

**NIAGARA POWER COALITION
MEETING MINUTES**

Thursday, April 16, 2013 – 1:00 p.m.

Niagara County Department of Economic Development
6311 Inducon Corporate Drive, Suite One
Sanborn, New York 14132

1.0 Call to Order

Chairman Ross called the meeting to order at 1:00 p.m.

2.0 Roll Call

Ms. Melloni performed roll call:

Representatives Present:

Don Rappold, Asst. Superintendent – Chairman, HCSC	Lewiston-Porter School District
Cynthia Bianco, Superintendent	Niagara Falls City School District
Tom O'Donnell, Esq.	City of Niagara Falls
William L. Ross, Chairman, NC Leg & NPC	Niagara County
Ashley Wood	Niagara Wheatfield School District
Michael Risman, Esq.	Town of Niagara
Steve Reiter	Town of Lewiston

Guests:

Chris Roser, Superintendent	Lewiston-Porter School District
Thomas Burgasser, Esq.	Niagara County
Jackie Siegmann	Town of Niagara
Angelo Massaro, Esq.	Niagara Falls City School District
Scott Hapeman, Esq.	Niagara Wheatfield School District
Mike Johnson	Town of Lewiston

Staff Present:

Mary Melloni, Recording Secretary
John M. Baird, Treasurer, NPC
Stan Widger, Esq., NPC Counsel, Nixon Peabody

3.0 Correspondence – None.

4.0 Unfinished business - None

5.0 New Business – None.

6.0 Legal Counsel

6.1 March 4, 2013 Report by Partnership for the Public Good

Chairman Ross explained that this meeting was called in order to discuss a response to the report entitled “Niagara River Greenway: Fulfilling the Promise,” a report prepared by Mr. Magavern of the University of Buffalo Law School and a team of law students. The response is due by May 7, 2013.

Mr. Widger explained that the purpose of this is not to draft a response by Committee, but rather to gather any additional input. He recommends that the Niagara Power Coalition confirms it is appropriate to go forward with a response to that report, and a working group could put together a draft response. He asked that anyone who has a particular item they would like to mention with respect to the report to express it at this time.

Chairman Ross stated that his concern is that there were seven communities physically impacted by the Niagara Power Project in late 1950’s and early 1960’s. This is the reason we have Greenway funds to give back to the communities.

Mr. Massaro asked if any of the Host Communities had any input into this report. Mr. Widger stated that his understanding is that the only contact made was to the New York Power Authority. Mr. Hapeman stated it is his understanding that the NYPA invited them to contact the Host Communities and they did not. Mr. Massaro asked if they could have additional time to get their comments to Mr. Widger and he agreed to that.

Mr. Burgasser stated that Article 39 of the legislation specifically mentions the Seaway Trail, as well as the mandate that the Commission recommends boundaries of the Greenway in both Erie and Niagara County and not only along the river. It also shall recommend how the Greenway can be linked with other communities through the plans, with the three corridors – the Seaway, Erie Canal and Wine trails. The Commission appropriately adopted a plan that was meant for everyone...especially those that were so heavily impacted.

Ms. Bianco stated she feels we should respond, especially referring to the communities that were so impacted.

Mr. Reiter stated he is concerned that Mr. Magavern did not attempt to contact any of the Host Communities and he feels that the NPC should invite him to our meeting with his students to get a better understanding of the technicalities of running any of our institutions.

6.0 Legal Counsel

6.1 March 4, 2013 Report by Partnership for the Public Good (Continued...)

Mr. O'Donnell stated that Mr. Magavern does not seem to understand that the funding coming to the Communities through the New York Power Authority is a contractual relationship at this point. Even if they are successful in changing the legislation that does not affect the contracts.

Mr. Rappold stated that it is clear they did not attempt to contact any of the Host Communities, and he is not even sure they had the Agreement. Mr. O'Donnell stated they did but ignored it.

A further discussion was held regarding the negotiations and work that went into the Agreements that were finally reached.

A motion was made by Mr. Hapeman that Mr. Widger prepare a measured response to address the major failings of the report, seconded by Mr. O'Donnell. Motion passed.

7.0 Other Matters

8.0 Next Meeting – To be Determined

9.0 Adjournment

Mr. O'Donnell made a motion to adjourn, seconded by Mr. Reiter. Motion passed. Meeting adjourned at 1:18 p.m.

Respectfully submitted,

Mary P. Melloni
Secretary