

**NIAGARA FRONTIER TRANSPORTATION AUTHORITY**

**ANNUAL MEETING**

**APRIL 28, 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 LaVonne Ansari, Secretary  
5 Commissioner Joan Aul, Treasurer  
6 Commissioner Anthony Baynes  
7 Commissioner Adam Perry  
8 Commissioner Stephen Tucker

9 OFFICERS IN THE BOARDROOM:

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

12 STAFF IN THE BOARDROOM:

13 Vicky-Marie Brunette, Deputy General Counsel  
14 Pascal Cohen, Senior Marketing Manager & Aviation Business Development  
15 Steve Duquette, Chief Information Officer  
16 Tom George, Vice President, Operations  
17 Hal Morse, Director, NITTEC  
18 Karen Novo, Vice President of Human Resources and Talent Management  
19 Brian Patterson, Chief of Police  
20 Mark Pereira, Manager, Procurement  
21 John Schaefer, Vice President Engineering and Facilities Management  
22 Helen Tederous, Director, Public Affairs  
23 Bill Vanecek, Director, Aviation  
24 Matt Van Vessem, Director, Labor Relations  
25 Lee Weitz, Deputy Director, Aviation

26 MEMBERS ON THE PHONE:

27 Reverend Mark Blue  
28 Commissioner Margo Downey  
29 Commissioner Wesley Hicks, Jr.  
30 Commissioner Jennifer Persico  
31 Commissioner Philip Wilcox

32 OFFICERS ABSENT:

33 David State, General Counsel

34 CHAIR ROCHE:

35 Good afternoon. This is the beginning of our  
36 Annual Board Meeting held on April 28<sup>th</sup>, 2022, for the Niagara Frontier  
37 Transportation Authority and Niagara Frontier Transit Metro System. And  
38 we are going to begin with the approval of the Minutes and before that,  
39 let us call the roll. Excuse me.

40 MS. BRUNETTE:

41 This is a roll call for attendance.

42 Commissioner Ansari?

43 COMMISSIONER ANSARI:

44 Here.

1 MS. BRUNETTE: Commissioner Aul?  
2 COMMISSIONER AUL: Here.  
3 MS. BRUNETTE: Commissioner Baynes?  
4 COMMISSIONER BAYNES: Here.  
5 MS. BRUNETTE: Commissioner Blue? Commissioner Blue?  
6 Commissioner Downey?  
7 COMMISSIONER DOWNEY: Here.  
8 MS. BRUNETTE: Commissioner Hicks? Commissioner Hicks?  
9 MS. SENIW: He's coming in right now.  
10 MS. BRUNETTE: Commissioner Hicks, are you on?  
11 COMMISSIONER HICKS: I am. Thank you, I am on. Thank you very much.  
12 MS. BRUNETTE: Thank you. Commissioner Hughes?  
13 COMMISSIONER HUGHES: Here.  
14 MS. BRUNETTE: Commissioner Perry stepped out I believe.  
15 Commissioner Persico?  
16 COMMISSIONER PERSICO: Here.  
17 MS. BRUNETTE: Commissioner Tucker?  
18 COMMISSIONER TUCKER: Present.  
19 MS. BRUNETTE: Sister Denise?  
20 CHAIR ROCHE: Here.  
21 MS. BRUNETTE: And Commissioner Wilcox?  
22 COMMISSIONER WILCOX: Here.  
23 MS. BRUNETTE: You have a quorum.  
24 CHAIR ROCHE: Thank you very much Vicky. I am going to ask  
25 for a motion for the approval of the Minutes. The last meeting was  
26 March 24<sup>th</sup>, of 2022.  
27 COMMISSIONER AUL: So moved.  
28 CHAIR ROCHE: Thank you. And a second?

1 COMMISSIONER ANSARI: I second.

2 COMMISSIONER WILCOX: Second.

3 CHAIR ROCHE: All in favor?

4 COMMISSIONERS ROCHE, HUGHES, ANSARI, AUL, BAYNES, HICKS, PERSICO, TUCKER and  
5 WILCOX: Aye.

6 CHAIR ROCHE: Thank you very much. I am going to ask Kim to  
7 do the Executive Director's report.

8 MS. MINKEL: Thank you Sister. A couple of things for the  
9 Board. First, next week I will be sending out your annual Board Self-  
10 Evaluations. These are anonymous so please complete and you can either  
11 email or mail them back to Lara and then the Board can review them next  
12 month in Executive Session. I also wanted to mention to the Board that  
13 we're working with the City of Buffalo who will soon be issuing an RFQ  
14 for the Development of the Lasalle Station Area. So, both the city and  
15 NFTA own the property adjacent to the Lasalle Station so we're working  
16 in tandem with the city on transit-oriented development, similar to  
17 what we've done at the DL&W and what we are trying to do with all of  
18 our stations.

19 I mentioned at the Aviation Committee Meeting that Bill Vanecek  
20 is retiring. This will be his last Meeting. We have promoted Lee Weitz  
21 to be the Aviation Director going forward. So, I wanted to say a few  
22 words regarding Bill. Bill's been with us for twenty-three and a half  
23 years and he has provided a tremendous service to the NFTA and to the  
24 community. So, I thought I would highlight some of the high points and  
25 the low points...

26 MULTIPLE COMMISSIONERS: Laughter.

27 MS. MINKEL: ...of his career here at the NFTA. Don't worry  
28 Bill...

1 MR. VANECEK: Save the low points for the end.

2 MULTIPLE COMMISSIONERS: Laughter.

3 MS. MINKEL: Not roasting you. That is for tomorrow. So,

4 Bill started with the NFTA on November 9, 1998. Almost exactly one year

5 to the day after the new terminal opened at the Buffalo Airport. On

6 February 11, 2000, JetBlue had its first flight, and it was out of the

7 Buffalo Airport and on October 8, 2000, Southwest began flying out of

8 Buffalo. The low-cost carriers were a game changer for the airport and

9 for the region. This was really a turning point because with the

10 addition of these carriers, the airport soon became more attractive to

11 Canadians flying out of the area. There was an article in Business

12 First a number of years ago where they asked a number of electeds what

13 they thought was really the beginning of the renaissance for Buffalo

14 and Senator Schumer pointed to the Buffalo Airport and said that was

15 really the beginning of the renaissance for Western New York. So as the

16 result of JetBlue and Southwest, the airport terminal went from 15

17 gates to 24 gates in 2001 to accommodate the increased service and

18 passengers. And to accommodate this growth, parking was expanded, then

19 it was expanded again and then it was expanded again. Under Bill, new

20 service and airlines continued over the years including international

21 service with Sunwing and ultra-low-cost carriers such as Frontier

22 Airlines. In Niagara Falls, a new terminal was built and opened on

23 September 2, 2009. In 2011 and 2012, Spirit and Allegiant Airlines

24 started service out of Niagara Falls. And then focusing on the

25 community in 2016, the Buffalo Airport completed a 5-year Quieter Homes

26 Program, and improving and mitigating noise for over 1,100 homes in the

27 community. Aviation is critically important to our region and generates

28 over \$1.5 billion, with a "b", annually to our region so it's important

1 that we get it right and Bill has done just that. Under Bill's  
2 leadership, both airports have received numerous Balchen Post awards,  
3 over the many years, the TSA Gold Standard for Security, and the  
4 Buffalo Airport was recognized among the best airports in all of North  
5 America for customer service by J.D. Power. Bill helped guide us  
6 through significant challenges in the industry as well. Sadly, aviation  
7 felt the impact of 9/11 in 2001, the Colgan Flight 3407 Crash on  
8 February 12, 2009, and the challenges of the past two years of the  
9 pandemic. The world of flight has changed and will continue to change,  
10 but based on Bill's leadership and steady hand we are positioned to  
11 take flight for the future. I want to thank Bill for all that he has  
12 done over the past twenty-three and a half years and his incredible  
13 service to the community, to the NFTA. I wish you nothing but the best  
14 in the future, and a very long, healthy, and safe retirement.  
15 Congratulations.

