

**DRAFT
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**HOST COMMUNITIES
STANDING COMMITTEE MEETING
Friday, January 18, 2007 – 1:00 p.m.
Niagara County Department of Economic Development
6311 Inducon Corporate Drive
Sanborn, New York 14132**

Representatives Present:

Carmen C. Granto, Superintendent, Chairman, HCSC	Niagara Falls City School District
Paul Dyster, Mayor	City of Niagara Falls
Donald Rappold, Interim Superintendent	Lewiston-Porter School Dist
Rob Daly, Special Advisor, Relicensing	New York Power Authority
William L. Ross, Chairman, NC Legislature	Niagara County
Scott Hapeman, Esq., Counsel	Niagara Wheatfield School District
Fred M. Newlin, Supervisor	Town of Lewiston
Steven Richards, Supervisor	Town of Niagara

Guests*:

Aaron Besecker	Buffalo News
Thomas O'Donnell, Esq.	City of Niagara Falls
Warren Kahn, Esq.	Lewiston Porter School District
Rick Chase	New York Power Authority
Tom Burgasser, Esq.	Niagara County
Peter Smolinski	Niagara County Legislature
Angelo Massaro, Esq.	Niagara Falls School District
Dan Miner	Niagara Gazette
Robert Fluskey, Esq.	Town of Lewiston
Robert Laub	Town of Lewiston
Michael Risman, Esq.	Town of Niagara

****Additional attendees on attached sign-in sheet.***

Staff Present:

Charles Miller, President, NPC
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

1.0 Call to Order

Chairman Granto called the Host Communities Standing Committee meeting to order at 1:00 p.m.

2.0 Roll Call

Ms. Melloni called the roll; a quorum was established. Chairman Granto welcomed Mayor Paul Dyster, representing the City of Niagara Falls, to the Committee.

4.0 Approval of Minutes

4.1 December 7, 2007

Mr. Newlin made a motion, seconded by Mr. Ross, to approve the minutes of the December 7, 2007 meeting.

Mr. Daly asked if the Committee could hold off on approving the minutes until he has an opportunity to review the minutes. Chairman Granto stated that he would provide Mr. Daly that opportunity. The motion was not carried at this time.

Chairman Granto explained that according to the protocols that are in place (however, not approved) the first step is this pre-application screening whereby prospective applicants consult with the Standing Committee prior to submitting a formal application. The application process will start following this step. This meeting is intended to determine whether a proposed project application is complete and to provide a prospective applicant with a preliminary assessment of potential deficiencies.

5.0 Lewiston-Porter School District – *Lewiston Porter Recreation Complex*

Mr. Rappold stated that his group is following the protocols that are still in a draft format; therefore, this is a pre-application screening process (pages 6-9 of the tentative protocols). Mr. Rappold made introductions (*see Outline which will be attached hereto and made a part hereof these minutes*).

Mr. Steve Brennan of SWBR Architects introduced his associates and materials were passed out to the Committee [*these handouts included an agenda and a printout of the PowerPoint presentation. These will be attached hereto and made a part hereof these minutes.*] Mr. Brennan went on to make the presentation. The PowerPoint presentation has been recorded and will be kept on file.

At the conclusion of the presentation, Chairman Granto reminded the members of the Host Community Standing Committee that the purpose of the pre-screening process is to see if there are any deficiencies in the application. He stated that those deficiencies should be measured against the six points made on page 6 of the draft protocols and he briefly reviewed those:

1. Contact information for applicant, including description of applicant.
2. Description of project, including location, physical features and current use of property, and benefits.
3. Statement as to consistency of project with Greenway Plan
4. Project costs, broken down into categories
5. Operations and maintenance plan or explanation as to why operations and maintenance plan not needed for proposed project.
6. Evidence of consultation with Niagara River Greenway Commission

5.0 Lewiston-Porter School District – *Lewiston Porter Recreation Complex*

Chairman Granto indicated that the completed minutes and a letter from the Chairman will be forwarded to the Project Applicant outlining the Committee's position and what they feel needs to be addressed. A formal approval will follow this process. Chairman Granto asked that the Applicant provide the committee with 12 copies of the entire information packet. That will be forwarded and there will be a timetable to follow. Chairman Granto stated that the Greenway consultation evidence does not have to be submitted prior to the formal application. Mr. Granto invited questions from members of the Host Community Standing Committee.

