

HOST COMMUNITIES STANDING COMMITTEE MEETING MINUTES

Wednesday, March 16, 2016 – 12:45 p.m.

Niagara County Department of Economic Development

6311 Inducon Corporate Drive
Sanborn, New York 14132

Representatives Present:

Cynthia Bianco, Superintendent / Chairperson, HCSC
Andrew Krazmien
Carol Sampson
William L. Ross, Chairman, NC Legislature
Scott Hapeman, Superintendent
Lee Wallace, Supervisor
Steve Broderick, Supervisor
Thomas O'Donnell, Esq.

Niagara Falls City School District
Lewiston Porter School District
New York Power Authority
Niagara County
Niagara Wheatfield School District
Town of Niagara
Town of Lewiston
City of Niagara Falls

Alternates/Guests:

Bernie Rotella
Nathan Taylor
Thomas Burgasser, Esq.
Mark Laurrie
Angelo Massaro, Esq.
Jackie Siegmann
Bob Deull
Sonia Clark

Town of Lewiston
Town of Lewiston
Niagara County
Niagara Falls City School District
Niagara Falls City School District
Town of Niagara
Sanborn Area Historical Society
Director, Artpark

Staff Present:

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

Chairperson Bianco called the Host Communities Standing Committee meeting to order at 12:45 p.m.

2.0 Roll Call

Ms. Melloni called the roll. A quorum was met

3.0 Pledge of Allegiance

Chairperson Cynthia Bianco led the Pledge of Allegiance.

4.0 Introductions

Ms. Bianco introduced Andrew Krazmien who is the alternate for Paul Casseri of Lewiston Porter School District while Mr. Casseri is in China.

Ms. Bianco also introduced Mark Laurrie, who will be replacing her as Superintended of the Niagara Falls School District as of July 1, 2016, and will be the representative at the NPC and HCSC meetings.

5.0 Approval of Meeting Minutes of December 1, 2015

Ms. Melloni will provide these at a later date, via e-mail.

6.0 Town of Lewiston

6.1 **Artpark Interactive Children & Family Festivals and Programming– B. Rotella** **(Previously approved for funding on 8/5/2010 in the amount of \$160,000; and on 2/9/2012 for \$45,000 – both for programming; Approved for funding in the amount of \$165,000 by Town of Lewiston on 1/25/2016; Consistency to be determined by NRCG on 3/15/2016)**

Mr. Rotella introduced Sonia Clark, the new Director of Artpark who has been in that capacity since August of last year.

Ms. Clark read an excerpt from the Executive Summary of the Greenway Commission which referred to “Celebration.” Ms. Clark explained that they want to bring individuals to the site to enjoy the site. She has been bringing in artists from all over the world to share this site with them. She is bringing in artists who enjoy working with the environment. The purpose of this year’s program is to share the magic, the challenges of the riverway and greenway. They will start the summer with the Fairy House Festival and will bring in artists from Astoria, Germany, Israel who specialize in street art and street theater. They are building a percussion garden that fits in the environment of the riverway. Instruments will be placed strategically on the river bank and this will be another opportunity for people to interact. Another project is “Cities of Living Laboratory.” All of these programs are specifically dedicated to the park and the riverway. Most importantly the projects if done on the right level they promote the site, they advertise and market and this an enhancement of life, and enjoyment of the site. With this funding they will be able to promote this in more areas.

Mr. Rotella stated that there have been discussions on programming in the past and how this fits in with the Greenway. The Town of Lewiston is supporting this project. The economic impact that comes into the town is substantial. There are tens of thousands of people who go to Artpark who stay, eat, enjoy the river. He indicated that Section 7 of the Greenway guidelines talk about tourism. They have people coming from all over and most enjoy the Niagara River. This project is not gap funding...it is a new project and is not a part of the Town budget. They have leveraged funds for the project. The impact of tourism and dollars coming into the Town is substantial.

Mr. Massaro stated that this is the same issue of funding programming as in the past, i.e. the jazz festival. He stated that the concept is good, but how does the HCSC get guidelines on programming because it is opening up the door for more requests of this nature.

Ms. Bianco reminded the members that this project was not discussed at the recent Greenway Commission meeting because it was approved previously in August of 2010. The Commission stated that they did not need to return to the Commission.

Mr. Massaro asked if there are sufficient guidelines to control this type of programming under the HCSC protocols. Mr. Widger stated that when he looked back on prior approvals of comparable funding, including Artpark’s previous approvals, one of the concerns raised was whether Greenway funding was being looked as a substitute for line items in the Town’s budget. That was one of the reasons for reluctance on some of the members. Mr. Widger stated that Mr. Rotella stated that this is not in the Town’s budget. They are approving some funding but it is not a pre-existing obligation. That distinguishes this from what has occurred in the past. The other point is that the provisions of the 2005 Relicensing Settlement Agreement would certainly appear to be broad enough to include activity of this nature.

