

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY**

**BOARD MEETING**

**MAY 26, 2022**

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

1 MEMBERS IN THE BOARDROOM:

2 Sister Denise Roche, Chair  
3 Commissioner Michael Hughes, Vice Chair  
4 Commissioner Adam Perry  
5 Commissioner Stephen Tucker

6 OFFICERS IN THE BOARDROOM:

7 Kimberley Minkel, Executive Director  
8 John Cox, Chief Financial Officer

9 STAFF IN THE BOARDROOM:

10 Vicky-Marie Brunette, Deputy General Counsel  
11 Christine D'Aloise, Director, Risk Management and Special Projects  
12 Patrick Dalton, Director, Internal Audit and Corporate Compliance  
13 Tom George, Vice President, Operations  
14 Dejuan Hardy, Chief Diversity Officer  
15 Darren Kempner, Director, Government Relations and Development  
16 Karen Novo, Vice President of Human Resources and Talent Management  
17 Brian Patterson, Chief of Police  
18 Mark Pereira, Manager, Procurement  
19 John Schaefer, Vice President Engineering and Facilities Management  
20 Helen Tederous, Director, Public Affairs  
21 Lee Weitz, Director, Aviation

22 MEMBERS ON THE PHONE:

23 Commissioner LaVonne Ansari, Secretary  
24 Commissioner Joan Aul, Treasurer  
25 Commissioner Anthony Baynes  
26 Commissioner Margo Downey  
27 Commissioner Jennifer Persico  
28 Commissioner Philip Wilcox

29 MEMBERS ABSENT:

30 Reverend Mark Blue  
31 Commissioner Wesley Hicks, Jr.

32 OFFICERS ABSENT:

33 David State, General Counsel

34 CHAIR ROCHE:

35 Welcome and good afternoon. This would be the  
36 Transportation, Niagara Frontier Transportation Authority's Regular  
37 Board Meeting for May 26<sup>th</sup>, 2022. And I would like us to begin by having  
38 a moment to pause and recall all of the people who have suffered  
39 tremendous sadness, great losses because of the happenings in our own  
40 community and in our country during this past month.

41 [MOMENT OF SILENCE]

42 CHAIR ROCHE:

43 Thank you. And now I'm going to ask Vicky to

1 take the roll call please?

