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NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Monthly Board Meeting

October 28, 2021

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

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MEMBERS IN THE BOARDROOM:

- Sister Denise Roche (Chair)
- Commissioner LaVonne Ansari
- Commissioner Michael Hughes
- Commissioner Adam Perry
- Kimberley Minkel (Executive Director)
- David State (General Counsel)
- John Cox (Chief Financial Officer)
- William Vanecek (Director, Aviation)
- Tom George (Director, Public Transit)
- Helen Tederous (Director, Public Affairs)
- John Schaefer (Director, Engineering)
- Karen Novo (Director, Human Resources)
- Darren Kempner (Manager, Government Affairs)
- Matthew VanVessem (Manager, Labor Relations)
- Steven Duquette (Chief Information Officer)
- Christopher Ruminski (Manager, Financial Planning & Analysis)
- Vicky-Marie Brunette (Deputy General Counsel)
- Robert Griffin, Jr. (Metro Instructor)
- Robert Oehler (Metro Operator)

MEMBERS ON THE PHONE:

- Commissioner Joan Aul
- Commissioner Anthony Baynes
- Commissioner Rev. Mark Blue
- Commissioner Margo Downey
- Commissioner Wesley Hicks
- Commissioner Stephen Tucker
- Commissioner Philip Wilcox
- Mark Pereira (Procurement Manager)

CHAIR SISTER ROCHE: Good afternoon. We're ready to begin. And welcome to the Niagara Frontier Transportation Authority and Niagara Frontier

1 Transit Metro Systems regular board meeting for  
2 October. And it's October 28th, 2021.

3 I'm going to begin by asking Dave State to  
4 call the roll, please.

5 MR. STATE: Thank you, Sister. Roll call of  
6 commissioners.

7 Commissioner Ansari?

8 COMMISSIONER ANSARI: Present.

9 MR. STATE: Commissioner Aul?

10 Commissioner -- oh, I'm sorry. Commissioner  
11 Aul again?

12 Commissioner Baynes?

13 COMMISSIONER BAYNES: Here.

14 MR. STATE: Commissioner Blue?

15 Commissioner Blue once again?

16 Commissioner Downey?

17 MS. MINKEL: I think that was her.

18 MR. STATE: Commissioner Hicks?

19 Commissioner Hughes?

20 COMMISSIONER HUGHES: Here.

21 MR. STATE: Commissioner Perry?

22 COMMISSIONER PERRY: Present and accounted for.

23 MR. STATE: Commissioner Persico?

1 COMMISSIONER DOWNEY: Dave, you missed Commissioner  
2 Downey.

3 MR. STATE: Okay. Thank you, Commissioner. We have  
4 you now.

5 Commissioner Persico once again?

6 Commissioner Tucker?

7 Sister Denise?

8 CHAIR SISTER ROCHE: Here.

9 MR. STATE: Commissioner Wilcox?

10 COMMISSIONER WILCOX: Present.

11 MR. STATE: And I think I heard Commissioner Blue  
12 come on. Is that correct?

13 COMMISSIONER BLUE: Yes. And you guys all look good  
14 today.

15 MR. STATE: We do have a quorum, Sister.

16 CHAIR SISTER ROCHE: Thank you very much, Dave.

17 I'm going to ask for an approval to the  
18 minutes, please.

19 COMMISSIONER HUGHES: So moved.

20 CHAIR SISTER ROCHE: And a second?

21 COMMISSIONER PERRY: Second.

22 CHAIR SISTER DENISE: All in favor?

23 COMMISSIONER PERRY: Aye.

1 COMMISSIONER HUGHES: Aye.

2 CHAIR SISTER ROCHE: Thank you. Now we are going to  
3 hear the executive director's report. Kim?

4 MS. MINKEL: Thank you, Sister. A couple of things  
5 for the board. First, I wanted to mention that  
6 staff is working very hard in trying to prepare a  
7 balanced budget. This will be discussed at the  
8 November 18th meeting. It would then come to the  
9 board to be voted on at the December 9th meeting.  
10 Please note that because of the holidays, the  
11 Thanksgiving holiday and the December holidays,  
12 our meetings will not be on the fourth Thursday  
13 of the month. So there will not be a board  
14 meeting in November, just a budget discussion.  
15 That's on November 18th. And a board and  
16 committee meeting on December 9th.

17 The other item I wanted to mention to the  
18 board. We are advancing our development of our  
19 light rail stations to help with transit oriented  
20 development. This was an initiative that we  
21 started several years ago. As a reminder, the  
22 Allen Street Station was the first station we  
23 advanced with the incorporation into the medical

1 corridor. So today we're moving forward with the  
2 DL and W as the board awards the station portion  
3 of the work to activate this facility.

4 Additionally, we are working with the City of  
5 Buffalo for the development of the LaSalle  
6 Station. The City of Buffalo owns the property  
7 adjacent to our station there, so we would  
8 partner with them on joint development  
9 opportunities for our LaSalle Station.

10 And now the best part of my job is when I  
11 get to recognize wonderful employees. And we are  
12 joined today by two incredible operators here for  
13 Metro and the NFTA. First, I want to acknowledge  
14 and recognize Robert Griffin Junior -- Mr.  
15 Griffin, if you want to stand up -- on receiving  
16 the Black Achievers Award. Mr. Griffin joined  
17 NFTA in 1998. He's been an instructor with Metro  
18 and previously was a CAP facilitator and extra  
19 clerk. He's helped with our recruiting efforts  
20 for new operators. He's always ready and willing  
21 to go the extra mile. Mr. Griffin has assisted  
22 seniors in the community and has worked with  
23 various organizations on locating missing

1 children, including his nephew. And, in fact,  
2 his nephew, Jaylen Griffin, was mentioned in The  
3 Buffalo News today. A young, twelve year-old man  
4 who's missing, and we hope everything goes well  
5 and he's found very quickly.