16 MULTIPLE COMMISSIONERS: Clapping.

17 MR. VANACEK: Thank you. If I could just acknowledge myself,  
18 I couldn't ever imagine a better place to land than Buffalo Airport and  
19 Niagara Falls Airport...

20 MULTIPLE COMMISSIONERS: Laughter.

21 MR. VANECEK: ...I know that is a little bit of a pun, but it  
22 was. So, you know, my career over the past, you know, it was something  
23 I never thought I would get in to. I was a CPA by trade, and we had  
24 moved to Dallas for a few years, about four (4) years before we came  
25 back, and I was interviewing for the CFO job and Larry Meckler, the  
26 Executive Director at the time, had targeted already someone internally  
27 for that job and it was Deb Williams back in the day. And so, we got  
28 through the interview processes, and he kept going back to, have you

1 ever thought about working at an airport? I kept saying, not really, I  
2 want to be the CFO. And next thing you know he says, I am going to let  
3 you oversee two (2) airports, you're going to run your own businesses  
4 out there and that is how I got into the business. And when I tell that  
5 to people in the airport business who have done it for years, you know,  
6 they climb the ladder to get into the Director position, and I just ran  
7 right into one, which was amazing, and I am so grateful for that. And I  
8 get a lot of support early on, we had a lot, well I'm calling it what  
9 it is, a tough Chairman at the time, Luiz Kahl, but he was very well  
10 intentioned. You know, you can like what his vision was, you did not  
11 necessarily liked his methods on how he wanted to get it done. But  
12 somehow, we found that equilibrium that he didn't fire me within five  
13 (5) years.

14 MULTIPLE COMMISSIONERS: Laughter.

15 MR. VANECEK: So, I figured after five (5) years, I was good.  
16 I was going to be able to keep going on this journey. It's great and as  
17 we started to go, you know we mentioned the Canadians coming over. We  
18 really did need to expand because two (2) low-cost carriers, as Kim  
19 mentioned earlier, you know, we didn't want to turn those folks away  
20 with long lines and things of that nature. So, fortunately we were able  
21 to go out to the bond market, get some money to get the terminals  
22 expanded, and you know, it was a game changer for Western New York. And  
23 at one point, but it wasn't me, I don't do that. The Board Members all  
24 had to approve this, and they had to buy into, you know, what we were  
25 talking about. I just can't give enough credit to this Board, and you  
26 really rarely told me no on anything, thank goodness, but a...

27 MULTIPLE COMMISSIONERS: Laughter.

28 MR. VANECEK: So, I was really, really happy to work there.

1 And you know, Lee, right now, coming up, I can't say enough about this  
2 man right here. When I, he... He worked for US Airways for a long time.  
3 He was running the Philadelphia hub which is kind of hell for airport  
4 managers.

5 MULTIPLE COMMISSIONERS: Laughter.

6 MR. VANECEK: And so he decided enough was enough, he's a  
7 Buffalo native, and so he came back and so he was doing the US Airways  
8 manager job on an interim basis until he could find a job and we got to  
9 chatting and we got to talking about it and I said "hey, you ever think  
10 about working at the airport?" and thank goodness he said "yup, I'll do  
11 it" and so he joined us in 2015 and...

12 MR. WEITZ: '05.

13 MR. VANECEK: ...in 2005 and you know, he was a game changer  
14 for us. He really had the knowledge of the airline's side that we could  
15 incorporate on the airport side. And so that we were making better  
16 decisions about how we develop the airport and the types of customer  
17 services that we wanted to provide and so I give a heck of a lot of  
18 credit to Lee and so I am so thrilled to talk about given the fact that  
19 he is going to be and is now our new Aviation Director. I don't want to  
20 steal your thunder, I know you kind of already said it...

21 MULTIPLE COMMISSIONERS: Laughter.

22 MR. VANECEK: ...but um you know it was well, well deserved and  
23 I know I kept badgering Kim through the whole process...

24 MS. MINKEL: Yes, you did.

25 MR. VANECEK: ...telling her when I was going to retire and  
26 kept saying "he's the guy, he's the guy, he's the guy".

27 MULTIPLE COMMISSIONERS: Laughter.

28 MR. VANECEK: But they had to go out necessarily and follow



1 protocols, but there was no doubt in my mind that the cream was going  
2 to rise to the top in Lee Weitz and you are very fortunate to have him  
3 here and he's going to do a great job following me. Probably do a  
4 better job than what I did.

5 MR. WEITZ: That's not possible.

6 MR. VANECEK: Yeah, no you've earned everything you've done,  
7 so, it's been great for me. And like I said, I'm going to miss it. I'm  
8 glad to have been a part of the renaissance of the air service in  
9 Western New York and I will be utilizing those services for another  
10 reason now and that will be for taking some time off, and flying and  
11 meeting up with old friends around the country and I'm looking forward  
12 to it. So, again, thank you very much for the opportunity. I can't be  
13 more appreciative of that, and I wish you all very well, as the  
14 Authority and certainly as the airport system goes. So, thank you very  
15 much.

16 MULTIPLE COMMISSIONERS: Clapping.

17 MS. MINKEL: And that concludes my report, Sister.

18 CHAIR ROCHE: Thank you. Bill, we expect to see you a lot at  
19 the airport but as a passenger. [Laughter.]

20 MR. VANECEK: But I will still pick up trash off the floor if  
21 there is any.

22 MULTIPLE COMMISSIONERS: Laughter.

23 MR. VANECEK: I have one (1) rule when at the airport. I  
24 don't want to see anything on the floor.

25 MR. WEITZ: We're trying to recruit him as an ambassador.

26 MULTIPLE COMMISSIONERS: Laughter.

27 CHAIR ROCHE: Oh good, good, good. Oh my. [Laughter.] Thank  
28 you so very much. Now I'm going to ask John Cox to give us the

1           financials.

2 MR. COX:                           Yes, thank you Sister. So, good afternoon,  
3           Commissioners. Since it is the end of the fiscal year, we're just  
4           giving some financial highlights and of course these are still subject  
5           to audit adjustments. Across the board on our major revenues and  
6           operating assistance both, for the month of March, fiscal year to date,  
7           we have favorable variances. Of course with Metro passenger fares, as  
8           Tom George mentioned earlier today, you know, we're at about fifty-five  
9           percent (55%) ridership comparable to 2019. As you can imagine, when we  
10          put this budget together, like in February of last year, and at that  
11          point in time we were in the depths of COVID. So, of course, we didn't  
12          know exactly what the, what the trend would be and where we would end  
13          up at the end of this fiscal year. So, even though we're at fifty-five  
14          percent (55%), we're certainly much better than we anticipated and, but  
15          we still have a ways to go. And BNIA concessions and commissions those  
16          were approximately on year-to-date basis \$7.6 million favorable and  
17          that is, of course, that's based on the anticipated or on budget  
18          increase in enplanements at the airport and that's running  
19          approximately eighty percent (80%) of 2019 numbers. Erie County sales  
20          tax, I think we can see the benefits of the stimulus money that  
21          actually gave people money in their pockets to spend which generated a  
22          lot of sales tax revenue for us. Mortgage tax ran way above budget, and  
23          I think that is due to rates hitting historic levels, a big run of  
24          people that ran out to refinance their mortgage along with the higher  
25          prices and the demand for real estate. And the New York State STOA  
26          number, of course, that's when we put our budget together, we put it  
27          together based on the Executive Budget. And this increase was  
28          anticipated but it was just a matter of timing. What happened? We ended

1 up about approximately seven percent (7%) more for the budget when the  
2 final state budget was passed. Now on an operating expense basis, we  
3 had favorable variances in our salary and overtime and of course, this  
4 is just sick leave and incentives. Excuse me, this is just salary and  
5 overtime and excludes sick leave, incentives, vacation accruals and  
6 other benefits. This coming, this favorable variance is being driven by  
7 some service modifications, and lower overtime, we had below budget  
8 maintenance and repairs, coming in lower than we had planned for the  
9 year and of course, those favorable variances were slightly offset by  
10 transit fuel power, being driven by higher fuel costs, utilities,  
11 higher electricity costs and insurance and injuries essentially ended  
12 up on budget. Now, again, as I mentioned before, this is subject to  
13 audit adjustments. We're still in the process of working through our  
14 financial statements. We're working with the auditors. They're still in  
15 doing the audit and for the June meeting, for your consideration, we  
16 will be bringing the audited financial statements. And as Pat Dalton  
17 mentioned earlier today at the Committee Meeting, that is due, that  
18 statement is due ninety (90) days after the end of the fiscal year  
19 which will be June 30<sup>th</sup>. And at that point, we put that into PARIS and  
20 of course Pat Dalton uploads that to the State. And that concludes the  
21 financials, unless there are any questions?