Mr. Daly asked if there is an application. Chairman Granto explained that this is the pre-application process and does not include a formalized application on paper; however, the applicant must follow the six requirements outlined in the protocol. He explained that they did not wish to make the process so rigid that small groups would be inhibited from presenting proposals. Mr. Daly stated that this means the protocols would have to be amended because that is not what the protocols require; they state that the pre-screening would be done by the Chairman, not the whole Committee and protocols are not adopted yet. Chairman Granto stated that a commitment was made that one or two members were not going to prevent projects from moving forward. He stated that they are proceeding in the hope that everyone will cooperate in the spirit of the Greenway to accomplish these things. Chairman Granto stated that if a group does not wish to present to the whole Committee they may choose to send their application directly to him; so this may not be the process for every applicant. Mr. Daly stated that he needs to see the application and slide show before he can ask questions.

Mayor Dyster noted that he is in a unique position, as he serves as a Commissioner of the Niagara River Greenway Commission. He stated that he has served in the process of public hearings as Chairman of the Citizen's Advisory Committee. The Mayor explained his position on the Greenway Commission in relation to his membership on the Host Community Standing Committee. He stated that the Greenway legislation states it is permissible for an elected official of a community that is participating in the Greenway to serve on the Commission; and is a requirement of the legislation in some cases that certain positions be filled by elected officials of communities participating in the Greenway. He explained that he will continue to serve on the Greenway Commission. Mayor Dyster stated that it would be his intention as Mayor of the City of Niagara Falls to abstain on projects put before the Commission by the City of Niagara Falls. He stated that his intention is to ask questions that are questions that the City of Niagara Falls as a member of the Host Communities Standing Committee would ask in order to do its due diligence on projects. Mayor Dyster asked that no one reads any sort of pre-judgment about positions that he may take when he sits on the Greenway Commission in judgment of projects when the consistency judgment is to be rendered. He is familiar with the Greenway Plan and would not be doing his job if he did not ask questions he thinks Commissioner's are most likely to ask.

5.0 Lewiston-Porter School District – *Lewiston Porter Recreation Complex*

Mayor Dyster's Questions/Critique:

- ***Regarding the \$420,000 share that is described as the result of an NPC internal agreement he asked if the Commission is a party to that internal agreement. Mr. Granto stated no. Mayor asked if NYPA is a party to that agreement;***

Chairman Granto stated yes and that would be discussed during the NPC meeting to follow this meeting.

- ***Is the footprint of the project within the existing campus or does it expand beyond?***

It is within the existing campus right now, however, they have resolutions that were approved by the Board of Education in 1993, 1994 and 1995 and the footprint actually extends beyond that because the actual geographic footprint is on the campus, but the campus is the central and focus point of the Town of Lewiston and Town of Porter and all of those residents use the campus.

- ***The implementation of the proposed project does not expand the total acreage of the campus; therefore there are no issues with surrounding wetlands?***

No.

- ***Is there a net gain or net loss in paved surfaces within the campus as a result of the project?***

There is going to be a net gain because of the parking.

- ***What you have done to bring order to the parking area is commendable. Was there any change in the disposition of run-off from parking lot surfaces as a result of the plan?***

There has been a very large storm water retention facility to help mitigate any runoff issues that may happen off the site. They have met all the DEC requirements for that.

Is that part of this project?

Yes.

It would be very helpful to reference that point, because there is a lot of concern in the Greenway Plan with what happens with storm water anytime you are within a Greenway area and creating additional paved surfaces.

5.0 Lewiston-Porter School District – *Lewiston Porter Recreation Complex*

Mayor Dyster's Questions/Critique:

- ***Does regional use of the facility consist of people that are coming in to use the recreational facilities that are private citizens, or people from other school districts and sports teams?***

This is referring to people from Southern Ontario who have asked to use the facilities since the facilities have been introduced to the campus; school districts; all the residents of Lewiston, Porter and Ransomville use that facility. It is the hub of the area.

Are there projected statistics available that would break down the users by category?

They can do that in terms of long-range planning. They ask for the facilities to have an application process for security, but they can do an estimate at this time.

The Greenway is regional in scope, and so to the extent you are able to demonstrate regional use would be an asset and handicap accessibility is also throughout the Greenway Plan and should be mentioned.