6 MR. GRIFFIN: Thank you.

7 MS. MINKEL: His manager, Barbara Thomas, is  
8 recommending him for this award and indicated  
9 that he was a great choice based upon his  
10 outstanding work he does here and for his  
11 community. So please join me in recognizing  
12 Robert Griffin Junior. Thank you, Robert.

13 And last week NFTA Metro operator Robert  
14 Oehler who joined the NFTA in January of 2014  
15 received the American Red Cross Workplace Safety  
16 Hero Award, which he brought in to share with all  
17 of us.

18 Don't worry, you won't leave without this in  
19 your hands.

20 The honor was given to him after his  
21 extraordinary response to an emergency situation  
22 on the bus. And we wanted to share the video  
23 that illustrates exactly what happened back in

1 April of this year and really the magnitude of  
2 Robert's quick response.

3  
4 (Whereupon, the following video recording  
5 was then played and transcribed.)  
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9 ROBERT OEHLER: It's very rewarding because we're  
10 transferring people from place to place, getting  
11 them where they need to go safely.

12 NEWS REPORTER: Robert Oehler has been an NFTA bus  
13 driver for nearly eight years.

14 ROBERT OEHLER: It's very exhilarating. I would  
15 recommend this career to anybody.

16 NEWS REPORTER: And safety of the passengers is  
17 paramount.

18 ROBERT OEHLER: Making sure your eyes are  
19 continuously moving, you're always checking your  
20 mirrors, checking your surroundings around your  
21 bus.

22 NEWS REPORTER: On April 27th it all came into play.  
23 While at a stop, Robert and another passenger



1 noticed a man struggling to breathe and they  
2 jumped into action.

3 ROBERT OEHLER: There was another gentleman passenger  
4 seated over here. He got up, he put his arms  
5 under the gentleman like this, I grabbed the  
6 gentleman's feet and we brought him up to this  
7 area of the bus where it's wider. And I just  
8 bent down and I just started going on his chest  
9 like this to get him -- to get the blood flowing  
10 again, so this way he would continue -- he would  
11 start to breathe again.

12 NEWS REPORTER: He says he learned to do chest  
13 compressions from watching TV.

14 ROBERT OEHLER: I believe I was like, hey, you know,  
15 tapping him in the face, you know, hey, come on,  
16 let's go, today's not your day, you're not doing  
17 this today.

18 NEWS REPORTER: He then called in the emergency and  
19 crews arrived to help the man a few minutes  
20 later. Heroic actions to keep someone alive,  
21 even if Robert doesn't think so.

22 ROBERT OEHLER: I'm just an NFTA bus operator  
23 transporting people from point A to point B

1 safely and on time, and that day safety was this  
2 gentleman's life.

3 NEWS REPORTER: That's why Robert Oehler is our 2021  
4 American Red Cross Workplace Safety Real Hero.

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8 MS. MINKEL: So Robert said he's just a bus operator  
9 and we don't think so. We think both you and  
10 Robert Griffin are really fine representatives of  
11 the Authority, so thank you for everything that  
12 you do.

13 And I want to make certain you get this  
14 back.

15 MR. OEHLER: Thank you so much, Ms. Minkel.

16 MS. MINKEL: Thank you, Robert.

17 And, Sister, that concludes my report.

18 CHAIR SISTER ROCHE: Great report. Thank you very  
19 much, Kim.

20 We'll turn now to the NFTA corporate report,  
21 and I will ask John Cox, please, to lead us  
22 through the financials.

23 MR. COX: Yes. Thank you, Sister. Good afternoon,

1 commissioners. The information that I'll be  
2 going over is on page seven for the month of  
3 September, and page nine in your packets, and  
4 that will be on the fiscal year-to-date basis.

5 For the month of September, 2021, which is  
6 the end of the second quarter of our fiscal year,  
7 so we're halfway through the fiscal year, we had  
8 a positive variance to budget of approximately  
9 two point five million dollars; and on a fiscal  
10 year-to-date basis we had a positive variance of  
11 approximately sixteen point five million.

12 Total operating revenues and assistance are  
13 above budget by approximately two point nine  
14 million dollars or sixteen point three percent  
15 for September; and twelve point six or eleven  
16 point two percent on a fiscal year-to-date basis.  
17 And that's primarily due to higher than budgeted  
18 BNIA concessions and commissions, that would be  
19 the parking, the ride sharing, taxi and food and  
20 retail revenues; due to the higher than  
21 anticipated enplanements we've been seeing and  
22 also Metro's experienced higher passenger fares.  
23 And part of it was we also had, if you recall, a

1 year ago we had approximately three months where  
2 fares were suspended.

3 State transit operating assistance was above  
4 budget, our Erie County sales tax was above  
5 budget and so was our mortgage tax. And this is  
6 both for September and on a fiscal year-to-date  
7 basis.

8 Total operating expenses were below budget  
9 by about one point five million or eight point  
10 four percent in September; and eight point four  
11 million or seven point nine percent on a fiscal  
12 year-to-date basis. And that's primarily due to  
13 lower personnel services, maintenance and repairs  
14 which were partially offset by higher utilities,  
15 insurance and injuries and various other puts and  
16 gets.

17 So with that, that's the consolidated  
18 financials so far on a year-to-date basis. And I  
19 also want to point out if you -- the bottom of  
20 the page on page nine where we have each of the  
21 business centers broken out, you'll see that we  
22 have the original year-to-date budget amount  
23 where we're showing most of them we anticipated

1 losses. And if you look at the next column over  
2 which is the year-to-date basis of actuals, we're  
3 actually showing positive variances to budget and  
4 actually positive -- we're not actually in a  
5 loss, we're actually in a positive situation  
6 where we're not only above budget, but we're  
7 also, you know, having surpluses.

