

## HOST COMMUNITIES STANDING COMMITTEE MEETING MINUTES

Wednesday, May 20, 2009 – 12:00 p.m.

Niagara County Department of Economic Development

6311 Inducon Corporate Drive

Sanborn, New York 14132

### Representatives Present:

Fred M. Newlin, Supervisor, Vice Chairperson

Paul A. Dyster, Mayor

Donald Rappold, Assistant Superintendent

Rob Daly, Special Advisor, Relicensing

William L. Ross, Chairman, NC Legislature

Scott Hapeman, Esq., Counsel

Cynthia A. Bianco, Interim Superintendent

Jackie Siegmann

Town of Lewiston

City of Niagara Falls

Lewiston-Porter School District

New York Power Authority

Niagara County

Niagara Wheatfield School District

Niagara Falls City School District

Town of Niagara

### Guests:

Rose Mary Warren

Chris Roser

Tom Burgasser, Esq.

Thomas O'Donnell, Esq.

Angelo Massaro, Esq.

Taxpayer

Lewiston Porter School District

Niagara County

City of Niagara Falls

Niagara Falls City School District

### Staff Present:

John Baird, Treasurer, NPC

Mary Melloni, Recording Secretary

Stan Widger, Esq., NPC Counsel, Nixon Peabody

Samuel M. Ferraro, Executive Director/Commissioner - Niagara County Center for  
Economic Development

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#### 1.0 Call to Order

Chairman Newlin called the Host Communities Standing Committee meeting to order at 12:12 p.m.

#### 2.0 Roll Call

Ms. Melloni called the roll; a quorum was established.

#### 3.0 Pledge of Allegiance

Mr. Ross led the Pledge of Allegiance.

#### 4.0 Approval of Meeting Minutes

##### 4.1 February 26, 2009

*Mr. Ross made a motion, seconded by Mr. Daly, to approve the February 26, 2009 meeting minutes. Motion was approved.*

## **5.0 Project Presentations**

### **5.1 Town of Lewiston**

#### **5.1.1 Lewiston Pathway Scenic Project (Greenway Approval: 5/19/09)**

Chairman Newlin, in his role as Supervisor of the Town of Lewiston, announced that the Town of Lewiston is before the Committee to seek approval for funding for the Scenic Pathway Project. This will be for a pathway that would connect the upper part of Lewiston above the escarpment with Lewiston below the escarpment. He explained that this is a very important project, referring to one of the key concepts of the Niagara River Greenway to get a linear park system that would eventually connect Lake Erie with Lake Ontario. The pathway above the escarpment would connect Lewiston with Devil's Hole, Whirlpool State Park and the Falls.

Chairman Newlin introduced his grant writer, Mr. Bernie Rotella. Mr. Rotella explained that they were able to secure a grant from Congresswoman Louise Slaughter for \$1.8 million for the construction of the project. Mr. Rotella referred to a map that was provided to the Committee. He stated that they are seeking funding in the amount of \$210,000 to pay for the engineering and concept plans for the project. They are under final contract negotiations with their vendor to provide that service. They have requested from their engineer that all parties be included on the design, layout to include public comment from the City of Niagara Falls, Village of Lewiston, the New York Power Authority, Niagara University, and anyone on that trail. Their timeline is approximately six months to complete this and start construction. The funding will be the first step in the engineering and design process. Mr. Rotella indicated that they are working closely with the Department of Transportation (the NYSDOT is administering the \$1.8 million grant), as well as working closely with Niagara County. They would like to work with the Greater Buffalo Niagara Transportation Council on signage to insure consistency.

#### **Q. How will the path connect to Lewiston?**

A. The path will go from Devil's Hole to Lewiston Road, down to Niagara University by the Power Project (possibly making the Power Project a stop off). They need to figure out how to get back across the street to the Robert Moses and trek down the escarpment. There is also another idea to use the existing Robert Moses Parkway, but it is only an idea at this time. They will look at the most economical and the longevity of the trail as a stand-alone trail. It will lead to Artpark via Mohawk Street.

## 5.0 Project Presentations (Continued...)

### 5.1 Town of Lewiston

#### 5.1.1 Lewiston Pathway Scenic Project (Greenway Approval: 5/19/09)

Mayor Dyster explained that this project was discussed at the Greenway Commission meeting and the Robert Moses Parkway was the issue raised at that meeting. The City of Niagara Falls is one of the partners in trying to come to a consensus on what to do with different portions of the Parkway. The Commission wanted to be certain that the proposal for this trail was neutral with regards to the use of the Robert Moses Parkway. He stated that the City Planner stated that utilizing the railroad bed lines are features that can be incorporated without the use of the Robert Moses Parkway. Therefore the City felt that the project does not prejudice the outcome of the Robert Moses Parkway debate.