The school Board is considering hiring a consultant to coordinate, facilitate and organize that effort for the region.

- ***There was a remark made that there was contaminated soil that had to be removed from the area, from the maintenance building, as part of the construction?***

This is something that is well-known and discussed with the school board over the years. They did a soil test, working with the State University of New York at Buffalo under the leadership of Dr. Joseph Gardella and they identified a patch of arsenic which we believe are from the fertilization of fruit trees. That arsenic has been removed and was the only contamination on the Lewiston-Porter campus.

Where and how were those sediments disposed of?

They were taken to Modern Disposal; they were low levels of arsenic and they were able to handle that.

The disposition of the contaminants would be something that the Greenway Commission would be interested in. The Commission may face issues having to do with waterfront projects on brownfields where the issue of disposal of contaminated sediments may be on a larger scale than what is being talked about here, so they are certain to have questions in regard to that.

5.0 Lewiston-Porter School District – *Lewiston Porter Recreation Complex*

Mayor Dyster's Questions/Critique:

- *Could you produce a slide that addresses connectivity along specific routes from the campus to the other facilities (i.e. Lewiston Porter recreational corridor). Connectivity of projects is going to be a concern on the Commission and when connectivity issues are going to be addressed. The Commission has tried to stay away from the idea that they would dictate project sequencing, but if you talk about connectivity there may be questions regarding if you are not totally connected yet, is there a plan in place for making the remainder of the connections that need to be made.*

The school district has been in discussions with the Town of Lewiston about the possibility of putting in some type of a bridge across the parkway, down Pletcher Road and then going North on Creek Road, connecting to the Village of Lewiston, Fort Niagara and the other two parks. They have been in discussions and it is a long-range plan. Mr. Newlin stated the town of Lewiston always envisioned connecting to the school district

The Commission is aware of comments from people who said they like dedicated bike trails because you do not have to worry about vehicular traffic. In talking about completing this complex and having a trail that is already completed, but not having the connection to the complex, it is probably going to be requested by the Commission that you come up with a plan for addressing that sooner rather than later, and this will be on all projects. They are stressing connectivity.

- *In terms of the project objectives to support the Greenway Plan there are six things that are listed, but five of the six are taken from the list of guiding principles in the Greenway plan and those are described as the most basic considerations. The one that is not on the list is recreational asset and it might be helpful to reference that specifically there. It might also be helpful to say something about each of the 11 guiding principles because the Commissioners will do that. There are also Greenway goals which are more operational and specific; and the Action Plan Criteria will be addressed by the Commission.*

Tom Burgasser:

- *Regarding the athletic corridor, can you do some statistics connecting that with the tournaments available for soccer, baseball, softball and the close proximity with the escarpment, Fort Niagara and the other attractions that would make it attractive to bring in those tournaments, adding to the additional fields and other recreation areas that you have in Lewiston – Youngstown area. You could show the Greenway how you are going to funnel people to the Greenway itself for them to view it, be part of it and enjoy it.*

5.0 Lewiston-Porter School District – *Lewiston Porter Recreation Complex*

Fred Newlin:

- *One of the most attractive parts of this project is that it does make the Lewiston Porter area more attractive to hosting large organizational sports, i.e. the Snickers Tournaments. It is a very competitive environment—towns in Pennsylvania, throughout New York State, Ohio and further. The Planners look for how the facility that is going to be the primary host of such an event plug into the broader community, as well as other recreational opportunities. This project is integrated well into the community and the existing tourism – recreational structure. He stressed the importance of integrating these opportunities into the region.*

Angelo Massaro

- *Is there an evacuation route incorporated into the plan in case of an emergency.*

There is an evacuation plan that was given an A-1 approval rating by the emergency response teams.

Chairman Granto stated that the advice and questions are going to be very helpful. He stated that this information will be included in a letter to Lewiston-Porter indicating that these are questions/deficiencies reference their application and they can address them.

Chairman Granto called a five minute recess at 2:20 p.m. The meeting resumed at 2:25 p.m.

5.2 Town of Niagara – *Town of Niagara Park Project*

Supervisor Steve Richards of the Town of Niagara addressed the members. He stated that his project has improved since going before the Greenway Commission. He stated that he enjoyed the process at the Niagara River Greenway Commission and he found them to be very helpful with issues that the engineers and architects did not think of.