8 So our variance there of sixteen and a half  
9 million dollars, I just want to point out that  
10 that was -- when we put the budget together, of  
11 course that was back in February and March of  
12 last year, and at that point in time, it was very  
13 difficult to determine when recoveries were going  
14 to happen and how quickly they were going to  
15 happen. So as we've seen, we're significantly  
16 ahead of where we thought we were going to be  
17 when we put this budget initially together, so  
18 that's a very positive thing. We're not all the  
19 way back, but we're certainly doing better than  
20 what we were thinking back then.

21 And I also want to mention that in the  
22 November meeting, we will be bringing our  
23 forecast, so that forecast will be what we expect

1 for the remainder of the year given these updated  
2 trends, and also considering with the pending  
3 opening of the border with Canada which will also  
4 help out the airports also.

5 So with that, that's the consolidated  
6 financials for the month of September year to  
7 date.

8 CHAIR SISTER ROCHE: Thank you very much. And we'll  
9 move on now to the corporate resolutions, Kim,  
10 please.

11 MS. MINKEL: Thank you, Sister. There are seven  
12 corporate resolutions. The first one starts on  
13 page fifteen. And staff is looking for an  
14 authorization for an agreement with Stellar  
15 Services. This is for consulting services using  
16 information technology to help with our human  
17 resource capital management process. This would  
18 be an amount not to exceed a hundred and fifty  
19 thousand.

20 So there is a provision under our  
21 procurement guidelines that allows us to do  
22 Public Authorities Law to award -- to waive  
23 competition to minority or women-owned businesses

1 provided that they are in an amount not to exceed  
2 five hundred thousand dollars. So this  
3 procurement was done using that Article 25  
4 allowance.

5 Stellar Services is a certified  
6 minority-owned business and does have the  
7 relevant consulting experience for this  
8 particular work, and they will work with  
9 management to define an organizational hierarchy  
10 that will work best with modern human resource  
11 platforms in the IT world. They will help with  
12 long-term road mapping for improvements in data  
13 integrity and process automation. So staff is  
14 recommending an agreement with Stellar.

15 The second corporate resolution is for  
16 procurement with U and S Services. This is for  
17 infrared cameras for their components and for the  
18 software. It's in the amount of a hundred and  
19 fifty thousand. This is to replace the cameras  
20 that we have, a number of cameras at the airport  
21 and in our rail tunnels. This procurement is  
22 being done through an OGS contract within the  
23 state.

1           The third corporate resolution is an  
2           authorization for a collective bargaining  
3           agreement with our Teamsters Local 264. They  
4           represent our police captains and lieutenants.  
5           Last month I was before the board and the board  
6           approved an agreement with our PBA. This  
7           agreement is similar in nature in that we are  
8           moving to a twelve-hour work schedule. And the  
9           twelve-hour work schedule does a couple of  
10          things. Number one, for the employees it allows  
11          for scheduling so that it improves the quality of  
12          their home life so that they have known days off  
13          and they can plan accordingly, but it also  
14          provides a little bit more flexibility for our  
15          operations going forward.

16                 So their contract had not expired. Matt  
17          VanVessem, who is with us somewhere, did a great  
18          job of working with this group as he has with the  
19          other groups that we had before. So they had one  
20          year left to go for next year that has in there a  
21          two-and-a-half-percent increase, so that would  
22          remain. But, we are also providing a dollar  
23          twenty-five per hour to their base to offset



1 the -- and we're calling it an equity adjustment  
2 to offset the differential between the officers  
3 of PBAs and our captains and lieutenants to make  
4 certain that that gap is maintained.

5       Going into year two, three -- excuse me.  
6 Year one, two and three of the agreement, year  
7 one would have a two-percent increase; year two,  
8 two-percent increase; and year three,  
9 two-and-a-half-percent increase. They will be  
10 contributing more to their health care. So  
11 effective upon ratification, they will contribute  
12 thirteen percent for health care. In '22,  
13 thirteen percent; in '23, fourteen percent; in  
14 '24, fourteen percent; and in '25, fifteen  
15 percent to their health care going forward.

16       The next corporate resolution is for a  
17 procurement with Seneca Sales, SiteOne Landscape  
18 and WB Mason Company. This is for seasonal  
19 chemicals that we use for de-icing throughout the  
20 Authority. The term of the contract is for one  
21 year with an estimated total of a hundred and  
22 four thousand seventy-eight dollars split among  
23 the three different vendors.

1           We did go out with a bid. We did receive  
2           five responsive bids. These are the lowest  
3           price. You should know Seneca Sales was the sole  
4           bidder for sodium formate, which is more of a  
5           specialty item. Empire State Development has  
6           excluded this procurement from MWBE requirements  
7           because there are limited New York State  
8           certified providers; and, similarly, they've been  
9           excluded by the Authority for SDVOB requirements  
10          for this procurement.

11          The fifth corporate resolution is an  
12          authorization for agreement with Loomis Armored  
13          for their services they provide for the pick-up  
14          and delivery of our cash receipts. This would be  
15          a five-year agreement that would start on  
16          November 1st. The estimated total cost of all  
17          five years is fifty-six thousand a hundred  
18          fifty-eight dollars and forty cents. They  
19          provide the pick-up and drop-off at the M and T  
20          Bank located in Cheektowaga and our cash deposits  
21          from our money center located here at 181.

22          There is additional cost depending on how  
23          many bags. If it's over ten bags daily, they

1 charge an excess item charge of a dollar fifty;  
2 and if the time takes more than seven minutes,  
3 they charge two fifty per minute beyond any  
4 delays they may experience at our operation.