22 CHAIR ROCHE: Thank you John. Any questions for John on the  
23 financials? Thank you very much. It is time for the Corporate  
24 Resolutions for the Audit, Governance and Finance Committee and I'm  
25 going to take the first two (2) resolutions because they are similar.  
26 We elect officers at this meeting for the coming year. And I am going  
27 to take both one (1) and two (2) together, the Niagara Frontier  
28 Transportation Authority and the Niagara Frontier Metro Transit System,

1 Inc. because the officers that I am going to ask to nominate are the  
2 same for both. So, I would ask for a motion to have Vice Chair  
3 Commissioner Mike Hughes, Secretary Commissioner LaVonne Ansari and  
4 Treasurer Commissioner Joan Aul. May I have a motion?

5 COMMISSIONER PERRY: So moved.

6 CHAIR ROCHE: And a second?

7 COMMISSIONER BAYNES: Second.

8 CHAIR ROCHE: Are there any comments? Questions? Any  
9 other nominations? All in favor of this resolution, we will do it by  
10 name call.

11 MS. BRUNETTE: OK. Roll call vote for Corporate Resolutions  
12 One (1) and Two (2). Commissioner Ansari?

13 COMMISSIONER ANSARI: Aye.

14 MS. BRUNETTE: Commissioner Aul?

15 COMMISSIONER AUL: Yes.

16 MS. BRUNETTE: Commissioner Baynes?

17 COMMISSIONER BAYNES: Aye.

18 MS. BRUNETTE: Commissioner Blue?

19 COMMISSIONER BLUE: Aye.

20 MS. BRUNETTE: Commissioner Hicks?

21 COMMISSIONER HICKS: Yes.

22 MS. BRUNETTE: Commissioner Hughes?

23 COMMISSIONER HUGHES: Yes.

24 MS. BRUNETTE: Commissioner Perry?

25 COMMISSIONER PERRY: Aye.

26 MS. BRUNETTE: Commissioner Persico?

27 COMMISSIONER PERSICO: Yes.

28 MS. BRUNETTE: Commissioner Tucker?

1 COMMISSIONER TUCKER: Aye.

2 MS. BRUNETTE: Sister Denise?

3 CHAIR ROCHE: Yes.

4 MS. BRUNETTE: And Commissioner Wilcox?

5 COMMISSIONER WILCOX: Yes.

6 CHAIR ROCHE: Thank you very much Vicky. And congratulations  
7 to our new and continuing officers for the coming year. Thank you very  
8 much for saying yes. I am going to call on Kim now to take us through  
9 the rest of the Resolutions.

10 MS. MINKEL: Yup. Thank you, Sister. So, I am going to take  
11 Corporate Resolutions three (3) thru twenty (20). I know it sounds like  
12 alot, but I think we can go through them rather quickly. The first one  
13 is on page nine (9). It is best practice for the Board to review on an  
14 annual basis the Mission Statement. This Mission Statement, Staff is  
15 not recommending any changes from last year. The focus essentially is  
16 "we're committed to providing safe, efficient and professional  
17 transportation service that enhances the quality of life in the Buffalo  
18 Niagara Region in a manner consistent with the needs of our customers".  
19 There are four (4) main areas - the property areas, aviation, surface,  
20 property and support services - are the four (4) business sections  
21 within the Authority.

22 The next Corporate Resolution on page ten (10) is  
23 authorization for the approval of the Whistleblower's Policy. Staff is  
24 not recommending any changes from last year when the Board approved it.  
25 The next Corporate Resolution on page thirteen (13) is the approval for  
26 Harassment in the Workplace Policy. The policy is attached. Staff is  
27 not recommending any changes since the Board approved it in April of  
28 2021. The next Corporate Resolution is on page seventeen (17). These

1 are investment guidelines for both the NFTA and our Metro System. Again  
2 Staff is not recommending any changes to this policy.

3 Corporate Resolution Seven (7) is our Master Liability  
4 Management Policy. Staff is not recommending any changes since it was  
5 reviewed and approved by the Board last year. As a point of note, this  
6 is the policy that includes the permissible hedging instruments that  
7 Joan mentioned earlier, and limitations on the use. It also protects  
8 our revenue and investment earnings from adverse fluctuations in  
9 interest rates. All of that is set forth in this policy. The next  
10 Corporate Resolution Number Eight (8) is on page thirty-seven (37).  
11 This is our Guidelines for the Dispositions and Transfers of Capital  
12 and Non-Capital Assets. Again, Staff is not recommending any changes  
13 from what was last approved by the Board last year.

14 Corporate Resolution Number Nine (9) is the approval for  
15 the Guidelines on the Acquisition and Disposition of Real Property. The  
16 Guidelines are attached. No changes were made since the Board approved  
17 it last year. Corporate Resolution Number Ten (10) is our Travel Policy  
18 and Guidelines for both NFTA and Metro. The Policy is attached. There  
19 are minor changes. Really just wordsmithing changes, nothing material  
20 in the Policy that Staff is recommending from last year when the Board  
21 approved it.

22 The next Corporate Resolution Number Eleven (11) is our  
23 Aviation Capital Grant Program that would provide just under \$1.3  
24 million in NYSDOT funding for the installation of the emergency power  
25 generators at the Buffalo Airport. Staff is recommending the Board  
26 approve this contract with NYSDOT with the acceptance of those funds.  
27 Corporate Resolution Number Twelve (12) on page fifty-nine (59), Staff  
28 recommends a one-year renewal with Smartnet with FirstLight at a

1 total cost of \$165,145.31. This renews our hardware and software  
2 support for our Cisco routers and switches throughout our system. The  
3 renewal is being procured through OGS contract.

4 Corporate Resolution Number Thirteen (13) on page sixty  
5 (60). This is an agreement with FirstLight. It's a three (3) year  
6 subscription for a Cisco Umbrella Secure Internet Gateway Advantage in  
7 the total amount of \$127,016.64. The three-year subscription was  
8 procured under OGS procurement and this will help provide an added  
9 layer of security by pushing web traffic through a secure proxy that  
10 adds Domain Name System filtering, data loss prevention and other  
11 features.

12 Corporate Resolution Number Fourteen (14). Staff is  
13 recommending that the Board authorize a three-year agreement with Dell  
14 EMC for extended hardware support for fifteen (15) servers for a total  
15 cost of \$38,055.00. This will extend the operational life of the  
16 servers for three (3) years. Again this procurement is being done  
17 through OGS. Corporate Resolution Number Fifteen (15) is an agreement  
18 with Dell EMC. This is for Microsoft licenses for a total cost of  
19 \$139,064.08. As part of this agreement, we will have licenses for all  
20 employees going forward here at the NFTA. Currently we do not. This  
21 will also add multiple mobility and security capabilities to our  
22 Office330, Office365 licenses, and it will help increase security and  
23 lower our cybersecurity risk. And this procurement was also through  
24 OGS.