2 MS. BRUNETTE: Thank you Sister. This is the attendance roll  
3 call. Commissioner Ansari?

4 COMMISSIONER ANSARI: Here.

5 MS. BRUNETTE: Commissioner Aul? Commissioner Baynes?

6 COMMISSIONER BAYNES: Here.

7 MS. BRUNETTE: Commissioner Blue? Commissioner Downey?  
8 Commissioner Hicks? Commissioner Hughes?

9 COMMISSIONER HUGHES: Here.

10 MS. BRUNETTE: Commissioner Perry?

11 COMMISSIONER PERRY: Here.

12 MS. BRUNETTE: Commissioner Persico?

13 COMMISSIONER PERSICO: Here.

14 MS. BRUNETTE: Commissioner Tucker?

15 COMMISSIONER TUCKER: Present.

16 MS. BRUNETTE: Sister Denise?

17 CHAIR ROCHE: Here.

18 MS. BRUNETTE: And Commissioner Wilcox? We do have a quorum.

19 CHAIR ROCHE: Thank you very much Vicky. Now I'm going to ask  
20 Kim to give us the Executive Director's Report.

21 MS. MINKEL: Minutes. We have to do the minutes.

22 CHAIR ROCHE: Oh, I'm so sorry. Laughter. Approval of the  
23 minutes from our last meeting.

24 COMMISSIONER HUGHES: I'll make a motion to approve the minutes from  
25 April 2022.

26 CHAIR ROCHE: Thank you. Is there a second?

27 COMMISSIONER TUCKER: Second.

28 CHAIR ROCHE: Thanks. All in favor?

1 MULTIPLE COMMISSIONERS: Aye.

2 CHAIR ROCHE: Thank you very much. And now Kim.

3 MS. MINKEL: Thank you, Sister. A couple of things for the  
4 Board. First, I wanted to let the Board know that the NFTA was  
5 recognized by the New York Power Authority earlier this month at their  
6 May 12<sup>th</sup> Clean Energy Exchange Conference in Albany. We were recognized  
7 for being a leader in fleet electrification. So, kudos to Tom and his  
8 staff who spent a lot of time and energy moving to electrify our fleet.  
9 I also wanted to mention to the Board on June 9th, Sun Country will  
10 have their inaugural flight out of Buffalo to Minneapolis/St. Paul. On  
11 the same day, Delaware North will be unveiling the new BurgerFi and  
12 Bocce Pizza at the airport. So, I'll be sending an e-mail to the Board  
13 for invites for those events. I also wanted to let the Board know that  
14 next month our outside auditors, Lumsden & McCormick, will come in to  
15 present the audited financials to the Board. I also wanted to mention  
16 to the Board that I've done some staff changes and reorganization  
17 within the Authority and at the higher level. Tom George has been  
18 promoted to Vice President of Operations. Tom will oversee Metro, the  
19 Aviation Division, HSEQ (Health, Safety, Environmental Quality) and  
20 Information Technology. The changes that I have made have been to move  
21 us more into technology. We talked earlier today about the fare  
22 collection project. That's a small sample of how technology is being  
23 deployed and utilized going forward. And so, it's important that we  
24 have an overall comprehensive plan, to remain our course in Metro and  
25 Tom, based on his previous experience with NITTEC, I think it makes  
26 sense to have him move that charge going forward. So, in doing so, that  
27 also gave me the opportunity to promote James Morrell as our new  
28 Director of Public Transit. James would be here, but Tom gave him time

1 off for vacation.

2 MULTIPLE COMMISSIONERS: Laughter.

3 MS. MINKEL: So, I don't know what's wrong with Tom?! but  
4 James has been promoted as the Director of Public Transit. So, James,  
5 is it for Metro, he is the head of Metro Operations which includes bus,  
6 rail and paratransit services. Karen Novo has been promoted to the Vice  
7 President of Human Resources and Talent Management with a focus on  
8 training and shaping the next generation of the Authority. It's so  
9 important. We talked about burnout, but it's important that we give  
10 staff, everyone from the ground up, the tools they need to, to succeed.  
11 So, a lot of emphasis on training and talent management going forward.  
12 We're going to have a lot of people retiring over the next couple of  
13 years, so we really need to, to build for the next generation of the  
14 Authority. That gave me the opportunity to promote Dejuan Hardy as our  
15 Chief Diversity Officer. And Dejuan is behind me, and has been doing a  
16 great job working on diversity and inclusion, and employee engagement  
17 throughout the Authority. Darren Kempner, who you see every month, has  
18 been promoted to Director of Government Relations and Development,  
19 focusing on grants, he needs to get the money in, government affairs  
20 and transit-oriented-development activities, which we rolled out about  
21 a year ago but put more focus on that area. And then, John Schafer,  
22 who's been doing a great job managing our capital projects, he's been  
23 promoted to the Vice President of Engineering and Facilities  
24 Management. So, what does this do? This, in addition to technology and  
25 training the workforce for the future, it also provides the opportunity  
26 over the next coming years to stand up a division for our light rail  
27 extension project. That's a \$1.5 billion project. It's going to require  
28 a lot of time, a lot of emphasis, and a lot of staffing. So, this helps

1 position us in a way that we can move on that going forward. So, those  
2 are some of the high-level changes within the organization that I  
3 wanted to make the Board aware of.

4 Finally, on behalf of Staff, I wish to thank Sister Denise  
5 for serving as Chair and dedicating her time for these past six (6)  
6 years to the NFTA. Sister was confirmed as the first female Chair of  
7 the NFTA on June 17th, 2016. And under her six (6) years of leadership,  
8 the NFTA has completed the new Allen Street station, incorporating it  
9 into the Buffalo, excuse me, UB's Medical Center. We opened the Buffalo  
10 Airport with a new terminal enhancement project, a new \$72 million  
11 project that's getting rave reviews. We've completed the rebuild of our  
12 rail cars, minus one (1)...

13 MULTIPLE COMMISSIONERS: Laughter.

14 MS. MINKEL: ...but that's on its way. We installed a new  
15 airport rescue and firefighting facility, a beautiful facility. We  
16 commissioned the Freedom Wall at Cold Springs and other artwork. We  
17 have advanced the light rail extension into Amherst completing the  
18 environmental, starting to move into preliminary design and  
19 engineering. There is a focus on transit-oriented-development with the  
20 push for the development at the DL&W building. We advanced fare  
21 collection system. We've moved into green electric buses. And J.D.  
22 Power, an independent group, ranked us number one in all of North  
23 America for the Buffalo Airport. So, this was done under your  
24 leadership Sister, your guidance and your vision. You will be missed,  
25 and we wish you all the best.