5 The sixth corporate resolution on page  
6 twenty-four. Staff is recommending that the  
7 board authorize a payment for the settlement in  
8 the amount of two hundred thousand in the matter  
9 of Tommy Parker versus NFT Metro. This is the  
10 result of a rear-end motor vehicle accident that  
11 occurred on September 7th, 2018. The plaintiff  
12 was looking to make a left turn -- left-hand turn  
13 to enter the underground parking ramp over by  
14 M and T. The bus started up, but had to stop  
15 suddenly when the vehicle in front quickly  
16 stopped. They tried to swerve but there were  
17 parked cars to the right of the bus, so the bus  
18 operator was not able to swerve to avoid the  
19 incident. The bus did sustain minor driver-side  
20 side-view mirror damage, and the SUV sustained  
21 minor damage to the right rear taillight area.

22 This individual on his own began to see a  
23 chiropractor, a massage therapist. He also began

1 treatment with a local surgical practice for neck  
2 and shoulder complaints. He did have a prior  
3 neck injury. I should mention he was also not  
4 wearing his seat belt. He only missed a few days  
5 of work. At our request we did have him examined  
6 by an orthopedic doctor who observed objectively  
7 that the physical exam was completely normal and  
8 that the individual did show pre-existing  
9 extensive degenerative disease.

10 The plaintiff had numerous expert witnesses  
11 that were set to testify at a trial jury (sic).  
12 He also had medical professionals and an  
13 economist who was prepared to show the growth of  
14 the future medical expenses into the future.

15 The initial demand was one point two million  
16 dollars. The plaintiff's counsel remained  
17 steadfast with that initial demand. Eventually,  
18 the judge became involved and the demand was  
19 reduced to eight hundred and fifty thousand. And  
20 after the jury was selected, an agreement to  
21 settle was achieved at two hundred thousand,  
22 subject to board approval. So we think it's in  
23 the best interest of the Authority and we're

1 recommending settlement.

2 And the final resolution is a lease  
3 agreement with John Kratz who is doing business  
4 as the Affordable Computer Solution at 247 Cayuga  
5 Road. Affordable Computer Solution has been a  
6 tenant since 2019. Their lease expires at the  
7 end of this month. They're looking for an  
8 additional term of a lease for one year that  
9 would start November 1st and two additional  
10 one-year renewals at our option. The annual rent  
11 rate will be twelve fifty per square foot or just  
12 under sixty-three hundred per year, and subject  
13 to a three-percent escalator for the remaining  
14 two years.

15 And those are the corporate resolutions,  
16 Sister.

17 CHAIR SISTER ROCHE: I'm going to suggest that we  
18 take number three separately and number six  
19 separately since they're of a different nature,  
20 and then we can discuss whether we will do the  
21 others together. So let's look at resolution  
22 number three first, the authorization for  
23 collective bargaining agreement with Teamsters

1 Local 264.

2 COMMISSIONER HUGHES: Motion to approve.

3 CHAIR SISTER ROCHE: And second?

4 COMMISSIONER PERRY: Second.

5 CHAIR SISTER ROCHE: Any discussion, questions? All

6 in favor -- or, we're going to go through David.

7 Sorry.

8 MR. STATE: Roll call vote on resolution number

9 three.

10 Commissioner Ansari?

11 COMMISSIONER ANSARI: Yes.

12 MR. STATE: Commissioner Aul?

13 COMMISSIONER AUL: Yes.

14 MR. STATE: Commissioner Baynes?

15 COMMISSIONER BAYNES: Yes.

16 MR. STATE: Commissioner Blue?

17 COMMISSIONER BLUE: Yes.

18 MR. STATE: Commissioner Hicks?

19 COMMISSIONER HICKS: Yes.

20 MR. STATE: Commissioner Hughes?

21 COMMISSIONER HUGHES: Yes.

22 MR. STATE: Commissioner Perry?

23 COMMISSIONER PERRY: Aye.

1 MR. STATE: Commissioner Tucker?

2 COMMISSIONER TUCKER: Yes.

3 MR. STATE: Sister Denise?

4 CHAIR SISTER ROCHE: Yes.

5 MR. STATE: And Commissioner Wilcox?

6 COMMISSIONER WILCOX: Yes.

7 MR. STATE: Any other commissioners voting on that  
8 item?

9 Thank you. Item passes.

10 CHAIR SISTER ROCHE: Thank you. And now we're going  
11 to look at number six, the lease, for  
12 recommendation. Is there a motion?

13 COMMISSIONER PERRY: So moved.

14 COMMISSIONER HUGHES: Second.

15 CHAIR SISTER ROCHE: Second? Okay. Any questions or  
16 comments? I will ask for a roll call vote.

17 MR. STATE: Roll call vote on resolution number six.

18 Commissioner Ansari?

19 CHAIR SISTER ROCHE: She stepped out.

20 MR. STATE: Commissioner Aul?

21 COMMISSIONER AUL: Yes.

22 MR. STATE: Commissioner Baynes?

23 COMMISSIONER BAYNES: Yes.

1 MR. STATE: Commissioner Blue?  
2 COMMISSIONER BLUE: Yes.  
3 MR. STATE: Commissioner Hicks?  
4 COMMISSIONER HICKS: Yes.  
5 MR. STATE: Commissioner Hughes?  
6 COMMISSIONER HUGHES: Yes.  
7 MR. STATE: Commissioner Perry?  
8 COMMISSIONER PERRY: Yes.  
9 MR. STATE: Commissioner Tucker?  
10 COMMISSIONER TUCKER: Yes.  
11 MR. STATE: Sister Denise?  
12 CHAIR SISTER ROCHE: Yes.  
13 MR. STATE: And Commissioner Wilcox?  
14 COMMISSIONER WILCOX: Yes.  
15 MR. STATE: Item passes.  
16 Commissioner Aul, do you wish to vote on  
17 this?  
18 COMMISSIONER ANSARI: Yes.  
19 MR. STATE: Commissioner Aul votes yes on that.  
20 MS. MINKEL: Ansari.  
21 MR. STATE: I'm sorry. Commissioner Ansari votes yes  
22 on item six.  
23 CHAIR SISTER ROCHE: Is there any objection to taking



1 numbers one, two, four, five and seven together?