Chairman Newlin explained that this is a first step; the engineers will be determining what is feasible. He stated that the Town and Village of Lewiston are both committed to do everything they can to insure the Robert Moses remains open. This pathway does not have an impact on the Robert Moses; it is primarily along the rail bed and can be there whether there is a two or four lane highway or no highway. They are working closely with the City of Niagara Falls.

Mr. Daly stated that the State Parks has already undertaken some of the design and engineering (rock scaling, trail enhancement, access to the gorge from Whirlpool) as part of the relicensing fund. Mr. Daly asked if uniform signage will be incorporated into this pathway project.

Mr. Newlin stated that this would be done. He wants residents and taxpayers to recognize that this is a result of the Greenway funds from NYPA. He has met with Erie County regarding their signage concepts.

**Mr. Ross made a motion to approve funding in the amount of \$210,000 for the Lewiston Pathway Scenic Project. Mayor Dyster seconded the motion.**

*WHEREAS, the Town of Lewiston has applied to the Host Communities Standing Committee for funding in the amount of \$210,000.00 for its Lewiston Pathway Scenic Project; and*

*WHEREAS, this project was submitted to the Niagara River Greenway Commission for consultation.*

*WHEREAS, the Host Communities Standing Committee finds the project to be consistent with the Greenway Plan.*

***NOW THEREFORE BE IT RESOLVED, by the Host Communities Standing Committee that the funding in the amount of \$210,000.00 for the Town of Lewiston Pathway Scenic Project is approved; and***

## 5.0 Project Presentations (Continued...)

### 5.1 Town of Lewiston

#### 5.1.1 Lewiston Pathway Scenic Project (Greenway Approval: 5/19/09)

*BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to HSBC Bank.*

***A roll call vote was taken.***

|                                 |                      |
|---------------------------------|----------------------|
| <i>Town of Lewiston</i>         | <u><i>Yes</i></u>    |
| <i>Town of Niagara</i>          | <u><i>Absent</i></u> |
| <i>Lewiston Porter</i>          | <u><i>Yes</i></u>    |
| <i>City of Niagara Falls</i>    | <u><i>Yes</i></u>    |
| <i>Niagara-Wheatfield</i>       | <u><i>Yes</i></u>    |
| <i>Niagara County</i>           | <u><i>Yes</i></u>    |
| <i>New York Power Authority</i> | <u><i>Yes</i></u>    |
| <i>Niagara Falls Schools</i>    | <u><i>Yes</i></u>    |

***The resolution was thereupon duly adopted.***

## 6.0 Greenway Update

### 6.1 Minutes of Niagara River Greenway Commission Meeting – March 17, 2009

Mr. Ferraro indicated that he continues to send staff to the meetings and provide minutes to the Committee.

### 6.2 Greenway Commission Announcements

Mr. Ferraro referred to a newspaper article referring to a Greenway Commission Meeting. He indicated that the news article implies that the Commission is approving funding for projects. This is causing difficulty for him and staff because the applicants are under the impression that when they leave the Greenway Commission meeting they are done and have their funding. It presents a challenge that needs to be addressed. Mr. Ferraro suggested a couple of solutions: the Greenway Commission consider obtaining a letter from a project sponsor as part of the application. On the application there is a box that states "Mandatory Consultation." If this box is checked it should be accompanied by a letter from the project sponsor. The other box is "Voluntary Consultation." If this is checked the Commission should assume there is no project sponsor and obviously should be considered as part of the review. The Greenway Commission form does not reference the Standing Committees and there should be some correlation or some identification of that in the application itself. In the absence of that, there are people who have gone to the Commission and now believe they have funding. It is feared that they may be actually beginning construction of a project and at some point will send invoices looking for reimbursement.

## **6.0 Greenway Update**

### **6.2 Greenway Commission Announcements**

Mr. Newlin stated that at the Greenway Commission meeting yesterday Mr. Kresse made a point of stating that the Greenway Commission was not responsible for funding and was only making a determination.

Mayor Dyster stated that the Commission has discussed putting some staff time into doing follow up; to figure out what is happening with particular projects perhaps via web site updates. They will try to do a project review at the end of the construction season.

Mr. Ferraro stated that there needs to be a point of contact for each entity for interested parties, as well as some clear direction for those who have completed the Greenway Commission review process.

Mr. Daly stated that he will suggest to the Greenway Commission stated that in the award letters they add that if a party wants to pursue funding, they need to contact their sponsor and this will make funding the next step in the letter from the Commission.

## **7.0 New Business**

Chairman Newlin announced that Quarterly Reports are due by July 1, 2009. These need to be submitted to Ms. Melloni by July 1, 2009. Mr. Daly stated that the Annual Report would be due within 60 days of July 1, 2009.

## **8.0 Next HCSC Meeting:**

**Wednesday, August 5, 2009**  
**12:00 p.m. – Center for Economic Development**

## **9.0 Adjournment**

Mr. Ross made a motion, seconded by Mr. Hapeman, to adjourn the meeting. Meeting was adjourned at 12:53 p.m.

Respectfully submitted,

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Mary P. Melloni  
Recording Secretary