Mr. Burgasser stated that he recalls the concern was that they were trying to replace the line item in Artpark’s budget, not the Town and this is for things that are obviously not in the Artpark budget.

6.0 Town of Lewiston (Continued...)

**6.1 Artpark Interactive Children & Family Festivals and Programming– B. Rotella
(Previously approved for funding on 8/5/2010 in the amount of \$160,000; and on 2/9/2012 for \$45,000 – both for programming; Approved for funding in the amount of \$165,000 by Town of Lewiston on 1/25/2016; Consistency to be determined by NRCG on 3/15/2016)**

Mr. Burgasser asked if there was a letter stating that the project need not go before the Greenway Commission again. Mr. Rotella stated that he received an e-mail from Mark Thomas. It was requested that he forward that to Ms. Melloni.

Mr. Massaro stated he would like to be sure that this is very restricted as they move forward on this project as requests will come in for more activities during the summer. Mr. Rotella stated that this is more of a seasonal project as opposed to a one time activity. Ms. Clark explained that they are not utilizing the park to its full potential, but with this funding they will be able to expand their use of the site. This funding will also allow them to apply for funding on the national level.

Mr. Burgasser asked about promoting the rest of the Greenway projects...signs, kiosks, etc. to show where the other Greenway projects are and show connectivity to the trails. Mr. Rotella stated that the Piper Law Office does have the signage and brochures and that is where it articulates all the Greenway projects. Mr. Broderick stated that there will be many families who will bring their children to Artpark and they are also excited about the trolley that will be in use. He stated that the Town is supportive of Sonia Clark and the new vision she is bringing to Artpark.

Mr. Widger stated that this project meets all procedural requirements. A motion was made by Mr. Massaro and seconded by Mr. Wallace, to approve the request for funding in the amount of \$165,000 for the Artpark Interactive Children & Family Festivals and Programming, with the criteria discussed.

A roll call vote was taken.

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|---------------------------------|-------------------|
| <i>Town of Lewiston</i> | <u><i>Yes</i></u> |
| <i>Town of Niagara</i> | <u><i>Yes</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>No</i></u> |
| <i>Niagara Falls Schools</i> | <u><i>Yes</i></u> |

Approval of the project for funding has failed.

Mr. Widger stated that the general guideline is that consistency requires a unanimous vote. This means that the project will have to come back to the HCSC no sooner than 30 day from today for reconsideration. From the protocols *“In the event that the HC Committee should fail to reach consensus on whether a project meets such consistency criteria at two meetings separated by a period of not less than thirty (30) days, the project may still be eligible for selection and funding, as described later in this section, under the following circumstances. At the second of the two aforementioned meetings of the HC Committee, the members who do not believe that a project is consistent shall then, if they have not already done so, articulate their reasons orally or in writing. (Every effort should be made to provide the reasons at least one (1) week prior to the second meeting.) Proponents of the project at issue shall have a like opportunity to respond to such statement of reasons. Following such statements and responses, each member of the HC Committee shall state such member’s position on the issue of consistency of the proposed project. If “consensus” is still not achieved, then and in such event, the following procedures shall apply:*

6.0 Town of Lewiston (Continued...)

- 6.1 Artpark Interactive Children & Family Festivals and Programming– B. Rotella**
(Previously approved for funding on 8/5/2010 in the amount of \$160,000; and on 2/9/2012 for \$45,000 – both for programming; Approved for funding in the amount of \$165,000 by Town of Lewiston on 1/25/2016; Consistency to be determined by NRCG on 3/15/2016)

The HC Committee shall vote and if a minimum of five (5) members of the HC Committee shall determine that a project is consistent with the Greenway Plan, then the proposed project shall be deemed consistent with the Greenway Plan and shall be eligible for selection and funding.”

It was decided that a special meeting of the Host Communities Standing Committee be held on Friday, April 15, 2016 at 12:00 p.m. It was requested that NYPA provide their reasons for not approving the project to the Committee by April 8th and a response to that from Artpark should be submitted by April 13th.

- 6.2 Sanborn Area Historical Society Parking Lot Project – Bernie Rotella**
(Approved for funding in the amount of \$200,000 by Town of Lewiston on 12/28/2015; Consistency to be determined by NRCG on 3/15/2016)

Mr. Rotella stated that the Sanborn Area Historical Society is celebrating their 20th year of existence. This is part of a project for the parking lot. This started as a barn, but there are now two major buildings they are using as a museum and to store equipment. And the American Legion Post, an 1824 building, was moved to the site with monies from the Host Communities. The Farm Museum is now a destination location for tourists. The Committee has made this area a go-to place. They have events, fundraisers, the education of children in farming. The parking lot should have been part of the overall complex improvements. This is for the safety of seniors, handicapped and children.

Mr. Widger stated that this project meets all procedural requirements. A motion was made by Mr. Krazmien and seconded by Mr. Wallace, to approve the request for funding in the amount of \$200,000 for the Sanborn Area Historical Society Parking Lot Project.