2 COMMISSIONER PERRY: I'll move them.

3 COMMISSIONER HUGHES: Second.

4 CHAIR SISTER ROCHE: Second? Okay. Is there any  
5 questions or any comments?

6 Okay. Roll call.

7 MR. STATE: Vote on resolution one, two, four, five  
8 and seven.

9 Commissioner Ansari?

10 COMMISSIONER ANSARI: Yes.

11 MR. STATE: Commissioner Aul?

12 COMMISSIONER AUL: Yes.

13 MR. STATE: Commissioner Baynes?

14 COMMISSIONER BAYNES: Yes.

15 MR. STATE: Commissioner Blue?

16 COMMISSIONER BLUE: Yes.

17 MR. STATE: Commissioner Hicks?

18 COMMISSIONER HICKS: Yes.

19 MR. STATE: Commissioner Hughes.

20 COMMISSIONER HUGHES: Yes.

21 MR. STATE: Commissioner Perry?

22 COMMISSIONER PERRY: Aye.

23 MR. STATE: Commissioner Tucker?

1 COMMISSIONER TUCKER: Yes.

2 MR. STATE: Sister Denise?

3 CHAIR SISTER ROCHE: Yes.

4 MR. STATE: And Commissioner Wilcox?

5 COMMISSIONER WILCOX: Yes.

6 MR. STATE: Item passes.

7 CHAIR SISTER ROCHE: Thank you. And now we will move  
8 on to the aviation business group report, and I  
9 would ask Commissioner Perry to report.

10 COMMISSIONER PERRY: Yes, Sister. The aviation group  
11 met earlier today for a very brief meeting. Just  
12 a couple of highlights, then I'll Mr. Vanecek if  
13 he wants to add any more additional highlights  
14 from the meeting.

15 We spent quite a bit of time on the terminal  
16 enhancement project which, according to the  
17 schedules that we were presented, is finishing  
18 well ahead of the original schedule with  
19 construction complete in April of next year. And  
20 it looks like we're going to have a completion  
21 before Thanksgiving for which hopefully we can  
22 all give thanks.

23 Also, we talked extensively about the -- in

1        addition to the timing, we talked extensively  
2        about the cost factors and the process which the  
3        NFTA engages in under the legal standards that  
4        govern its mode of operation.  And although I  
5        think staff is trying to say that we can't, we  
6        can't be as impressed as we are with this because  
7        there's all these safeguards, I totally reject  
8        that.  We are -- I can speak for myself, and I  
9        hope for all my fellow commissioners that we're  
10       impressed that we've -- that this staff has  
11       accomplished this great project ahead of schedule  
12       and in very reasonable financial terms in the  
13       middle of a pandemic all these years without any  
14       major hiccups or anything and that we're going to  
15       see a completely transformed airport that looks  
16       nothing like it did before.  When people come to  
17       this airport, their already very high level of  
18       customer satisfaction is going to be matched by  
19       something that is beyond what they imagined  
20       before.  So next time, we're going to also beat  
21       John Wayne International, the number one airport  
22       in all of North America.  And so we did spend a  
23       lot of time on that.  I think it's very

1 important. I think everybody should come out and  
2 look at that.

3 We also covered a number of items related to  
4 air service returning, the returning Canadian  
5 travelers. The expression by airlines and the  
6 moves by these airlines to continue or restart  
7 flights at the Niagara Falls International  
8 Airport, which is very important that that  
9 airport is there and will provide service to  
10 Canadian travelers and U.S. travelers, and that  
11 through all of the financial difficulties and the  
12 concerns we had that we did our duty to keep that  
13 critical engine of economic development open  
14 throughout the pandemic with a decimated level of  
15 service and now it's here. And it's here to keep  
16 the air base operating, because as we've talked  
17 about over and over and as NIMAC has worked  
18 tirelessly for all these years to keep that base  
19 open because we need that base for our national  
20 security and for our regional economy that this  
21 is a part of that. It's the other side of the  
22 coin, to the economic development of Western New  
23 York and now it's there and we can work.

1           And those are just the highlights that I  
2           wanted to give. Bill, is there anything else?  
3           Or, Kim, is there anything else? I don't see any  
4           resolutions.

5 MS. MINKEL: There's three.

6 COMMISSIONER PERRY: Oh, there are three? I always  
7           miss those.

8 MS. MINKEL: So we are spending money.

9 COMMISSIONER PERRY: I'm too busy talking -- anyway,  
10          so if there's anything we want to highlight other  
11          than the resolutions or just go to the  
12          resolutions.

13 MS. MINKEL: You know, I would just echo what you  
14          said, and thank you for your kind words. You  
15          know, I want to give accolades to John Schaefer  
16          and his team who really have done an outstanding  
17          job helping advance that terminal expansion  
18          project. And Bill Vanecek and his team in  
19          working to keep everything in order, from traffic  
20          to key parts of the operation. Really I think at  
21          the four years' end, so many people are going to  
22          be impressed when they travel in and out of  
23          Buffalo airport that's really the front door to

1 the Western New York community. So thank you for  
2 those kind words.

3 And there are three aviation resolutions.  
4 The first starts on page twenty-nine. It's an  
5 authorization for agreement with Boingo Wireless  
6 for high-speed Internet service. This would be a  
7 five-year agreement that would start on February  
8 1st, 2022. We did issue an RFP. We only  
9 received one response and that was Boingo, who  
10 has been operating at the airport for a number of  
11 years.