Mr. Bob Lannon introduced himself as an employee of Conestoga-Rovers & Associates, working on infrastructure and engineering; and he introduced Camie L. McGraw, Project Manager with CRA. Ms. McGraw made the presentation to the Committee of the Town of Niagara Veterans Memorial Park, Phase III. A copy of the PowerPoint presentation will be attached hereto and made a part hereof these minutes; a recording of the presentation will also be on file.

5.2 Town of Niagara – *Town of Niagara Park Project*

Supervisor Richards, referring to the Project Funding portion of the presentation, announced that in addition to the \$1,000,000 provided to them by the past owners of the Fashion Outlets, they have recently negotiated an additional \$1,000,000 from the Fashion Outlets.

Chairman Granto invited comments and questions from the membership.

William L. Ross – Niagara County

- **The Town of Niagara currently has a regional concept with trails and connectivity to other parks; will you be going along those same lines with sports fields (soccer, baseball and softball) – with it be a regional concept or just for the residents of the Town of Niagara.**

Supervisor Richards stated that he is very proud of the fact that he is the only Town that allows outside use of all of its facilities at no charge and does not require residency in the Town. He stated that he believes everyone has a right to recreation and this will continue. PAL uses their soccer fields currently; Niagara Catholic uses their baseball diamonds for practice.

Mayor Dyster – City of Niagara Falls

- **He has already voted in favor of the consistency of this proposal. He heard high praise on the Commission for various aspects of this; the leveraging effect was highly commended and also the addressing of ecological integrity and the question of storm water runoff which the Commission took note of as the type of things they are looking for.**
- **Disagreed with the slide that stated that the Town of Niagara is not on or does not have a waterfront because that is not the way the Commission looks at it. The perspective they take is that the reservoir is the Niagara River, diverted for the purpose of producing power; therefore, the Town is on the waterfront.**
- **There is a great deal of concern with the tributaries, including Gill Creek which is shared by the City of Niagara Falls and joining those trail systems is an excellent proposal. The Hyde Park Lake is a very healthy fishery now, but as you move down towards the mouth of Gill Creek there is the industrial area. But, anything that happens in the headwaters is of interest to the City of Niagara Falls, therefore the steps that the Town of Niagara is taking to protect the headwaters with your project is very welcome.**

5.2 Town of Niagara – *Town of Niagara Park Project*

Mayor Dyster – City of Niagara Falls

- **The Commission is the protector of the integrity of “the system,” and one of the questions is that since you are at Phase III already – is it time to look at connectivity? Establishing those linkages is important to do.**

Supervisor Richards stated that his concern was that since this is a 50-year agreement with the Town, he did not want to spend it all in one year.

The Commissioners are always going to make the connections a higher priority than anyone else because they are the “keepers” of that concept. This was evident in the fact that wayfinding (signage) proposals are coming forward (one from Erie County and one for Scajaquada Creek. These proposals are good, but the Commission was hoping there might be a bi-county wayfinding proposal that would come out early in the project list so they do not end up with a situation where Erie County ends up putting up a set of signs and then Niagara County will either have to adopt what they do.

Chairman Granto thanked Supervisor Richards for his presentation and stated that he would receive a letter from the Committee with any comments / questions arising from this pre-screening. Supervisor Richards will then make any adjustments to his presentation and provide 12 copies to the members for a final determination.

6.0 Other Matters

Approval of Minutes of December 7, 2007

At this time Chairman Granto asked for approval of the minutes of December 7, 2007 on a previous motion and second. Motion passed.

Comments from Stan Widger, Counsel

Mr. Widger stated that he incorporated new language from the discussions of the December 7th and various prior meetings on the committee procedure on the means of arriving at consensus into the overall draft that had not been fully discussed. He will provide this to Committee members for review. Mr. Burgasser will discuss the funding issue with his committee and put something together for Mr. Widger to include in the protocols. Mr. Burgasser stated it was agreed that the consultation clause for the Greenway should be added; Mr. Widger will check to see if that was done. Mr. Burgasser also indicated that their consultation with various banks will also be a part of their report.

7.0 Next HCSC Meeting:

Date: Friday, February 22, 2008
Time: 12:00 Noon w/lunch

The NPC meeting will follow.

8.0 Adjournment

Mr. Newlin made a motion, seconded by Mr. Richards. Motion passed. Meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Mary P. Melloni
Recording Secretary