26 CHIAR ROCHE: Thank you very much Kim. I would love to take  
27 credit for some but really, I have had joy of being Chair of this  
28 wonderful organization and riding on the coattails of all of you great

1 people who know what you're doing who have moved the Niagara Frontier  
2 Transit Authority ahead. It's been wonderful to watch and kind of ride  
3 along with you on this journey and I have appreciated it. I've learned  
4 a great deal, I told Kim, I've learned more about transportation than I  
5 ever thought I wanted to know and it's, it's been wonderful. It's been  
6 a great asset in my life, and I consider you all friends. I've enjoyed  
7 working with you. I will remember you and Kim always says you never  
8 leave the NFTA...

9 MS. MINKEL: Right.

10 CHAIR ROCHE: ...which is true. And I want you to know that my  
11 policy is you never leave my heart. So, when I leave here, you come  
12 with me. So, [laughter] thank you so much. You're going to have a  
13 brand-new Chair, not a stranger to any of you. Commissioner Hughes has  
14 been with the NFTA for number of years and although the final word  
15 hasn't come down yet, it looks as if he will be the new Chair of the  
16 NFTA Board of Commissioners. So, I congratulate you. I have three (3)  
17 words for you, Mike, and that is "listen to Kim".

18 MULTIPLE COMMISSIONERS: Laughter.

19 COMMISSIONER HUGHES: Same goes at home!

20 CHAIR ROCHE: Then you're used to this?!

21 MULTIPLE COMMISSIONERS: Laughter.

22 COMMISSIONER HUGHES: Always listen to Kim. Thank you, Sister.

23 CHAIR ROCHE: It is a pleasure and I know that Mike will not  
24 only do a great job, but he will enjoy it as much as I have. Thanks.  
25 Now for the meeting. [Laughter]. Let us begin with the Corporate  
26 Report, the Audit Governance Committee met this morning, and I am going  
27 to ask John Cox to give us the highlights please.

28 MR. COX: Yes, thank you, Sister. Good afternoon,

1 Commissioners. If you refer to pages six (6) and seven (7) in your  
2 packet. For the month of April of 2022, which is the first month of our  
3 new fiscal year, it just started, we had a positive variance to budget  
4 of \$924,000.00. Total operating revenues and assistance were above  
5 budget by \$623,000.00 or 2.7% and that's primarily due to higher than  
6 budgeted Metro passenger fares, we had higher Erie County sales tax and  
7 mortgage tax. We saw some increased over budget NFIA parking revenue  
8 and of course, we had the higher state transit operating assistance or  
9 STOA due to the enacted state budget having increased over the  
10 Executive Budget which we used to set our budget number for STOA. And  
11 that's gonna be, this month, it was about \$45,000.00 the STOA was above  
12 budget so for the year it will be just slightly over a \$500,000.00  
13 increase over the Executive Budget. And this was partially offset by a  
14 decrease in BNIA parking revenue and that was due to lower than  
15 projected enplanements at the airport. Total operating expenses were  
16 below budget by \$350,000.00 or 1.9%, and that's primarily due to  
17 generally lower expenses across the board due to some vacancies, lower  
18 overtime and lower parking management costs at BNIA. And that was  
19 partially offset by higher utility expenses for the month of April.  
20 Unless there are any questions, that concludes the consolidated  
21 financials for April 2022.

22 CHAIR ROCHE: Any questions for John? That will bring us to  
23 Corporate Resolutions. Kim?

24 MS. MINKEL: Thank you, Sister. There are two (2) Corporate  
25 Resolutions that start on page eleven (11). Both are authorizations for  
26 settlements, and I am actually going to turn it over to Vicky Brunette  
27 to take us through them.

