

**5.**

**Minutes of  
February 11, 2014 Meeting**

**HOST COMMUNITIES  
STANDING COMMITTEE MEETING MINUTES  
Tuesday, February 11, 2014 - 12:00 p.m.  
Niagara County Department of Economic Development  
6311 Inducon Corporate Drive  
Sanborn, New York 14132**

**Representatives Present:**

Cynthia Blanco, Superintendent / Chairman, HCSC  
Chris Roser, Superintendent  
Lou Paonessa  
William L. Ross, Chairman, NC Legislature  
Scott Hapeman, Esq.  
Jackie Slegmann  
Dennis Brochey

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

**Guests:**

David Kinyon  
Bernie Rotella  
Thomas Burgasser, Esq.  
Angelo Massaro, Esq.  
Michael Risman, Esq.  
Paul Kloosterman

Town of Lockport  
Town of Lewiston  
Niagara County  
Niagara Falls City School District  
Town of Niagara  
Town of Lewiston

**Staff Present:**

Mary Mellon, 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**  
Acting Chairperson Blanco called the Host Communities Standing Committee meeting to order at 12:18 p.m.
- 2.0 Roll Call**  
Ms. Mellon called the roll; the City of Niagara Falls was absent.
- 3.0 Pledge of Allegiance**  
Acting Chairperson Cynthia Blanco led the Pledge of Allegiance.
- 4.0 Introductions**  
Ms. Blanco asked Mr. Bernie Rotella to introduce the new members of the HCSC representing the Town of Lewiston. Mr. Rotella introduced Mr. Dennis Brochey, Supervisor of the Town of Lewiston, and Mr. Paul Kloosterman, Budget Director of the Town of Lewiston.

**Voting Process Explanation**

Ms. Blanco asked Mr. Widger to explain the voting process that will be followed at today's meeting due to the absence of the City of Niagara Falls. Mr. Widger stated that under the HCSC Protocols that govern the conduct of the meetings, a meeting can be held with a quorum of six members. For items that require a consensus, without every entity present, the safer course is to deem those that require a vote consistent, but those that require a consensus will be returned to the next meeting for a consensus vote. If it comes back to the next meeting it can be treated as though there were a single negative vote, but would not be brought back a third time.

Election of Officers

Mr. Ross stated that since Mr. Rappold retired as Assistant Superintendent of Lewiston-Porter and Chairman of the HCSC, Ms. Bianco has served as Acting Chairperson. Mr. Ross moved to nominate Ms. Cynthia Bianco as Chairperson. Nominations were open and there were no other nominations. Secretary cast one vote and Ms. Bianco is elected as Chairperson of the HCSC. Mr. Ross moved to nominate Mr. Chris Roser, Superintendent of Lewiston Porter School District, as Vice Chairperson. Nominations were open and there being no other nominations, nominations were closed. The Secretary cast one vote and Mr. Roser was elected Vice Chairperson of the HCSC.

5.0 Project Presentations

5.1 Niagara County

- 5.1.1 Day Road Park Improvement Project – Dave Kinyon  
(Niagara County Legislature approved funding in amount of \$25,400 on 10/15/13; NRGD determined the project Not Consistent on 11/19/13; HCSC Determined Inconsistent on 12/3/13)

Chairperson Bianco stated that this project did not meet consensus at the December meeting; therefore, it has been called back for a second vote. In the board packets is a letter addressing the concerns raised by the Commission. She asked for any comments on the project. Mr. Widger stated that at the December 3, 2013 meeting consensus was not achieved on this project. The process called for in the HCSC Protocol states *"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:*

*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."* Mr. Widger stated that what the Committee is now required to do is to go around the room and each member indicate whether he/she believes the project meets the consistency criteria, and if not, everybody agrees that a vote can be taken and five (5) members will be sufficient to deem it consistent.

Mr. Widger stated that the project meets all procedural requirements to bring it to a vote.

5.0 Project Presentations

5.1 Niagara County

5.1.1 Day Road Park Improvement Project – Dave Klyon (Continued...)

*Mr. Ross made a motion, seconded by Mr. Roser, to approve funding in the amount of \$25,400 for the Day Road Park Improvement Project.*

WHEREAS, Niagara County has applied to the Host Communities Standing Committee for funding in the amount of \$25,400.00 for the *Day Road Park Improvement 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 \$25,400.00 for the *Day Road Park Improvement Project*; is approved; and BE IT FURTHER RESOLVED, that a certified copy of this resolution will be forwarded to First Niagara Bank.

*A roll call vote was taken.*

<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>Absent</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>

*The resolution was thereupon duly adopted.*

5.2 Town of Lewiston

5.2.1 Lewiston Pletcher Road Park Restoration Project – *B. Rotella*  
(Town of Lewiston approved funding in amount of \$41,000 on 8/09/13; NRGD Determined Consistent on 01/21/14)

Mr. Rotella explained that all three projects on the agenda for the Town of Lewiston are part of the Town of Lewiston Infrastructure for parks. They are part of the overall Master Plan to upgrade the parks. In the past they utilized Greenway funding for Phase I of the improvements to the parks and at that time those projects were voted yes to proceed. The Pletcher Road Park is located near their Senior Center and it is overlooking the overlook to the Niagara River. It is on Lower River Road trail, which is perfect for bikers and pedestrians to get to the park. The project is to construct a concession area within an existing building. The concession stand will cost \$41,000 and that includes all the amenities needed to operate it.