25 Corporate Resolution Number Sixteen (16). Staff is  
26 recommending the Board authorize a four-year collective bargaining  
27 agreement with our Buffalo Niagara Airport Firefighters. This will take  
28 us through the end of March 31<sup>st</sup>, 2026. Karen had mentioned this earlier

1 as part of her report. The Firefighters represent approximately thirty-  
2 six (36) Officers. First year of the agreement, Staff is recommending  
3 \$1.50 equity adjustment which equates to 6.1% in their wages. In years,  
4 2, 3 and 4, there would be a 2.35% increase going forward.  
5 Additionally, those Officers that obtain and retain their EMT  
6 Certification, will receive an additional one hundred sixty (160) hours  
7 of pay per year, which is an increase from the one hundred forty (140)  
8 hours pay per year. These folks do an incredible job. They respond to a  
9 number of emergencies at the Buffalo Airport. We think it's a fair  
10 agreement considering all of the work that they've done for us in the  
11 past and going forward. Similarly on page sixty-four (64), Corporate  
12 Resolution Number Seventeen (17), Staff is recommending a Collective  
13 Bargaining Agreement with Local Union 1342 of the ATU. This would be a  
14 three-year agreement that would go through July 31<sup>st</sup>, 2025. This  
15 agreement was opened up. It had not expired and the ATU had agreed to  
16 sit down early to re-open the contract due to some of the challenges  
17 we've had in terms of with recruitment. This will help us going forward  
18 in terms of recruitment and also to provide more reliable service going  
19 forward. As part of the agreement, the members would receive an equity  
20 adjustment of either nine percent (9%) or the equivalent of \$2.00 an  
21 hour. Additionally the first tier, the lower tier would be eliminated,  
22 so this allows us to have a starting wage of \$20.00 an hour for drivers  
23 to help with the recruitment. In the subsequent years, it would be a  
24 2%, 2% and 2.25% increase. There would also be increases to longevity  
25 pay over two (2) years with the goal of encouraging retention of long-  
26 serving employees. I mentioned earlier that fifty percent (50%) of our  
27 workforce is eligible for retirement. So, to help slow that down, we  
28 think it's important to do all we can to retain them and slow that



1 exodus as much as possible. Additional, we are adding Juneteenth and  
2 recognizing it as a holiday and we're actually doing that for all of  
3 our employees going forward. Effective January 1, 2024, there will be  
4 an increase in contribution by the employees in terms of their health  
5 insurance so it will be twelve percent (12%) of the monthly premium.  
6 You know, these are employees who are on the front line during the  
7 pandemic. Day in, day out, they came to work, provided service and they  
8 do an incredible job. I also want to recognize Matt Van Vessem, Karen  
9 Novo and Tom George and thank them for their help in going through the  
10 negotiations, which as you know, can always be a challenging prospect  
11 and very public process so thank you very much for your help in  
12 bringing what I think is a fair and equitable agreement for all sides.

13 Corporate Resolution Number Eighteen (18) is the  
14 authorization for approval and procurement of road salt. We do this on  
15 an annual basis. We ask for the Board's approval to enter in before we  
16 get to purchase the road salt way in advance, we anticipate we would  
17 need approximately 2,100 tons of road salt. We do that through OGS and  
18 through Erie County contracts and we need that commitment before the  
19 end of April in order to secure it for next season. Even though we have  
20 snow today, hopefully we won't use it until next season.

21 Corporate Resolution Number Nineteen (19) is for a lease  
22 agreement with Guardian Recovery Services. This is for office space at  
23 247 Cayuga Road. This would be a one-year agreement with the option of  
24 two additional one-year extensions based on our approval. The initial  
25 rental lease rate will be \$11.50 per square foot or just over \$9,100.00  
26 for the first year and it would have a three percent (3%) annual  
27 escalator. And then the final Corporate Resolution, Rick had mentioned  
28 it earlier as part of his report, is a lease amendment, a second lease

1 Amendment with Top Seedz for space at 247 Cayuga. They're looking for  
2 an additional 1,300 square feet of warehouse space. It would be at the  
3 same rate, \$6.95 per square foot. It would terminate and align based on  
4 their current lease that they have. So, the total rent for the  
5 seventeen (17) month term will be just under \$13,500.00. And like the  
6 other conditions of the lease, it is set to expire at the end of next  
7 year. There would be a three percent (3%) annual escalator that would  
8 start on October 1, 2022. And those are the Corporate Resolutions.

9 CHAIR ROCHE: Thank you. Well done. I am going to suggest  
10 with this number of resolutions that, unless there is an objection from  
11 a Commissioner, we would take number three (3) to and including number  
12 fifteen (15) as a group. Anyone object? OK, I am going to ask for a  
13 roll call vote since only half of us in this room. Vicky, would you  
14 please?

15 MS. BRUNETTE: This is a roll call vote for Corporate  
16 Resolutions...

17 CHAIR ROCHE: We need a motion to accept and a second.

18 COMMISSIONER AUL: So moved.

19 CHAIR ROCHE: Good. And a second?

20 COMMISSSIONER ANSARI: Second.

21 CHAIR ROCHE: Thank you.

22 MS. BRUNETTE: This is a roll call vote for Corporate  
23 Resolutions Three (3) through Fifteen (15). 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 Blue?  
2 COMMISSIONER BLUE: Yes.  
3 MS. BRUNETTE: Commissioner Blue?  
4 COMMISSIONER BLUE: Yes.  
5 MS. BRUNETTE: Commissioner Downey. Oh. My apologies. No vote  
6 there. Commissioner Hicks?  
7 COMMISSIONER HICKS: Yes.  
8 MS. BRUNETTE: Commissioner Hughes?  
9 COMMISSIONER HUGHES: Yes.  
10 MS. BRUNETTE: Commissioner Perry?  
11 COMMISSIONER PERRY: Aye.  
12 MS. BRUNETTE: Commissioner Persico?  
13 COMMISSIONER PERSICO: Yes.  
14 MS. BRUNETTE: Commissioner Tucker?  
15 COMMISSIONER TUCKER: Yes.  
16 MS. BRUNETTE: Sister Denise?  
17 CHAIR ROCHE: Yes.  
18 MS. BRUNETTE: And Commissioner Wilcox?  
19 COMMISSIONER WILCOX: Yes.  
20 MS. BRUNETTE: The items are approved.  
21 CHAIR ROCHE: Thank you very much. Now I am going to ask that  
22 we take Resolution Sixteen (16) by itself and I would ask for a motion.  
23 COMMISSIONER PERRY: So moved.  
24 CHAIR ROCHE: And a second?  
25 COMMISSIONER TUCKER: Second.  
26 CHAIR ROCHE: Thank you and I am going to ask for a roll call  
27 vote again.  
28 MS. BRUNETTE: Roll call vote for Item, Corporate Item Sixteen

1 (16). Commissioner Ansari?

2 COMMISSIONER ANSARI: Yes.

3 MS. BRUNETTE: Commissioner Aul?

4 COMMISSIONER AUL: Yes.

5 MS. BRUNETTE: Commissioner Baynes?

6 COMMISSIONER BAYNES: Yes.

7 MS. BRUNETTE: Commissioner Blue?

8 COMMISSIONER BLUE: Yes.

9 MS. BRUNETTE: Commissioner Hicks?

10 COMMISSIONER HICKS: Yes.

11 MS. BRUNETTE: Commissioner Hughes?

12 COMMISSIONER HUGHES: Yes.

13 MS. BRUNETTE: Commissioner Perry?

14 COMMISSIONER PERRY: Aye.

15 MS. BRUNETTE: Commissioner Persico?

16 COMMISSIONER PERSICO: Yes.

17 MS. BRUNETTE: Commissioner Tucker?

18 COMMISSIONER TUCKER: Yes.

19 MS. BRUNETTE: Sister Denise?

20 CHAIR ROCHE: Yes.

21 MS. BRUNETTE: And Commissioner Wilcox?

22 COMMISSIONER WILCOX: Yes.

23 MS. BRUNETTE: The item is approved.

24 CHAIR ROCHE: Thank you very much Vicky. And now number

25 seventeen (17) by itself please and then we'll do the next three (3) as

26 a group if there are no objections.