28 MS. BRUNETTE: Thanks Kim. We have two (2) matters to present



1 to you this afternoon for settlement. The first one is on page eleven  
2 (11) of your booklet and the matter is Icylyn Wright versus NFTA. This  
3 was an abrupt stop that one of our Metro buses ended up taking. The  
4 passenger was seated in the last cross seat and was thrust forward  
5 into a metal stanchion. She struck her shoulder. This was confirmed on  
6 video. Quite frankly, the operator communicated that he had to stop  
7 abruptly due to traffic that had backed up wasn't borne out by the  
8 video. This woman ended up having lumbar fusion as a result. Her  
9 medical doctor indicated it was causally related. We had her examined.  
10 The expert we had her examined by indicated that he did not feel that  
11 it resulted in the fusion therefore there was a quintessential battle  
12 of the experts. We were able to resolve this case for \$125,000.00 which  
13 certainly reflected a discounted value based on the opinion of the  
14 expert. So, that's the first one.

15 The second one is on page thirteen (13) of your packet and this  
16 case involves an unfortunate bus/pedestrian accident that occurred back  
17 in 2018. We had a bus that was exiting the University Station loop,  
18 heading toward the roadway that winds around the University Station.  
19 This individual, Ms. Tuppen, was crossing in a crosswalk headed towards  
20 St. Joseph's University. The bus operator did not see her. She did not  
21 see the bus. She ended up making contact with the mirror of the bus,  
22 and falling into the roadway and the bus operator ran over her legs. He  
23 stopped immediately but unfortunately not before that happened. She  
24 suffered bilateral, or lower extremity, fractures. She had two (2)  
25 surgeries. A very long rehabilitation. She had some additional injuries  
26 to the cervical spine. She is suffering from some PTSD, panic attacks,  
27 things of that nature. She is a, as I said, a young lady, 28 years old,  
28 So, she's approximately 31 or 2 by now. The IME that we had confirmed

1 the nature and extent of her injuries. There was no dispute over that.  
2 Plaintiff's Counsel moved for a summary judgement on the issues of  
3 negligence and serious injury and, of course, that was granted. We did  
4 have the argument as to her own comparative faults. She was wearing a  
5 winter coat with a hood, and she admitted she did not see the 40 ft.  
6 bus as well but the issue as to our negligence was already determined  
7 by the Court as a matter of law. So, we did our due diligence to reduce  
8 a \$2 million demand down to \$675,000.00. She's got an approximate 50-  
9 year life expectancy in front of her where she has some limitations  
10 with her lower extremities, so we are recommending settlement at  
11 \$675,000.00.

12 MS. MINKEL: Great. Thank you, Vicky, and those are the two  
13 (2) Corporate Resolutions, Sister.

14 CHAIR ROCHE: May I ask that we take those two (2) together?  
15 Unless someone would like to separate those two resolutions? Is there  
16 any call? Would you like to take them separate?

17 COMMISSIONER PERRY: No. No. Together.

18 CHAIR ROCHE: Take them together.

19 COMMISSIONER HUGHES: I will make a motion to approve both.

20 COMMISSIONER PERRY: Second.

21 CHAIR ROCHE: We will have roll call.

22 MS. BRUNETTE: Roll call vote on Corporate Items 1 and 2.

23 Commissioner Ansari?

24 COMMISSIONER ANSARI: Yes.

25 MS. BRUNETTE: Commissioner Aul?

26 COMMISSIONER AUL: Yes.

27 MS. BRUNETTE: Commissioner Baynes?

28 COMMISSIONER BAYNES: Yes.

1 MS. BRUNETTE: Commissioner Hughes?

2 COMMISSIONER HUGHES: Yes.

3 MS. BRUNETTE: Commissioner Perry?

4 COMMISSIONER PERRY: Yes.

5 MS. BRUNETTE: Commissioner Persico?

6 COMMISSIONER PERSICO: Yes.

7 MS. BRUNETTE: Commissioner Tucker?

8 COMMISSIONER TUCKER: Yes.

9 MS. BRUNETTE: Sister Denise?

10 CHAIR ROCHE: Yes.

11 MS. BRUNETTE: And Commissioner Wilcox?

12 COMMISSIONER WILCOX: Yes.

13 MS. BRUNETTE: Vote carries.

14 CHAIR ROCHE: Vote carries. Thank you very much. Now the

15 Aviation Business Report and Adam, you're going to take us through that

16 please.