Mr. Widger stated that the project has met the procedural requirements to bring it to a vote.

5.2 Town of Lewiston

5.2.1 Lewiston Pletcher Road Park Restoration Project – B. Rotella (Continued...)

*A roll call vote was taken.*

Town of Lewiston	<u>Yes</u>
Town of Niagara	<u>Yes</u>
Lewiston Porter	<u>Yes</u>
City of Niagara Falls	<u>Absent</u>
Niagara-Wheatfield	<u>Yes</u>
Niagara County	<u>Yes</u>
New York Power Authority	<u>No</u>
Niagara Falls Schools	<u>Yes</u>

*The Project did not meet consensus, therefore will be returned to the HCSC.*

5.2.2 Sanborn Park Restoration Project – B. Rotella  
(Town of Lewiston approved funding in amount of \$43,500 on 08/09/13; NRGCC “came to a conclusion of a Lost Vote [tie vote]” on 1/21/14)

Mr. Rotella stated that this is also part of the overall Master Plan. This park has already received a sidewalk system and street lighting. This request is for putting in a basketball court and some playground equipment specifically targeted to the toddler age. Lewiston sees this as part of the park system in the Town...connections to the Sanborn Area Historical Society; it then goes off to the Village and then to the river west. Going east it connects with NCCC and the City of Lockport.

Ms. Bianco explained that unlike the Pletcher Road project which was determined consistent by the Niagara River Greenway Commission, the notation on this project is that the Commission came to a conclusion of a “lost vote,” which is considered a tie vote. Mr. Widger explained that this is a Roberts Rules of Order term and when a motion is made or vote taken and a tie results, it is treated as “not passing.” It is appropriate to treat this as a “No” vote. It is equivalent to a vote of Not Consistent. Mr. Widger stated that the project has met the procedural requirements to bring it to a vote.

Mr. Ross stated that the Sanborn park restorations are very important because at times Sanborn was always left out; however, the Town of Lewiston has done a lot of work to bring the hamlet of Sanborn back up to the standards that it should be and provides service to the people in that area. He stated that anything that can be done to restore that park is important and he commended the Town of Lewiston for its work on this project.

*A roll call vote was taken.*

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

*The Project did not meet consensus, therefore will be returned to the HCSC.*

5.2 Town of Lewiston

5.2.3 Colonial Village Park Restoration Project – B. Rotella  
(Town of Lewiston approved funding in amount of \$41,000 on 08/09/13; NRGCC “came to a conclusion of a Lost Vote [tie vote]” on 1/21/14)

Mr. Rotella explained that this park is on Route 31, close to the Sanborn Area Historical Society. This is an additional phase to complete what was started with Greenway funding. They will be putting in more trees and additional playground equipment. It is very close to the Museum and is important for the linear park system of the Town.

Mr. Ross stated he feels strongly about this project also. It is above the Escarpment and whatever can be done for the people in this area is very important.

Mr. Widger stated that this project has met all the procedural requirements to bring it to a vote.

*A roll call vote was taken.*

Town of Lewiston	<u>Yes</u>
Town of Niagara	<u>Yes</u>
Lewiston Porter	<u>Yes</u>
City of Niagara Falls	<u>Absent</u>
Niagara-Wheatfield	<u>Yes</u>
Niagara County	<u>Yes</u>
New York Power Authority	<u>No</u>
Niagara Falls Schools	<u>Yes</u>

*The Project did not meet consensus, therefore will be returned to the HCSC.*

5.2.4 Lewiston Civic Center Project – D. Brochey  
(Approved by HCSC on 6/6/13 for \$9.2 million or \$430,000/year for 30 years; Project was not approved by Town residents and will not move forward; Funds to remain in the Town of Lewiston Fund Account)

Mr. Widger explained that this does not actually require a vote; just to make clear that the funding is not spent and will remain in the Town’s account to be used in the future. Mr. Brochey stated that they are re-looking at all their projects. Mr. Burgasser stated that there should be a resolution to rescind the authorization to fund the project. Mr. Rotella asked that the action be tabled at this time to give the administration time to review the procedures and if any money was spent and if any other projects were in that were encumbered. The resolution for the next meeting will be crafted by Mr. Widger. Mr. Widger asked for Mr. Brochey to contact him with any details that might need to be included in that resolution.

6.0 Niagara River Greenway Commission (*Informational Only*)

6.1 Minutes of January 21, 2014 NRGCC Meetings  
Provided as informational only.

7.0 Next HCSC Meeting: Tuesday, March 25, 2014 (this meeting date was changed from April 1<sup>st</sup> to March 25th at the NPC meeting which followed)

8.0 Adjournment

Mr. Ross made a motion, seconded by Mr. Hapeman, to adjourn the meeting. Meeting adjourned at 1:43 p.m.

Respectfully submitted,



Mary P. Melloni  
Recording Secretary

## **6.1.1**

# **Lewiston Pletcher Road Park Restoration Project**