27 COMMISSIONER PERRY: So moved.

28 CHAIR ROCHE: So may I... OK. And a second?

1 COMMISSIONER TUCKER: Second.

2 CHAIR ROCHE: Thank you very much.

3 MS. BRUNETTE: This is a roll call vote for Corporate  
4 Resolution Number Seventeen (17). Commissioner Ansari?

5 COMMISSIONER ANSARI: Yes.

6 MS. BRUNETTE: Commissioner Aul?

7 COMMISSIONER AUL: Yes.

8 MS. BRUNETTE: Commissioner Baynes?

9 COMMISSIONER BAYNES: Yes.

10 MS. BRUNETTE: Commissioner Blue?

11 COMMISSIONER BLUE: Yes.

12 MS. BRUNETTE: Commissioner Hicks?

13 COMMISSIONER HICKS: Yes.

14 MS. BRUNETTE: Commissioner Hughes?

15 COMMISSIONER HUGHES: Yes.

16 MS. BRUNETTE: Commissioner Perry?

17 COMMISSIONER PERRY: Aye.

18 MS. BRUNETTE: Commissioner Persico?

19 COMMISSIONER PERSICO: Yes.

20 MS. BRUNETTE: Commissioner Tucker?

21 COMMISSIONER TUCKER: Yes.

22 MS. BRUNETTE: Sister Denise?

23 CHAIR ROCHE: Yes.

24 MS. BRUNETTE: And Commissioner Wilcox?

25 COMMISSIONER WILCOX: Yes.

26 MS. BRUNETTE: And item Seventeen (17) is approved.

27 CHAIR ROCHE: Thank you very much again. And number eighteen  
28 (18), nineteen (19) and twenty (20) as a group together. May I have a

1 motion? And a second?

2 COMMISSIONER AUL: So moved.

3 CHAIR ROCHE: And a second?

4 COMMISSIONER PERRY: Second.

5 CHAIR ROCHE: Is there any conversation, objection, comment?

6 If not, we'll have a roll call vote.

7 MS. BRUNETTE: This is a roll call vote for Corporate

8 Resolutions Eighteen (18) through Twenty (20). Commissioner Ansari?

9 COMMISSIONER ANSARI: Yes.

10 MS. BRUNETTE: Commissioner Aul?

11 COMMISSIONER AUL: Yes.

12 MS. BRUNETTE: Commissioner Baynes?

13 COMMISSIONER BAYNES: Yes.

14 MS. BRUNETTE: Commissioner Blue?

15 COMMISSIONER BLUE: Yes.

16 MS. BRUNETTE: Commissioner Hicks?

17 COMMISSIONER HICKS: Yes.

18 MS. BRUNETTE: Commissioner Hughes?

19 COMMISSIONER HUGHES: Yes.

20 MS. BRUNETTE: Commissioner Perry?

21 COMMISSIONER PERRY: I'm abstaining on Number Twenty (20).

22 MS. BRUNETTE: Commissioner Persico?

23 COMMISSIONER PERSICO: Yes.

24 MS. BRUNETTE: Commissioner Tucker?

25 COMMISSIONER TUCKER: Yes.

26 MS. BRUNETTE: Sister Denise?

27 CHAIR ROCHE: Yes.

28 MS. BRUNETTE: And Commissioner Wilcox?

1 COMMISSIONER WILCOX: Yes.

2 MS. BRUNETTE: The items are approved.

3 CHAIR ROCHE: Thank you very much. We have just gotten  
4 through a great deal of business for the day. We're going to go now to  
5 the Aviation Business Group Report, and I'll turn it over the  
6 Commissioner Perry.

7 COMMISSIONER PERRY: Sister, the Aviation Committee met earlier  
8 today, and Mr. Schaefer went through some of our basic airport  
9 improvement project updates, mainly airport runway rehab at BNIA. And  
10 some division strategies to negate shortages and bottlenecks and other  
11 BNIA items and also NFIA projects in process. There was an  
12 announcement/discussion about Mr. Vanecek's retirement and Lee Weitz  
13 prepared/presented his first official report as our new Director of  
14 Airports and Aviation, noting that enplanements are still down about  
15 twenty-two percent (22%) from 2019 at BNIA but we're growing and  
16 returning to pre-pandemic normal and hopefully getting better. So, at  
17 NFIA, still down in flights and seats however hopeful that this will  
18 improve, all of which is impacted by various merger and acquisition  
19 activity and a variety of other factors. And we had a longer  
20 presentation on how some of our March and April advertising attracted  
21 Canadian media to do a series of segments about the airport. And that  
22 was the basics of the meeting. I believe we just might have a  
23 resolution.

24 MS. MINKEL: We do. We have one (1) resolution. So starting  
25 on page seventy-one (71), Staff is recommending a change order which  
26 would be an increase to Union Concrete Construction in the amount of  
27 \$119,700.00. And the request for the change order is to make some  
28 critical repairs that have been noted out onsite. Drainage repairs on

1 North Airport Drive, parking lot repairs on the North Airport Drive,  
2 FBO drainage repairs and some joint and pavement repairs that add up to  
3 just under \$120,000.00. On that John Schaefer had mentioned earlier in  
4 his report. And those are the resolutions. Just one (1), new.

5 CHAIR ROCHE: I am going to ask for a motion to accept that...

6 COMMISSIONER PERRY: So moved.

7 CHAIR ROCHE: And a second?

8 COMMISSIONER AUL: Second.

9 MULTIPLE COMMISSIONERS: Laughter.

10 CHAIR ROCHE: Is there any comment, conversation?

11 COMMISSIONER BAYNES: Sister, I will abstain from this vote.

12 CHAIR ROCHE: OK. Thank you. Take a roll call vote please.

13 MS. BRUNETTE: This is a roll call vote for Aviation Number

14 One (1). Commissioner Ansari?

15 COMMISSIONER ANSARI: Yes.

16 MS. BRUNETTE: Commissioner Aul?

17 COMMISSIONER AUL: Yes.

18 MS. BRUNETTE: Commissioner Baynes is abstaining. Commissioner

19 Blue?

20 COMMISSIONER BLUE: Yes.

21 MS. BRUNETTE: Commissioner Hicks?

22 COMMISSIONER HICKS: Yes.

23 MS. BRUNETTE: Commissioner Hughes?

24 COMMISSIONER HUGHES: Yes.

25 MS. BRUNETTE: Commissioner Perry?

26 COMMISSIONER PERRY: Aye.

27 MS. BRUNETTE: Commissioner Persico?

28 COMMISSIONER PERSICO: Yes.



1 MS. BRUNETTE: Commissioner Tucker?

2 COMMISSIONER TUCKER: Yes.

3 MS. BRUNETTE: Sister Denise?

4 CHAIR ROCHE: Yes.

5 MS. BRUNETTE: And Commissioner Wilcox?

6 COMMISSIONER WILCOX: Yes.

7 MS. BRUNETTE: The item is approved.

8 CHAIR ROCHE: Thank you. Now we turn to the Surface  
9 Transportation Business Group Report and the Surface Transportation  
10 Committee met this morning as well. We're going to turn it over to Tom  
11 George.