17 COMMISSIONER PERRY: Thanks Sister. The Aviation Committee met

18 earlier today, and we went over various pending AIP projects at Niagara

19 Falls International Airport and Buffalo Niagara International Airport.

20 There was a specific discussion on electric vehicle charging

21 enhancement planning in progress, with many variables related to that

22 so we're attempting to create the optimal plan. Mr. Weitz went over the

23 Aviation Business Group items and noted with many variables and

24 factors, that enplanements are generally improving. Car rentals and

25 other indicia are positive. Parking revenues are improving with some

26 notable changes in parking behavior and use of the parking garage more

27 frequently. The Canadian border opening has positively spiked our

28 parking revenue. We had a discussion item which focused on specifically

1 on specifically on the pilot shortage nationally and what impact that  
2 was having on airlines and scheduled flights and some of the things the  
3 industry is doing to address that. And we also were advised that our  
4 airport has been given the Balchen Post Award for snow and ice control  
5 and we've actually won that award about nine (9) times and been in the  
6 top, gotten honorable mentions many times in the past. And also, one of  
7 our operators won the "Operator of the Year" and we had employees who  
8 were involved in achieving that result this year here to show us the  
9 award. And those were the items covered, the Aviation items, and I  
10 understand we have some resolutions.

11 MS. MINKEL: We do. We have two (2) resolutions. They start  
12 on page seventeen (17). The first one, Staff is recommending that the  
13 Board authorize an agreement with Allied Universal Security Services of  
14 Buffalo, and this is to provide the unarmed security services at both  
15 airports. It would be for a three (3) year term starting in July and we  
16 would have the right to renew the agreement up to two (2) additional  
17 one (1) year terms. The estimated cost of the service, and I say  
18 estimated, is for the five (5) years is \$8,897,572.32, and the reason  
19 why it's estimated is that part of the requirement is they have to  
20 provide wages in line with New York State prevailing wage rate. So, we  
21 did our best guess as to what they will be over five (5) years. Allied  
22 has been the incumbent for the past five (5) years. We did go out with  
23 an RFP. We did receive six (6) proposals. Three, only three (3) of them  
24 were considered responsive. We evaluated the proposals based on their  
25 qualifications, their experience, their approach, their cost and their  
26 diversity practices and Allied was scored and rated the highest. You  
27 should know that we, the established MBE, WBE and SDVOB goals are being  
28 met as part of this procurement.

1                   The second resolution within Aviation is on page twenty  
2                   (20). Staff is recommending that the Board authorize a fourth amendment  
3                   to the lease with the FBO agreement with TAC Air. We had come to the  
4                   Board with the third amendment back in December and this was for them  
5                   to take additional space known as Bay 5. There's been delays in the  
6                   construction on that space. It is pushing it out three (3) months to  
7                   the end of their lease. We can't extend the end of that lease overall.  
8                   So, this would be a deferral of the rent for the three (3) months, rent  
9                   abatement, because of the delay. However, that three (3) month rent  
10                  would then be made up over the first two (2) years of the agreement  
11                  going forward so that the total rental obligations will not change.  
12                  We're just changing how it's paid based on the delay in the  
13                  construction of that space. And those are the two (2) resolutions for  
14                  the Board to approve.

15 CHAIR ROCHE:                   Thank you Kim. I'm going to suggest we take  
16                   these two (2) resolutions together unless there is an objection? May I  
17                   ask someone to make a motion please?

18 COMMISSIONER PERRY:            So moved.

19 CHAIR ROCHE:                   And second?

20 COMMISSIONER TUCKER:           Second.

21 CHAIR ROCHE:                   Thanks. Is there any discussion, any questions?

22                   OK. I am going to ask for a roll call vote please.

23 MS. BRUNETTE:                   Roll call vote for Aviation Items 1 and 2.

24                   Commissioner Ansari?

25 COMMISSIONER ANSARI:           Yes.

26 MS. BRUNETTE:                   Commissioner Aul?

27 COMMISSIONER AUL:              Yes.

28 MS. BRUNETTE:                   Commissioner Baynes?

1 COMMISSIONER BAYNES: Yes.

2 MS. BRUNETTE: Commissioner Hughes?

3 COMMISSIONER HUGHES: Yes.

4 MS. BRUNETTE: Commissioner Perry?

5 COMMISSIONER PERRY: Yes.

6 MS. BRUNETTE: Commissioner Persico?

7 COMMISSIONER PERSICO: Yes.

8 MS. BRUNETTE: Commissioner Tucker?

9 COMMISSIONER TUCKER: Yes.

10 MS. BRUNETTE: Sister Denise?

11 CHAIR ROCHE: Yes.

12 MS. BRUNETTE: And Commissioner Wilcox?

13 COMMISSIONER WILCOX: Yes.

14 MS. BRUNETTE: Items are approved.

15 CHAIR ROCHE: Thank you very much Vicky. And now we'll move  
16 to the Surface Transportation Business Report, and I will ask  
17 Commissioner Hughes to please take us through that.