12 So as part of the agreement, they will  
13 furnish and install improvements to enhance the  
14 existing Wi-Fi. We talked about the new space  
15 that's at the airport. Obviously we need to make  
16 certain that we have Internet access in that new  
17 space. So they're going to invest just under  
18 fifty thousand to build that out in that new  
19 area. And this should be done within thirty to  
20 sixty days after we issue the notice to proceed  
21 for the work. And they will continue to provide  
22 unlimited free forty-five-minute Internet  
23 sessions that will require the patron to view an

1 approximately thirty-second advertisement.

2 We will receive compensation equal to thirty  
3 percent of their gross revenues which is  
4 estimated to be about sixty thousand annually.  
5 And, additionally, we will be entitled to thirty  
6 percent of any additional monies that are  
7 received through the Verizon Passport, AT and T  
8 Passport or the cellular carrier fees from  
9 systems which may be installed during the term.  
10 I also want to mention as part of this agreement  
11 the established ACDBE goal was ten point one one  
12 percent, and they're committed to achieving those  
13 goals.

14 The second aviation resolution on page  
15 thirty-one is a change order with Allied  
16 Universal Security Services for both Buffalo  
17 airport and Niagara Falls airport. Allied  
18 Universal was awarded a five-year contract  
19 through a competitive process back in 2017.  
20 They're responsible for the unarmed security  
21 guard services which includes traffic control at  
22 the Buffalo airport. During the project that  
23 Commissioner Perry highlighted, we did need to

1        have additional services to help with traffic  
2        congestion. And as part of the newly expanded  
3        west end limousine lot, that also required  
4        additional services.

5                Additionally, the prevailing wages increased  
6        back in July. They went from twenty-one  
7        eighty-four to twenty-two eighty-eight. So as  
8        part of the contract, they are required to  
9        provide for prevailing wage which means that we  
10       need to compensate them for that as well.

11               The contract with Allied Universal is in its  
12       final year, so next year we will be bringing a  
13       new agreement to the board for an armed security  
14       services going forward.

15               And the third resolution under aviation is  
16       an authorization for procurement with General  
17       Atomics International Services. This is for  
18       potassium acetate in the amount of three hundred  
19       and forty-two thousand a hundred and sixty-two  
20       dollars. Potassium acetate is a fluid that we  
21       use at the airports to help with de-icing.  
22       General Atomics International was the low bid.  
23       We went out for a bid for this procurement.



1 Empire State Development has excluded this  
2 procurement from MWBE requirements because there  
3 are no New York State certified providers for  
4 this service; and, likewise, NFTA has excluded  
5 this procurement from SDVOB requirements because  
6 there are no New York State certified providers  
7 for this service.

8 CHAIR SISTER ROCHE: Thank you, Kim. I'm going to  
9 suggest we take these three resolutions as a  
10 group, unless there's an objection to that.

11 COMMISSIONER HUGHES: I'll make a motion to approve  
12 all three.

13 COMMISSIONER PERRY: Second.

14 CHAIR SISTER ROCHE: Thank you. Any questions or  
15 comments on any of these resolution?

16 If not, I'll ask David State to do a roll  
17 call vote, please.

18 MR. STATE: Roll call on aviation items one to three.

19 Commissioner Ansari?

20 COMMISSIONER ANSARI: Yes.

21 MR. STATE: Commissioner Aul?

22 COMMISSIONER AUL: Yes.

23 MR. STATE: Commissioner Baynes?

1 COMMISSIONER BAYNES: Yes.

2 MR. STATE: Commissioner Blue?

3 COMMISSIONER BLUE: Yes.

4 MR. STATE: Commissioner Hughes?

5 COMMISSIONER HUGHES: Yes.

6 MR. STATE: Commissioner Perry?

7 COMMISSIONER PERRY: Aye.

8 MR. STATE: Commissioner Tucker?

9 COMMISSIONER TUCKER: Yes.

10 MR. STATE: Sister Denise?

11 CHAIR SISTER ROCHE: Yes.

12 MR. STATE: And Commissioner Wilcox?

13 COMMISSIONER WILCOX: Yes.

14 MR. STATE: Any other commissioners registering a  
15 vote on those items?

16 Item passes.

17 CHAIR SISTER ROCHE: Thank you. Thank you all.  
18 Surface transportation now, and I look to Mike  
19 Hughes.

20 COMMISSIONER HUGHES: Thank you, Sister. Surface  
21 transportation committee meeting did occur this  
22 morning. We were part of the abbreviated meeting  
23 structure. The meeting was highlighted by the

1 2021 onboard survey, the summary of findings,  
2 which the survey occurs about every three years.

3 Tom, I don't know if you want to talk in  
4 more detail about Metro initiatives or your  
5 performance goals and measures and I know you did  
6 talk about the community and stakeholder meetings  
7 that occurred this past month.

8 MR. GEORGE: Yeah. Just a couple of items. Under  
9 the initiatives, we are rolling out our new  
10 service in Niagara Falls on December 5th of this  
11 year, and as part of that, we've got a major  
12 initiative going on for public information that  
13 will include both website information, handouts  
14 on the bus, rider alerts, but also starting on  
15 the Friday before, on December 3rd, we'll have  
16 staff at both the Niagara Falls Transportation  
17 Center, the Portage Road Transportation Center,  
18 to help our passengers with the information on  
19 the changes. And that will continue on through  
20 to the Wednesday following the changes that will  
21 be put in place.

22 We also talked a little bit about the light  
23 rail extension and the public scoping process

1           that's associated with the federal initiative,  
2           and the DEIS that's going on in that public  
3           scoping. The public scoping comment period is  
4           now closed and we'll be moving forward completing  
5           the draft environmental impact statement.

6           And then the third initiative discussed  
7           today was the DL and W. We're nearing completion  
8           on the phase one of that project which includes  
9           all of the infrastructure, the track work, the  
10          catenary. And I'm pleased to say that at today's  
11          meeting, you will be asked to review a board  
12          action to approve a contract for the second phase  
13          which includes all of the stations. And I'm sure  
14          Kim will go into that in more detail.