12 MR. GEORGE: Yes. Good afternoon. We did have a Surface  
13 Transportation Committee this morning. We spent a little time talking  
14 about the Charter and that there are no changes to that. We also talked  
15 about Metro Service Update and indicated we are going to reinstate the  
16 Express Service effective 6/19 once our latest class does move into  
17 service. We talked a little bit about a summer access program for the  
18 local parks, working collaboratively with Erie County and the New York  
19 State Parks. We'll be running service seven (7) Saturdays this  
20 summer to seven (7) different parks and a programming component that  
21 they will be putting on, the Parks. We will be doing some joint  
22 promotion for a service that will be leaving the MTC approximately  
23 three (3) times per day. We also did an update on the DL&W. Talked  
24 about the infrastructure in the station targeting completion date of  
25 January of '24. We talked about the pedestrian bridge and the east end  
26 access as well as multimodal access study we've got ongoing. We also  
27 had a brief discussion on ridership. Bus ridership year-to-date is up  
28 twelve percent (12%) from last year. Rail is up thirty-seven percent

1 (37%) for an overall increase over last year of sixteen percent (16%),  
2 but we also reported we are at fifty-five percent (55%) of our pre-  
3 pandemic numbers. And we concluded the meeting with a report on CAC and  
4 AAC, our advisory committees, their reports from those two (2) meetings  
5 and then the police department also had a report for us. And that's it.  
6 Thank you.

7 CHAIR ROCHE: Thank you very much Tom. And now I turn it over  
8 to Kim for the Surface Transportation Resolutions.

9 MS. MINKEL: Thank you Sister. There are eight (8) Surface  
10 Transportation Resolutions. The first one on page seventy-five (75).  
11 Staff recommends the Board award a construction contract with Savarino  
12 in the lump sum amount of \$616,079.76. This is to rehabilitate the  
13 exterior building shell of University Station, Humboldt and Utica rail  
14 stations. This is to prevent water infiltration into the stations.  
15 These are all original stations so we are starting to see some leakage  
16 so this will replace the gaskets, it will re-caulk the windows, the  
17 skylights, and provide select portions of the concrete exterior and  
18 other improvements that were identified as part of the design process.  
19 Savarino is coming up short of our MWBE, SDVOB goals. They have  
20 requested a partial waiver to ESD. Their MBE participation will be just  
21 under nine-point-four percent (9.4%). Their WBE participation, six  
22 point three (6.3) and they are meeting the goal of the SDVOB that was  
23 set by the Authority.

24 The next Resolution is a procurement of security equipment  
25 from Stark Tech. This is in the total amount of \$190,120.79. This is to  
26 complete the development that was planned for the DL&W Station. This  
27 was procured separately from the construction contract because we could  
28 get better pricing through OGS, and it could help control the timing of

1 the equipment installation. Similarly, the next Resolution on page  
2 seventy-eight (78), is for the network equipment in the station and  
3 this would be coming from FirstLight in the total amount of  
4 \$198,651.93. Again, we procured it separately through OGS and outside  
5 of the construction contract to better control the cost.

6 On page seventy-nine (79), Staff is recommending an  
7 extension of the permit agreement with SUNY for the Park and Ride  
8 Facilities at the University Station. This would be a seven (7) year  
9 agreement that would take us through the end of August 31<sup>st</sup> of 2028.  
10 This allows rent and the use of the parking area for approximately 312  
11 vehicles. We would be responsible for the electricity and there is a  
12 one-time reimbursement for the capital construction cost of re-paving  
13 that parking lot not to exceed \$200,000.00. The rent payment that would  
14 start in September of this year would be \$16,243.90 and thereafter  
15 there would be an annual increase to the CPI for each year of the  
16 agreement. In addition as part of the agreement, we would provide 200  
17 bulk fare transit passes each month to be used by the students in the  
18 UB Education Opportunity Program. This is the college preparatory  
19 program that provides support for disadvantaged students.

20 The next Resolution, Tom had mentioned as part of his  
21 report, we're asking the Board to waive fares for us to do this pilot  
22 bus service to promote use of seven (7) different parks here in our  
23 community. We would operate on Saturdays during the seven (7) weeks  
24 during the summer, outside of the 4<sup>th</sup> of July weekend. And we would work  
25 with New York State Parks and Erie County Parks Department to help  
26 promote this pilot program. We think this will provide a wonderful  
27 opportunity for those in the community to have access to the parks.

28 Corporate, excuse me, Surface Resolution Number Six (6) on

1 page eighty-two (82). Staff is recommending an authorization for  
2 agreement with D.C.B. Elevator. This is to provide maintenance and  
3 service for our elevators and escalators. This would be a one-year  
4 agreement with the option of four additional one-year periods. The  
5 total estimated aggregate cost is \$3,036,562.52 for all five (5) years  
6 of the agreement. We did go out with an RFP for this. Only one  
7 responsive proposal was received. The established MBE, WBE and SDVOB  
8 goals were zero percent (0%), thirty percent (30%) and zero percent  
9 (0%). D.C.B. has identified their MBE participation is zero percent  
10 (0%) but their WBE participation is one hundred percent (100%) for this  
11 project and we are waiving the SDVOB goals because there are no  
12 certified providers of this service. One thing I want to highlight on  
13 this agreement... Last year, so if you take a look at year one (1) of the  
14 agreement, the routine maintenance cost will be just over half a  
15 million dollars. Last year it was \$643,000.00, so it's come down. It's  
16 come down because we're replacing a number of the escalators. So,  
17 although we have those large capital costs, the ongoing maintenance  
18 costs, we are seeing the benefits going forward.

19 The seventh Resolution is on page eighty-four (84), and  
20 this is for NITTEC. This is in the amount of \$150,000.00 as part of  
21 their annual maintenance and support of the system. It is with IBI  
22 Group, and this would support their Transportation Technology Coalition  
23 Advanced Traffic Management System for this year. And the final  
24 Resolution is an authorization for a supplemental agreement with  
25 Stantec Consulting in the amount of \$175,000.00 to modify the current  
26 scope in response to a planning study that they have looking at the  
27 Scajaquada Route 198 Expressway and as part of this, they will prepare  
28 recommendations based on the technical assessment and community and

1 stakeholder involvement. This is through GBNRTC. As a host agency, this  
2 comes to this Board for approval. Hal Morse is here if there are any  
3 questions. Hal, I don't know if there are any highlights of this study  
4 that you want to mention?

5 MR. MORSE: Thanks, Kim. It's not a lot, but it is going  
6 well, and we are nearing the final quarter, probably, of this study. I  
7 just want to mention it was originally the Scajaquada Study that had  
8 been underway by the State for eighteen (18) years. They were never  
9 able to achieve a consensus solution, so the Governor and the State  
10 Transportation Commissioner asked us to pick it up, redesign the  
11 geography if you will, bigger study area, more community involvement,  
12 and look at how transportation interfaces them with the communities,  
13 economic, local development, all the assets in this area around the  
14 Scajaquada, and how they are affected by a "consensed" solution.  
15 Community outreach has been great. We have a meeting next week with  
16 over 200 registered already. And that has been... we originally specked  
17 three (3) possible scenarios to contract community input...

18 COMMISSIONER PERRY: [SNEEZE]

19 MR. MORSE: Bless you.

20 COMMISSIONER PERRY: Thank you.

21 MR. MORSE: But the community has kind of driven us to come  
22 up with a fourth one. So I need our consultants to help us develop this  
23 fourth one, work it through with the Community and the stakeholders,  
24 and help us achieve this consensus solution hopefully over the summer  
25 which we can then input in the design process and get this project  
26 going. Also, at the same time, now we have the Kensington Project going  
27 on and we are looking how we will interface with that. So, it's been  
28 good. We're getting to the conclusion, but I do need more some work on

1 that. Our Board has authorized it and I ask you to secure that.

2 Questions?

3 MS. MINKEL: Great. Thank you, Hal. And those are the  
4 resolutions, Sister.

5 CHAIR ROCHE: Thank you very much Kim. I am going to suggest  
6 that we take all eight (8) of these as a group unless there is an  
7 objection by a Commissioner.