18 COMMISSIONER HUGHES: Thank you Sister. The Surface Transportation  
19 Committee did meet this morning. Vice President Tom George gave an  
20 update...

21 MULTIPLE COMMISSIONERS: Laughter.

22 COMMISSIONER HUGHES: ...a fare system update on the MetGo program, as  
23 well as an incentive program/demonstration project that the Authority  
24 is looking at rolling out later this summer. Gave a brief update on  
25 financials as well as the Metro Initiatives Status Report. Vice  
26 President John Schaefer gave his Capital Project Update. There's a  
27 number of projects underway from the capital perspective. Tom went  
28 through his community stakeholder involvement both from the Citizens

1 Advisory Committee's perspective as well as the Accessibility Advisory  
2 Committee. Chief Patterson had his Public Safety Report including a  
3 number of community policing initiatives to help his, his force as they  
4 move forward. Tom, I don't know if you have anything to add or give a  
5 brief update here?

6 MR. GEORGE: No, I think you covered it well.

7 COMMISSIONER HUGHES: OK. Barring any other questions, that concludes  
8 the report and there are I believe six (6) items for consideration?

9 MS. MINKEL: Uh, Five (5).

10 COMMISSIONER HUGHES: Five (5). OK.

11 MS. MINKEL: Starting on page twenty-three (23), Staff is  
12 recommending that the Board award a subject design contract with Mott  
13 MacDonald in the lump sum of \$175,031.00. This would increase their  
14 contract value. For them to do design services to prepare the  
15 conceptual designs and construction bid documents for additional work  
16 between mile marker 1.2, which is the tunnel portal at the beginning of  
17 where it hits the above ground, all the way to the south of Allen  
18 Station, or mile marker 1.7. The engineer's estimate for this work was  
19 \$181,000.00 and the negotiated cost came in below the engineer's  
20 estimate for this work.

21 The next resolution on page twenty-five (25) is a lease amendment  
22 where we're leasing space and not the other way around. And this is for  
23 our Metro Rail Group. This is warehouse storage space located in 222  
24 Chicago Street. We've been leasing there for a couple of years. The  
25 original lease was to expire at the end of 2023. Anyone who's out there  
26 knows that warehouse space is a real premium now. It is very difficult  
27 to find. So, we wanted to extend, and we are asking the Board to extend  
28 this so that we have this space secured through March 31<sup>st</sup> of 2025. The

1 rate for the two (2) additional years would be \$5.40 for the one year  
2 and it would go up to \$5.75 for the following year.

3 The third resolution is for procurement of paratransit vehicles,  
4 nine (9) paratransit vehicles from Gorman Enterprise of Elma, New York,  
5 at a unit price of \$168,185.90. Tom had mentioned this earlier as part  
6 of his report. These will be replacing vehicles that were purchased in  
7 2008 through 2010 so those purchased were the original ones.

8 MULTIPLE COMMISSIONERS: Laughter.

9 MS. MINKEL: The Board did approve a five (5) year  
10 contract with Gorman Enterprise back in September of 2019.

11 The fourth resolution is for the procurement of ten (10) floor  
12 machines and spare brush components from Corr Distributors for a total  
13 amount of \$114,600.60. These are the floor machines that we have  
14 throughout our rail stations. The existing machines that we have are  
15 twelve (12) years old, certainly past their useful life. These are  
16 being procured under a New York State contract.

17 And the final resolution is the ratification of a fare waiver  
18 that I had sent out to the Board earlier this month. Staff is  
19 recommending that the Board ratify the waiving of the collection of  
20 fares on Routes #12 Utica, the #13 Kensington, #18 the Jefferson, the  
21 #24 Genesee. This would also affect any of the associated paratransit  
22 trips that are along those routes. This will go through the remainder  
23 of this month in support of the community that was directly impacted by  
24 the tragic events that occurred on Saturday, May 14th. This would  
25 support the families, help provide access to grocery stores but also  
26 help them get to essential services including grief and mental health  
27 counseling and help connect them throughout the community. The  
28 estimated lost fare with waiving the fare collection would be



1 approximately \$100,000.00. So those are the resolutions, Sister.

