through the checkpoint. We're
8 down to one lane, so everybody goes through that
9 same lane, and they have plexiglas where they can
10 reach through a little slot and get their
11 boarding pass. And they're all wearing -- TSA is
12 all wearing gloves and masks and it kind of gives
13 them a barrier, if you will, from the customers
14 and the interaction there.

15 We've also -- let's see. We've also --
16 Southwest has actually asked us if they can apply
17 the plexiglas shields at the ticket counters, and
18 we've given them the approval to do so. And we
19 believe that other airlines will probably follow
20 suit in that respect.

21 Reduction of contractor personnel where
22 feasible. We did this not necessarily for
23 monetary savings, although we do get some

1 monetary savings for that, but it's also to get,
2 again, people out of the airport and where people
3 have the propensity to be congested if you will.

4 So our security guards in the roadways.
5 With the number of people that are -- and cars
6 that are driving on the roadways, we're down to a
7 skeleton staff there. We do need somebody out
8 there so we can comply with some of our TSA
9 requirements; i.e., you know, people still can't
10 park for thirty minutes in front of the terminal.
11 We still have to move those folks out, for an
12 example. And, also, people that are working on
13 the bag system, we don't need as many now as when
14 we were in full swing, so we've been able to
15 reduce the numbers there.

16 And then also we've eliminated -- not
17 eliminated, but we've cut back on a lot of the
18 personnel that are in the parking lots; i.e., the
19 people that are in the cashier booths. We've
20 reduced a significant amount of the drivers. And
21 we've also closed our economy lot now, so no one
22 can park there, because we wanted to eliminate
23 another trip in a shuttle getting to the

1 terminal, so we've been able to take advantage of
2 that.

3 We're no longer accepting cash at our
4 parking lots or at our terminal food and beverage
5 and retail stores. We only have basically two
6 offerings open now for only limited hours, and
7 that's the JetSet. It's right as you come
8 through the checkpoint, it's the retail shop.
9 And then the Queen City Kitchen is open too
10 serving a limited menu but also closing fairly
11 early as well. So we wanted to make sure we had
12 something we could offer because there are some
13 people still flying.

14 We've also eliminated our employee parking
15 shuttle operations and allowed the employees to
16 park in the preferred lot, so, again, they can
17 avoid getting into a shuttle with other
18 individuals nearby in proximity from them and
19 also the drivers of the shuttles. So now they
20 can walk right from the preferred lot to the
21 terminal.

22 On the aviation financial matters side,
23 we've delayed three point one -- in addition to

1 the -- obviously the wetlands project, we've
2 delayed three point one million of capital
3 projects to future years.

4 We've also decided we're going to not hire
5 anybody during this period unless it's absolutely
6 necessary, and that would mean it would have to
7 be safety and security, which would have to be a
8 pretty -- a very strong reason for us to bring
9 someone back.

10 Seventy-five percent of the parking
11 operation staff has been furloughed at this
12 point. Our baggage system and jet bridge
13 maintenance, we're reducing those by, again, like
14 I said before, by about twenty-five percent. So
15 those are all bills that we're paying. And we --
16 by the way, we pay the Standard Parking
17 employees, we pay all those operating expenses
18 and Standard Parking just gets a small percentage
19 of our revenues in return for that. So that's a
20 big cost saving measure for us.

21 Marketing initiatives. All of them are on
22 hold now at this point and will not start up
23 until we start to see a resurgence of people

1 coming in.

2 Also, under the CARES Act, our grant award
3 to cover operating expenses, again, as Kim had
4 mentioned, it's about a five-month cushion for
5 us. So we spend right now about four million per
6 month in operating expenses, and we're doing
7 everything we can to cut that down and maybe get
8 that out to -- to squeeze that out to maybe six
9 months if we can.

10 And Darren mentioned that we're -- on the
11 AIP side that there will be funding for the local
12 match. So when we have our grants, it's usually
13 funded by FAA dollars, by New York State dollars
14 and by NFTA slash PFC dollars, and FAA is
15 stepping up at least for this year and going to
16 fund that component of our projects.

17 And then right now we have been approached
18 by all the airlines and several of our business
19 partners asking for waivers of rents and fees and
20 potential deferments, and at this point until we
21 have a better -- our hands on a better
22 understanding of what we're going to be able to
23 need going forward, we have told them at this

1 point across the board, no, we're not going to do
2 that.

3 I would say that if we do get into
4 something -- and by the way, that's pretty common
5 across the airline industry. We are having -- it
6 was a biweekly call. We had two calls a week and
7 we're going down to one now. But, all the
8 medium-sized hubs in the United States meet every
9 Monday and Wednesday, we get together on a phone
10 call and talk about what everybody is doing. And
11 very, very few people are giving any sort of
12 relief on -- to the airlines. Because you also
13 have to remember that they have been able to
14 apply for relief under the CARES Act. So there
15 was twenty-nine billion allocated under the CARES
16 Act and twenty-five of that was for passenger
17 airlines and four billion for cargo carrier
18 airlines in the United States. So they do have
19 funding that could help them in their times of
20 trouble as well, so -- and we're, we're -- we
21 want to keep, you know, keep ourselves solvent as
22 long as possible, and so right now we're holding
23 a hard line on that.