8 COMMISSIONER BLUE: Sister. This is Reverend Blue. I have a  
9 question.

10 CHAIR ROCHE: Yes.

11 COMMISSIONER BLUE: We are, as the NFTA, we are responsible for  
12 making sure that we, not only the fiduciary responsibilities, but the  
13 MWBE program that we have established. If companies, who we know our  
14 program exists for MWBEs is not meeting those criteria. We are giving  
15 them a waiver for a substantial amount of business that they are going  
16 to do for the NFTA. Waivers are excuses, to me, for not hiring in the  
17 parameters, within the parameters that we have established as the NFTA.  
18 We need to be very careful about that because there's a substantial  
19 amount of money that's going to these organizations, to these  
20 companies, to these contractors. And if they know our goals, we should  
21 not give waivers unless there is a sole source or that company is real  
22 small, which I understand. But for companies that are not, contractors  
23 that are not, and we have established goals for MWBE, we should not be  
24 giving a lot of these waivers out when they know our criteria. So, this  
25 will help them to do the proper protocols, and proper things, and  
26 responsibilities as contractors to hire within those parameters. So,  
27 we're, we're giving waivers. I, I want to caution us because of the  
28 high standards that we have. That we do not lower these standards and

1 we use contractors who want to bid in on the projects that we have,  
2 they should adhere to those principals and standards that we have set.  
3 We're setting a tone, that if you don't have these standards, then we  
4 can give you a waiver and that's, to me, is an excuse for these  
5 contractors for not fulfilling the obligations that we have set. So, I  
6 want to caution us in the work that we're doing, that we're making sure  
7 that our communities benefit from the standards that we have set and  
8 that we do not just give waivers to companies that have the means to  
9 hire within the standards that we have set.

10 MS. MINKEL: So Reverend Blue... If I might make a comment.

11 The NFTA does not issue waivers on the MWDBE goals. That comes from  
12 Empire State Development. We do not issue waivers. The only waiver we  
13 issue is on the SDVOB goals, Service Disable Veteran, that is the only  
14 waiver that the NFTA issues. I should also mention to the Board we got  
15 an A+ rating from Empire State Development for our MWBE goals. This  
16 past year, we exceeded our goals. Thirty-five percent (35%) of our  
17 procurements went to MWBEs. Something we're very proud of which equates  
18 to, Mark, correct me if I am wrong, just under \$14 million...

19 MR. PEREIA: That is correct.

20 MS. MINKEL: ...in total dollars spread among fifty-seven (57)  
21 or sixty-two (62) different vendors. Do you remember? Significant  
22 number but to be clear, we do not issue the waivers. That comes from  
23 Empire State Development.

24 COMMISSION PERRY: OK. Can I inquire? So... are we...

25 COMMISSIONER HICKS: Hold on. Ms. Minkel. Ms. Minkel. I'm sorry. I'm  
26 sorry I am on the outside, but I do want to say this. I think Ms.  
27 Minkel has done a very good job in trying to make sure things are done  
28 the right way but also, we have a rule and because we have to make sure

1 we are examining in this arena to make sure we continue to maintain  
2 keep our good track record and really the goal should be to increase  
3 that track record because we are a public authority. I understand your  
4 statement and I support these words of caution to make sure that we  
5 continue to meet those goals both for this organization and this  
6 community. Thank you, Kim. That will end my little soliloquy.

7 MULTIPLE COMMISSIONERS: Laughter.

8 CHAIR ROCHE: Commissioner Perry?

9 COMMISSIONER BLUE: This is Reverend Blue again. I did not mean to  
10 imply that we issue those waivers. I thank you for that correction and  
11 for that understanding. If the ESD, knows of our criteria, then they  
12 ought to help us to reinforce those goals so individuals, that we meet  
13 those goals. And I want to thank you, Ms. Minkel, for the high  
14 standards that you have spearheaded for the NFTA, and we want to  
15 continue to do that. And we want to set the mark, the benchmark for  
16 other agencies, and other authorities, so again, thank you for that.

17 CHAIR ROCHE: Yes, Commissioner Perry?

18 COMMISSIONER PERRY: I want to say that based on the information,  
19 the statistics we just heard, we actually do set the mark for these  
20 other agencies because we rate higher than them, so we are setting the  
21 pace. We're the pacesetters. We're in the lead. We have the highest  
22 grade compared to these other agencies so that's what we are already  
23 doing. The other thing, legally, if ESD, which we don't control, issues  
24 a waiver, we can't say, we can't reject that, we don't have the legal  
25 power to do that, do we?

26 MS. MINKEL: I don't believe so.

27 COMMISSIONER PERRY: I don't believe we do either. I know a little  
28 bit about this, but I don't believe we do. So, I think the point from



1 the table is if we are concerned, which we are, we've heard a lot of  
2 concern, what we need to do is we need to talk to our elected officials  
3 and tell them that they are needing to talk to ESD about the waivers  
4 that they are issuing. My concern is, is that if we're at the table and  
5 saying "NFTA, we're not doing good enough, we've got to do better", in  
6 something that is beyond our control in a situation where we are  
7 meeting or exceeding the highest standards of any other agency, that's  
8 going to have people making the kind of comments that we have heard  
9 recently about how NFTA can do better and all this kind of stuff when  
10 actually considering the power of the elected officials who we have  
11 from Western New York at the highest levels of the Senate, and the  
12 Assembly, and the Governor's Office, if we have a problem with that,  
13 let's address those issues directly and immediately to those people and  
14 tell them what we want. But I also think that we need to make clear to  
15 the media, to some elected officials who want to say NFTA is not doing  
16 a good enough, and it needs to do better, clearly that we want better  
17 outcomes, but we have done everything we have to achieve them and that  
18 we want those others to step up and take the next step. So...

19 COMMISSIONER ANSARI: Can I add, maybe we should have a little  
20 clarity? It looks like from the Resolution that we are approving the  
21 waiver. If it's Empire Development that approving the waiver, then it  
22 needs to say that, instead it looks like the NFTA Board is approving  
23 the waiver.

24 COMMISSIONER BAYNES: It says it was submitted to the ESD.

25 COMMISSIONER ANSARI: Yes, but we do not understand it that way. So  
26 maybe we need to have a little clarity, understanding?

27 MS. MINKEL: Yes, I think we can work on the wording.

28 COMMISSIONER ANSARI: Yes, just to... ESD... nobody really... The

1 communities care nothing about that. It looks like us.

2 CHAIR ROCHE: And excused by ESD..

3 COMMISSIONER ANSARI: Right. So it looks like we're doing it and  
4 we're approving it based on their recommendation. In fact, they're  
5 doing it, but it looks like we control it.

6 MS. MINKEL: I understand..

7 COMMISSIONER ANSARI: You know what I'm saying?

8 MS. MINKEL: We can work on the verbiage. And to be clear,  
9 there's also DBE goals which are Federal goals which are different so,  
10 there's a lot of alphabets here that make it confusing. One thing that  
11 I think is to the Board's point, that Staff is working on because  
12 there's always room for improvement, is to hold contractors accountable  
13 for what they are reporting and what they are saying in terms of  
14 participation. And, that's something we've been working on and that's  
15 an area that I think there's always room for improvement. I know you  
16 didn't mention it, but I know that's the intention of the comments as  
17 well.

18 COMMISSIONER BLUE: May I ask a question, not to belabor this but  
19 the two (2) contractors, and I am just going to use this as a  
20 comparison, I believe on Resolution Number Four (4), the company's  
21 names are Savarino and Co. and Mark, the other company. I know  
22 Savarino's came in at a lower bid and my question is, they came in at a  
23 lower bid, which I understand, but is the other company meeting the  
24 goals? Without having a waiver? Se, and that's the question. They may  
25 come in at the lowest contract or bid but are they meeting the  
26 standards that we have set as the NFTA without having a waiver? See,  
27 that is something to consider when we're approving these contracts as  
28 well. I understand the lowest bid and I understand being fiduciary

1 responsible, but are they meeting that goals that we set? I know  
2 everybody else has their standards, the Federal Standards and  
3 everything else but that's something again, that we need to work on  
4 going forward.

5 MR. SCHAEFER: Reverend Blue? It's John Schaefer. If you don't  
6 mind. That procurement came through my department. The other bidder was  
7 Cerrone. They were also low on some of the parameters for MWBE so both  
8 were looked at simultaneously and both had some up short on certain  
9 parameters. So they were vetted or were looked at at the same time for  
10 that type of instance of it appears you are implying someone is meeting  
11 the goals and maybe having to come in at more of a price, than someone  
12 not meeting the goals and coming in at the low bid. Both were  
13 entertained and looked at at the same time.