2 CHAIR ROCHE: Thank you very much. Any questions of Kim  
3 before we ratify these? I would like to take all of them together.  
4 Would anyone like to separate the ratification of fare waiver because  
5 it is different from the others? If there's no need, let's do them all  
6 together. Thank you. Do I have a motion to accept these?

7 COMMISSIONER HUGHES: So moved.

8 CHAIR ROCHE: And a second?

9 COMMISSIONER PERRY: Second.

10 CHAIR ROCHE: Any discussion or comment? I'll ask for a roll  
11 call vote please.

12 MS. BRUNETTE: This is a roll call vote for Surface Items 1  
13 through 5. Commissioner Ansari?

14 COMMISSIONER ANSARI: Yes.

15 MS. BRUNETTE: Commissioner Aul?

16 COMMISSIONER AUL: Yes.

17 MS. BRUNETTE: Commissioner Baynes?

18 COMMISSIONER BAYNES: Yes.

19 MS. BRUNETTE: Commissioner Hughes?

20 COMMISSIONER HUGHES: Yes.

21 MS. BRUNETTE: Commissioner Perry?

22 COMMISSIONER PERRY: Yes.

23 MS. BRUNETTE: Commissioner Persico?

24 COMMISSIONER PERSICO: Yes.

25 MS. BRUNETTE: Commissioner Tucker?

26 COMMISSIONER TUCKER: Yes.

27 MS. BRUNETTE: Sister Denise?

28 CHAIR ROCHE: Yes.

1 MS. BRUNETTE: And Commissioner Wilcox?

2 COMMISSIONER WILCOX: Yes.

3 MS. BRUNETTE: The resolutions are approved.

4 CHAIR ROCHE: Thank you. They are approved. Is there a  
5 General Counsel Report, Vicky?

6 MS. BRUNETTE: We do have one, Sister. In your book, there is  
7 a confidential summary of an upcoming trial we have scheduled for June,  
8 starts June 21<sup>st</sup>, before Judge Licata, who is new to the bench. I can  
9 give you just a quick summary. It's a fall down on a sidewalk adjacent  
10 to this building right here, the Metropolitan Transportation Center.  
11 The individual, who is an attorney, who does defense work, medical  
12 malpractice defense work, suffered a right wrist fracture that required  
13 surgical intervention. So, if there are any specific questions, we  
14 would have to go into Executive Session because of pending litigation,  
15 but that's in your book where you can take a look at it and John  
16 DePaolo, my colleague John, will be trying that case in June.

17 CHAIR ROCHE: Any questions? OK. Thank you. And we have a  
18 need today to go into Executive Session and would you read the  
19 description?

20 MS. BRUNETTE: Sure. We do have an appropriate subject for  
21 Executive Session, Sister, as I understand it, the Board is going to be  
22 doing their self-evaluation and that is a proper subject of Executive  
23 Session under the Public Officers Law, Article 7, Section 105F, because  
24 it involves employment or personnel matters.

25 CHAIR ROCHE: Thank you very much. May I have a motion  
26 please?

27 COMMISSIONER HUGHES: So moved.

28 COMMISSIONER PERRY: Second.

1 CHAIR ROCHE: Second. All in favor?  
2 MULTIPLE COMMISSIONERS: Aye.  
3 CHAIR ROCHE: So, we will go into Executive Session.  
4 [EXECUTIVE SESSION]  
5 CHAIR ROCHE: We've completed Executive Session and no action  
6 was taken. So, may I have a motion please to adjourn?  
7 COMMISSIONER TUCKER: Motion to adjourn.  
8 CHAIR ROCHE: Thank you.  
9 COMMISSIONER PERRY: Second.  
10 CHAIR ROCHE: Thank you very much. All in favor?  
11 MULTIPLE COMMISSIONERS: Aye.  
12 CHAIR ROCHE: Thank you and I wish you all a happy summer and  
13 you know, be good to Mike. [Laughter.]  
14 COMMISSIONER PERRY: Thank you.  
15 MS. MINKEL: Thank you, Sister.  
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