15          I did have a discussion with the board as  
16          well about our paratransit service and we've seen  
17          a spike in the complaints. And we talked at  
18          length about how our operator shortage has really  
19          created an environment where we're having to put  
20          more people on the vehicles and extend the length  
21          of those trips. It's putting stress on our  
22          operators as well as our passengers, and this  
23          really highlights the challenges that we're

1           seeing relative to the operator shortage.

2           And then I did go through the CAC and AAC  
3           reports. And I'd like to say that today at  
4           two-thirty, we have our AAC committee meeting and  
5           we're initiating a workshop by which we'll be  
6           doing a work plan for that group moving forward  
7           to focus on initiatives for them. And our CAC  
8           meeting is for November 18th.

9           And the last thing I'd just like to note  
10          relative to the onboard survey is that it is on  
11          our website. We did go through some of the  
12          high-level details. There's an enormous amount  
13          of information in there that really tells the  
14          story about what our customers see, our  
15          demographics, where they're going and how they're  
16          using our system, and that's really being heavily  
17          used by our planning staff to put our service in  
18          place and try to address the community's needs.

19          And that's my report.

20        COMMISSIONER HUGHES: Barring any other questions,  
21          that will conclude the surface committee report,  
22          and there are six items for approval.

23        CHAIR SISTER ROCHE: Okay. The resolutions, Kim.

1 MS. MINKEL: Thanks. There are six surface items.  
2 The first one starts on page thirty-seven. Staff  
3 is recommending that the board award design  
4 services to M and E Engineering for a total lump  
5 sum amount of a hundred and forty-six thousand  
6 two hundred and forty-seven dollars. This is for  
7 the replacement of the conduit and wiring under  
8 our Summer/Best Station loading platform within  
9 Metro.

10 Staff did go out and issue an RFP. We did  
11 receive a number of responses. I will highlight  
12 the scoring which is on page thirty-eight.  
13 M and E scored the second highest. Mott  
14 MacDonald scored the highest; however, we were  
15 not able to come to an agreement with Mott  
16 MacDonald on the design fee in line with the  
17 engineer's estimate. The engineer's estimate was  
18 a hundred and forty-three thousand, and there was  
19 a significant discrepancy. So consistent with  
20 our qualification based procurement guidelines,  
21 we then went to the second highest ranked  
22 qualified technical proposer which is M and E  
23 Engineering, and we're recommending them to

1 provide for this work.

2 The second surface resolution is an award  
3 for a construction contract to Mark Cerrone in a  
4 total lump sum bid amount, which is the base bid  
5 plus the alternate number one, of sixteen million  
6 three hundred fifty-one thousand five hundred and  
7 six dollars and fifty cents. This is for the  
8 phase two work that Tom had mentioned just a  
9 moment ago. So this is to incorporate the  
10 station into our DL and W facility. So this will  
11 provide a new station boarding platform area with  
12 access to the Buffalo Riverwalk, the east stair  
13 elevator tower located on South Park and Illinois  
14 Avenues, and connection along the DL and W second  
15 floor between the east stair elevator tower and  
16 the boarding platform area.

17 The established -- the MWBE and SDVOB goals  
18 were six percent, twelve percent and four  
19 percent. Cerrone has identified their MBE  
20 participation as one point seven one percent and  
21 WBE participation as just under one percent.  
22 Cerrone has indicated that they would be applying  
23 for a partial waiver of the established goals.

1 Cerrone identified their SDVOB participation as  
2 point four five percent and indicated that they  
3 would also be submitting a partial waiver because  
4 there are insufficient construction services  
5 providers to satisfy the stated goals.

6 On the design support and construction  
7 monitoring contract that staff is asking the  
8 board to award to Mott MacDonald for a cost plus  
9 fixed fee not-to-exceed amount of two million  
10 four hundred forty-seven thousand six hundred and  
11 forty-three dollars would be to support the  
12 design and construction monitoring. M and M was  
13 the design for this work early on. The board had  
14 awarded that design portion back in 2017. The  
15 MWBE and SDVOB goals were sixteen percent,  
16 fourteen percent and three percent, respectively;  
17 and M and M has identified their MBE  
18 participation as eleven point three percent,  
19 their WBE participation at just under nineteen  
20 percent, and their SDVOB participation as three  
21 point eight four percent.

22 On page forty-three, staff is recommending a  
23 change order number ten with Mark Cerrone on the



1 DL and W station rail system and site work  
2 project for phase one as Tom had identified  
3 earlier. The change order would be in the amount  
4 of a hundred and ninety-eight thousand six  
5 hundred and seventy-one dollars and sixty-four  
6 cents. This is for two components. The first is  
7 to demolish the special events station. So that  
8 represents just under a hundred and ten thousand  
9 of the change order. This was an oversight on  
10 the staff's part. We didn't think about taking  
11 down what was there. And when we were out there,  
12 I think Tom saw it and said, you know, I think we  
13 need to take that down. So we're asking for a  
14 change order to do that work. The second  
15 component, just over eighty-nine thousand is to  
16 address the differing and varying site conditions  
17 that were encountered out there as part of the  
18 work.

19 The fourth resolution is a change order with  
20 Patterson-Stevens. This is for a fastener and  
21 pad project phase ten. This is to increase the  
22 amount by five hundred fifty-one thousand nine  
23 hundred and twenty-five dollars. This is really

1 based on adjusted quantities to go a little bit  
2 further down the line to fix the worn, corroded  
3 rails and the fastening system and to do the  
4 selected tunnel crown repairs to improve the  
5 reliability and safe operations of our rail.