14 COMMISSIONER BAYNES: John, so this whole project of almost  
15 \$700,000.00, that's only two (2) bidders?

16 MR. SCHAEFER: Yes.

17 COMMISSIONER BAYNES: So, did we not put it out to Rodriguez or  
18 anybody else?

19 MR. SCHAEFER: So it goes out and advertises. Rodriguez is on  
20 our frequent caller list and what I mean by that is, they'll sign up to  
21 get new launches, here's what we got, we hope you are interested. Some  
22 of the things I do want to point out, when you do the math, and we see  
23 what's available...

24 COMMISSIONER BAYNES: Right.

25 MR. SCHAEFER: ...it's not uncommon for when somebody looks at  
26 all of the percentages that we are demanding...

27 COMMISSIONER BAYNES: Right.

28 MR. SCHAEFER: ...that they say "it's not worth it to me". It's

1 not worth it to me and my company or worth my efforts..

2 COMMISSIONER BAYNES: No, I get it.

3 MR. SCHAEFER: So, that is some of the rationale that comes  
4 in. Maybe that's why Rodriguez, I can't speak for them, but that has  
5 been told to us in the past. There are specialties that come about, you  
6 know, like I said, window glazing is one (1) of them, there are only so  
7 many window glazers out there. There's a percentage, don't know what  
8 type of ownership it is but there is a percentage there. What's left  
9 for them to make money is worth it to them.

10 COMMISSIONER BAYNES: Right.

11 MR. SCHAEFER: And again, I am not sticking up for how they  
12 put their bid together, but I know that is some of the feedback we got  
13 is someone says "it's just not worth it for me to come in. I've done  
14 all I can. Here is my bid, or not".

15 CHAIR ROCHE: Thank you. That was a very good discussion. Are  
16 there any other comments before we call for the vote on these eight (8)  
17 resolutions. And we did not have a motion, right?

18 MS. BRUNETTE: That's right.

19 CHAIR ROCHE: OK. So may I have a motion?

20 REVEREND BLUE: This is Reverend Blue. I would like to offer a  
21 motion that we accept these resolutions.

22 CHAIR ROCHE: Thank you very much Reverend Blue. Is there a  
23 second?

24 COMMISSIONER AUL: Second.

25 CHAIR ROCHE: Thank you, Joan. And we'll have a roll call  
26 vote.

27 MS. BRUNETTE: This is a roll call vote for Surface  
28 Resolutions One (1) through Eight (8). Commissioner Ansari?

1 COMMISSIONER ANSARI: Yes.

2 MS. BRUNETTE: Commissioner Aul?

3 COMMISSIONER AUL: Yes.

4 MS. BRUNETTE: Commissioner Baynes?

5 COMMISSIONER BAYNES: Baynes is abstaining from one (1).

6 COMMISSIONER PERRY: Approve the rest?

7 COMMISSIONER BAYNES: Good with the rest.

8 MS. BRUNETTE: Alright. Thank you.

9 CHAIR ROCHE: Laughter.

10 MS. BRUNETTE: Commissioner Blue?

11 COMMISSIONER BLUE: Yes.

12 MS. BRUNETTE: Commissioner Hicks?

13 COMMISSIONER HICKS: Yes.

14 MS. BRUNETTE: Commissioner Hughes?

15 COMMISSIONER HUGHES: Yes.

16 MS. BRUNETTE: Commissioner Perry?

17 COMMISSIONER PERRY: Not to be outdone by Baynes, I'm going to

18 abstain on Number Four (4) and vote in the affirmative on the rest.

19 CHAIR ROCHE: Laughter.

20 MS. BRUNETTE: Thank you Mr. Perry. Commissioner Persico?

21 Commissioner Persico?

22 COMMISSIONER PERSICO: Yes.

23 MS. BRUNETTE: Commissioner Tucker?

24 COMMISSIONER TUCKER: Yes.

25 MS. BRUNETTE: Sister Denise?

26 CHAIR ROCHE: Yes.

27 MS. BRUNETTE: And Commissioner Wilcox?

28 COMMISSIONER WILCOX: Yes.

1 MS. BRUNETTE: The items are approved.

2 CHAIR ROCHE: Thank you very much. Is there a General Counsel  
3 Report today?

4 MS. BRUNETTE: There is Sister. Just a short and brief  
5 reminder about your financial disclosure statements. They did go live,  
6 and Staff has received theirs. We're assuming you, Commissioners, have  
7 also received them. We had a couple hiccups. So if you haven't received  
8 yours...

9 COMMISSIONER BAYNES: I did not.

10 COMMISSIONER PERRY: I did not get mine either.

11 MS. BRUNETTE: ...your email from JCOPE...

12 COMMISSIONER PERRY: Are we still getting the email from that  
13 woman...?

14 MS. BRUNETTE: That woman ETHEL?

15 MULTIPLE COMMISSIONERS: Laughter.

16 COMMISSIONER TUCKER: She reached out to me a couple weeks ago.

17 MS. BRUNETTE: Commissioner Perry, you still haven't received  
18 yours? And anyone else has not received theirs?

19 COMMISSIONER BAYNES: I don't believe so, but I will check.

20 MS. BRUNETTE: We'll take a look too...

21 COMMISSIONER BAYNES: It probably went to spam.

22 MS. BRUNETTE: They did remind us to have people check their  
23 spam, trash and your privacy settings and things like that. The  
24 deadline for filing those or requesting an extension is Monday, May  
25 16<sup>th</sup>.

26 COMMISSIONER BAYNES: JCOPE should be out of business by now.

27 MULTIPLE COMMISSIONERS: Laughter.

28 MS. BRUNETTE: So, if you have any questions, please reach

1 out, but we will check on Commissioners Perry and Baynes.

2 COMMISSIONER AUL: Yeah, and thank you. I saw you sent me the  
3 link.

4 MS. BRUNETTE: Yes.

5 COMMISSIONER AUL: So, that may be the path of least resistance.

6 MS. BRUNETTE: I think it might be.

7 COMMISSIONER AUL: And just go into the link and then...

8 MS. BRUNETTE: We'll do that quick. Yeah, that might be the  
9 easiest way at this point.

10 COMMISSIONER AUL: Yeah.

11 MS. BRUNETTE: And that's it.

12 COMMISSIONER BLUE: This is Reverend Blue. Can you send me that  
13 link as well? I believe I saw it, but I have so many emails coming to  
14 me.

15 MS. BRUNETTE: I will. I will Commissioner.

16 COMMISSIONER BLUE: Thank you.

17 CHAIR ROCHE: It's hard to recognize it too.

18 MS. MINKEL: Yes.

19 MS. BRUNETTE: That's it.

20 CHAIR ROCHE: That's it. There is no need today for an  
21 Executive Session unless some... yes?

22 MR. GEORGE: One quick announcement, for those that are  
23 interested, on your way out today on the Ellicott Street side is our  
24 brand new battery electric bus for anybody to take a quick look.

25 COMMISSIONER BAYNES: Can we take a quick ride?

26 COMMISSIONER PERRY: Can we drive it?

27 MULTIPLE COMMISSIONERS: Laughter.

28 MS. MINKEL: If you have your CDL, yes.

1 MR. GEORGE: We can take a ride, but you're not driving.  
2 MULTIPLE COMMISSIONERS: Laughter.  
3 CHAIR ROCHE: Those of you who aren't with us are going to  
4 miss seeing the bus but maybe you saw it last week so, the new electric  
5 bus is outside for show and tell. And may I have a motion for  
6 adjournment?  
7 COMMISSIONER ANSARI: So moved.  
8 COMMISSIONER TUCKER: Second.  
9 CHAIR ROCHE: Thank you All. Thank you All. Thank you.

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