A roll call vote was taken.

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| <i>Town of Lewiston</i> | <u><i>Yes</i></u> |
| <i>Town of Niagara</i> | <u><i>Yes</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>No</i></u> |
| <i>Niagara Falls Schools</i> | <u><i>Yes</i></u> |

Approval of the project for funding has failed.

This project will also be returned to the Committee on April 15th.

6.0 Town of Lewiston (Continued...)

6.3 Lower Niagara River Road at Pletcher Rd Comfort Station – B. Rotella
(Determined Consistent by NRGC on 9/21/2010; approved for funding in the amount of \$30,000 by HCSC on 2/01/2011; Request for additional funding in the amount of \$35,600 approved by Town of Lewiston on 2/22/2016)

Mr. Rotella explained that this project is almost complete. This project was underestimated and they are in need of an additional \$35,600 to connect the sewer and provide some security. Mr. Broderick stated that this will also support the Land Conservancy.

Mr. Widger stated that this project meets all procedural requirements. A motion was made by Mr. Wallace and seconded by Mr. O'Donnell, to approve the request for funding in the amount of \$35,600 for the Lower Niagara River Road at Pletcher Road Comfort Station.

A roll call vote was taken.

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| <i>Town of Lewiston</i> | <u><i>Yes</i></u> |
| <i>Town of Niagara</i> | <u><i>Yes</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 approved.

6.4 Sanborn “Main Street” Streetscape Improvement Project – B. Rotella
(Determined Consistent by NRGC on 5/18/2010; approved for funding in the amount of \$260,000 by HCSC on 6/2/2010; Request for additional funding in the amount of \$6,000 approved by Town of Lewiston on 2/22/2016)

Mr. Rotella explained that this project is complete, making it a nice walkable community; however, they went over budget. Some of the things that were missing was signage. They agreed that it would be beneficial to have a portable sign to advertise events, etc. It was in the budget but they are in need of an additional \$6,000.

Mr. Widger stated that this project meets all procedural requirements. A motion was made by Mr. Broderick and seconded by Mr. O'Donnell to approve the request for funding in the amount of \$6,000 for the Sanborn Main Street Streetscape Improvement project.

A roll call vote was taken.

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|---------------------------------|-------------------|
| <i>Town of Lewiston</i> | <u><i>Yes</i></u> |
| <i>Town of Niagara</i> | <u><i>Yes</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 approved.

6.0 Town of Lewiston (Continued...)

6.5 Municipal Banking Resolution Approval (New Signatories) – S. Widger, Esq.

Ms. Bianco asked for a motion to approve a new Municipal Resolution for First Niagara Bank, naming Mr. Broderick as signatory for the Town of Lewiston. Mr. Hapeman made a motion, seconded by Mr. O'Donnell. Motion passed.

7.0 Town of Niagara

7.1 Weber Property Acquisition and Restoration Planning – Phase I – J. Gould, Niagara Riverkeepers/ Lee Wallace, Town of Niagara (Determined Consistent by NRGC on 11/17/2015; approved for funding in the amount of \$43,000 by Town of Niagara on 2/23/2016)

Mr. Wallace introduced Joseph Gould of the Niagara Riverkeepers who is partnering with the Town of Niagara on this project. Mr. Gould introduced JaJean with the Western New York Land Conservancy who is also partnering with them on this project. A handout was provided that will be attached hereto and made a part hereof these minutes. Mr. Gould explained that this project is one of the top projects they identified in the Greenway. It is located in the Town of Niagara. This is a 37 acre parcel of property owned by the Webers and it's the largest continuous tract of land along Cayuga Creek. This is an opportunity for them to work with the Town to preserve and restore the ecological function of an important habitat corridor along Cayuga Creek. This is the acquisition phase of the project. Initial steps for the acquisition process have been initiated through the coordination and matching resources of Riverkeeper, Land Conservancy, and the Town of Niagara. Funding from the Host Community Standing Committee will pay for the assisted transaction, as well as provide the seed money to seek additional funding for the next two phases of the project.

Mr. Widger stated that this project meets all procedural requirements. A motion was made by Mr. O'Donnell and seconded by Mr. Broderick, to approve the request for funding in the amount of \$43,000 for the Weber Property Acquisition and Restoration Planning project.

A roll call vote was taken.

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|---------------------------------|-------------------|
| <i>Town of Lewiston</i> | <u><i>Yes</i></u> |
| <i>Town of Niagara</i> | <u><i>Yes</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 approved.

9.0 Any Other Matters

9.1 Minutes of NRGC Meeting of January 9, 2016 (Informational Only)

10. Next Meeting: June 7, 2016 - 12:00 p.m.

11. Adjournment

Mr. Broderick made a motion, seconded by Mr. Krazmien, to adjourn the meeting at 1:50 p.m.

Respectfully submitted,