1 And then also -- let's see. And on another
2 note of that, in order to apply for those funds,
3 you had to commit to keeping service -- at least
4 at a minimal level of service --

5 COMMISSIONER DEMAKOS: At the airport, yeah.

6 MR. VANECEK: -- at the airport. Right. Exactly.

7 And any airline that has to date so far applied
8 for exemptions to not serve certain airports
9 pretty much point blankly has been said, no, you
10 want the money, you provide at least some level
11 of service to those airports, so they're out
12 there.

13 So, now, I guess some goods news or fun
14 news. At least we get to see some of the
15 progress that's happening in the terminal
16 enhancement project.

17 So if you go to the next slide, Helen.

18 So this is a view I see every day out of my
19 window. So I've got a close eye on them. I know
20 when they're not tightening screws down quite
21 heavily enough and maybe a window might be
22 slightly out of sync as far as balance. So I
23 wave at them all the time. But, they're making

1 good progress. As you can see here, the windows
2 and the glass is going in.

3 If you go to the next one, Helen.

4 You'll see the full range, where it goes to
5 the front of the terminal, which is -- this is
6 the east side of the concourse there. And you
7 can see the higher level building, that's our
8 meet and greet area, and it's very, very large.
9 You can look through there as well.

10 So this, again, is a view from -- I think
11 this one is actually a view from Pascal Cohen's
12 office window. And we happen to catch some of
13 the guys playing around, so we gave him a little
14 credit to show off his biceps there. So this is
15 the, this is the -- where you'll be coming
16 through our office and really the concourse then
17 heads out towards the front of the building.

18 Next.

19 And this is the area here where you will be
20 able to cut back into the food court. On the
21 right-hand side there, you'll see that's the
22 cut-through to the food court, so you can go into
23 it. People can also come back out of the east

1 end concourse and go back to the east end of our
2 terminal.

3 And then next is our -- this is the look
4 you'll see. This is -- you can get a really good
5 idea of the magnitude of how much space we have
6 here in our meet and greet area. And that
7 ultimately leads you down into the baggage claim,
8 and of course our offices will be out there as
9 well.

10 And then over on the west side, as John
11 mentioned, the piers are poured, we're waiting
12 for structural steel, but they're making good
13 progress over there as well.

14 So switching gears a little bit, we wanted
15 to give an update on the Market at Elmwood. It's
16 one of the renovations that Delaware North is
17 committing to and it's ongoing.

18 So, if you can, Helen, the next slide.

19 This shows you from the inside, and that
20 glass window out there is actually the glass
21 window that looks into the gates twenty-one and
22 nineteen hold rooms. So it's going to be a
23 really cool setup. And you can see they have a

1 lot of wood in their design, so they're slowly --
2 they're making good progress.

3 The next slide.

4 This is a little example of kind of the
5 detail that they're going to be put into it.
6 That's going to be a wine rack behind the bar, so
7 there's a really kind of cool vibe and look to
8 it.

9 Next.

10 And the ceiling, again, has this kind of
11 decorative, very attractive-type feeling to it
12 for people to come in.

13 MS. MINKEL: They have the M's for Minkel.

14 MR. VANECEK: That's right. There's M's for Minkel.
15 Also a W for William.

16 Okay. Next, please.

17 And, again, a different view. This is if
18 you're standing in the concourse looking into the
19 bar, this is kind of the look you'll see coming
20 in at, again, gates nineteen and twenty.

21 And the grab and go area which is going to
22 be extremely -- very, very popular. It's a big
23 space, and there's going to be a lot of room for

1 inventory here when we get that up and running.

2 And then the kitchen prep area as well. So
3 I think that's the last one if I'm not mistaken.
4 So we're very excited that they're still
5 continuing to make progress in those areas.

6 COMMISSIONER DEMAKOS: At least one part of -- one
7 good news portion of this.

8 MR. VANECEK: That's right.

9 MS. MINKEL: Yeah. And that's it.

10 COMMISSIONER DEMAKOS: That's it. Okay. Again, I'd
11 like to thank the entire NFTA organization. Kim,
12 your organizational staff, your management team,
13 everybody out there for their professionalism,
14 their courage and dedication, and, again, on
15 behalf of, you know, the board and the entire
16 Western New York community, thank everybody.

17 So if there are no other comments, I'd like
18 to ask for a motion to adjourn.

19 COMMISSIONER PERRY: So moved.

20 COMMISSIONER DEMAKOS: Second? If anybody is still
21 left.

22 COMMISSIONER DURAND: Durand. Second.

23 COMMISSIONER DEMAKOS: Thank you, everyone. Be safe.

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And hopefully a month from now we can be doing
this in person, but you never know.

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STATE OF NEW YORK)
SS:
COUNTY OF NIAGARA)

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

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

VALERIE A. ROSATI,
Notary Public.

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