6 The fifth resolution is also a change order.  
7 This is with DCB Elevator. And this is for the  
8 station elevator controller replacement project  
9 for them to replace and upgrade the elevator  
10 doors throughout the eighteen elevators that we  
11 have in our underground stations. The change  
12 order would increase DCB Elevator's construction  
13 contract by two hundred and ninety-five thousand  
14 sixty dollars and eighty cents. There's a fair  
15 amount of corrosion and deterioration out there  
16 in the system. They are used quite extensively.  
17 So this is to do that work out in our rail  
18 system.

19 And then the final resolution in surface is  
20 an agreement with Lucchini. This is for wheels  
21 on our light rail vehicles. A hundred and forty  
22 wheels. It would be a two-year agreement with a  
23 total two-year aggregate cost of a hundred and

1        fifty-four thousand dollars. Staff did go out  
2        with a competitive bid. We did receive five  
3        responses. Lucchini was the lowest cost and one  
4        of the lowest in terms of turnaround time in  
5        providing these wheels. These wheels are needed  
6        for service reliability and safety for our  
7        railcars.

8                Lucchini, however, does not meet the New  
9        York State Buy America requirements, so staff is  
10       asking the board to waive those requirements  
11       based on safety and reliability of the system.  
12       The two companies who could meet the Buy America  
13       requirements require a lead time of thirty-nine  
14       and forty-five weeks, compared to the  
15       twenty-three-week delivery for Lucchini. And as  
16       I had mentioned before, Lucchini was at a  
17       significantly lower cost, a hundred and  
18       fifty-four thousand versus the three hundred and  
19       fifteen thousand or three hundred and ninety-six  
20       thousand to meet the requirements. I should also  
21       mention Lucchini did receive a positive review  
22       from another New York transportation agency, the  
23       MTA, which uses the wheels both at their Metro

1 North and their Long Island Railroad System.

2 Empire State Development has excluded this  
3 procurement from MWBE requirements because there  
4 are no New York State certified providers of this  
5 product; and, similarly, SDVOB requirements have  
6 also been excluded.

7 And those are the resolutions, Sister.

8 CHAIR SISTER ROCHE: Thank you very much. Is there  
9 anyone who would like to take any of these  
10 resolutions separately?

11 COMMISSIONER PERRY: I'd like to abstain on three of  
12 them.

13 CHAIR SISTER ROCHE: You want to abstain?

14 COMMISSIONER PERRY: On three of them.

15 CHAIR SISTER ROCHE: Okay.

16 COMMISSIONER PERRY: Which I could specify when you  
17 want.

18 CHAIR SISTER ROCHE: Okay. Any other comments?

19 Okay. May I have a motion to look at all  
20 six at one time?

21 COMMISSIONER HUGHES: I'll make a motion to approve  
22 one through six.

23 CHAIR SISTER ROCHE: Thank you. Is there a second?

1 COMMISSIONER ANSARI: Second.

2 CHAIR SISTER ROCHE: Thank you.

3 COMMISSIONER AUL: Joan Aul. Second.

4 CHAIR SISTER ROCHE: Okay. And I'll ask for a roll  
5 call vote, remembering Commissioner Perry.

6 MR. STATE: Roll call vote on items one through six.

7 Commissioner Perry, why don't we ask you  
8 just -- can you give us the abstentions now?

9 COMMISSIONER PERRY: Two, three, six.

10 MR. STATE: Commissioner Perry is abstaining on two,  
11 three and six. Thank you.

12 Roll call vote on items one through six.

13 Commissioner Ansari?

14 COMMISSIONER ANSARI: Yes.

15 MR. STATE: Commissioner Aul?

16 COMMISSIONER AUL: Yes.

17 MR. STATE: Commissioner Baynes?

18 COMMISSIONER BAYNES: Yes.

19 MR. STATE: Commissioner Blue?

20 COMMISSIONER BLUE: Yes.

21 MR. STATE: Commissioner Hughes?

22 COMMISSIONER HUGHES: Yes.

23 MR. STATE: Commissioner Perry?

1 COMMISSIONER PERRY Aye, except to abstaining on two,  
2 three, six. Affirmative to the remainder.

3 MR. STATE: Commissioner Tucker?

4 COMMISSIONER TUCKER: Yes.

5 MR. STATE: Sister Denise?

6 CHAIR SISTER ROCHE: Yes.

7 MR. STATE: And Commissioner Wilcox?

8 COMMISSIONER WILCOX: Yes.

9 MR. STATE: Items passes.

10 CHAIR SISTER ROCHE: Thank you very much. Do we have  
11 a general counsel report?

12 MR. STATE: We do, Sister. Right before the previous  
13 meeting minutes tab, there's some blue sheets  
14 that are the general counsel's report. We always  
15 like to advise the board of upcoming trials. So  
16 there are two jury trials scheduled in December,  
17 both motor vehicle accidents. And one is before  
18 Judge Ogden and that's being handled by John  
19 DePaolo from our staff; and the other is in front  
20 of Judge Walker and that is being handled by  
21 Vicky. We will keep the board updated. As you  
22 know, as these cases get closer to the jury pick  
23 or sometimes during the jury pick, there could be

1           developments. Settlement discussions tend to get  
2           more focused, motions, et cetera. We'll keep the  
3           board updated on this.

4                       And that concludes the report.

5 CHAIR SISTER ROCHE: Thank you. Any questions?

6                       Is there a need for an executive session?

7 MR. STATE: No, Sister.

8 CHAIR SISTER ROCHE: Okay. It's time for a motion  
9           for adjournment.

10 COMMISSIONER PERRY: So moved.

11 COMMISSIONER HUGHES: Second.

12 CHAIR SISTER ROCHE: I think we'll skip the vote.

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STATE OF NEW YORK)

SS:

COUNTY OF NIAGARA)

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

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VALERIE A. ROSATI,  
Notary Public.





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