

HOST COMMUNITIES STANDING COMMITTEE MEETING

Tuesday, March 27, 2012 - 1:00 p.m.

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

Representative:

_____ Don Rappold - Lewiston-Porter School, **Chairperson**
_____ Paul A. Dyster - City of Niagara Falls, **Vice Chairperson**
_____ Cynthia Bianco, - City of NF Schools, **Secretary**
_____ Steven C. Richards - Town of Niagara
_____ Kerin Dumphrey - Niagara Wheatfield School District
_____ William L. Ross - Niagara County
_____ Rob Daly, New York Power Authority
_____ Steven L. Reiter - Town of Lewiston

Alternate:

_____ Chris Roser, Superintendent
_____ Thomas O'Donnell, Esq.
_____ Angelo Massaro, Esq.
_____ Michael Risman, Esq.
_____ Scott Hapeman, Esq.
_____ Thomas Burgasser, Esq.
_____ Edward Alkiewicz, NYPA
_____ Mike Johnson

AGENDA

1. Call to Order - *D. Rappold*
2. Roll Call - *M. Melloni*
3. Pledge of Allegiance - *D. Rappold*
4. Approval of Meeting Minutes of February 9, 2012 - *D. Rappold*
5. Project Presentations - *None.*
6. HCSC Audit - *R. Daly*
7. Niagara River Greenway Commission - *Informational Only*
7.1 Minutes of March 20, 2012 Meeting
8. Next HCSC Meeting: June 5, 2012 (Or sooner if needed)
9. Adjournment

6.0

HCSC AUDIT

Request for Proposals – Accounting Services

The Host Community Greenway Fund Standing Committee (Standing Committee) invites you to submit a proposal to perform:

1) An audit, in accordance with generally accepted auditing standards, of the financial statements of the Host Community Greenway Fund (Fund) as of and through the fiscal year ended June 30, 2011 and provide a report expressing an opinion whether such financial statements are presented fairly in accordance with generally accepted accounting principles.

The Standing Committee anticipates that the financial auditor will obtain, accept and utilize any and all previously completed independent audits performed for the individual host communities in conjunction with the auditor's financial review of the standing committees expenditure of funds from the Greenway Recreation/Tourism Fund. It is not anticipated that the auditor will perform a duplicative review of such expenditures.

2) An audit of Agreed upon procedures, in accordance with the attestation standards established by the American Institute of Certified Public Accountants, to determine whether funds disbursed and projects approved through June 30, 2011 were disbursed and approved in accordance with the controlling documents. The controlling documents include the "Host Community Relicensing Settlement Agreement addressing Non License Terms and Conditions" dated June 27, 2005 (Settlement Agreement) (Attachment 1) and the Standing Committee Protocol (Protocols) dated May 28, 2008 (Attachment 2).

The Standing Committee assumes responsibility for the sufficiency of the controlling documents for their intended purposes and seeks only an opinion of whether the procedures set forth within the controlling documents were applied in a reasonably consistent manner in accordance with the standards discussed above.

Reports that will be issued under this contract and included in the proposed fee are as follows:

1. Independent Auditor's Report on the Fund's Financial Statements
2. Report of Independent Accountants on Applying Agreed-Upon Procedures

Background

On March 15, 2007 the Federal Energy Regulatory Commission (FERC) issued a new 50-year Operating License to the New York Power Authority (NYPA) for the Niagara Power Project (NPP) effective September 1, 2007. In support of the Application for the new License, NYPA executed various settlement agreements with federal, tribal, state, and local governmental bodies and with a number of non-governmental organizations. Provisions set forth in certain of

the settlement agreements established funds to support the creation and maintenance of a Niagara River Greenway (Greenway), which was established by state law in 2004 (Article 39 of the New York Parks, Recreation and Historic Preservation Law). These settlement provisions also establish four “standing committees” (Host Community, State Parks, Erie County and Greenway Ecological Fund) to determine whether, and at what level, proposed Greenway projects will be funded.

One of the relicensing agreements is the “Host Community Relicensing Settlement Agreement Addressing Non-License Terms and Conditions” which requires NYPA to make an annual payment of \$3 million to the Host Community Greenway Fund (Fund) for the 50-year term of the new license. This Fund supports projects consistent with the Niagara River Greenway Plan (Plan) in Niagara County.

The Standing Committee is comprised of one representative from each of the Host Communities (Towns of Lewiston and Niagara, City of Niagara Falls, County of Niagara, Lewiston Porter School District, Niagara Wheatfield School District and the Niagara Falls City School District) and NYPA.

Description

The Standing Committee has the responsibility of determining if a submitted project is consistent with the adopted Plan and approving a project for funding. The process of consideration of a project is identified within the Protocols.

The Protocols call for the Standing Committee to have an audit of the Fund’s financial statements and the performance of agreed-upon procedures, by an independent accountant, every three years; this is the first required audit.

The Standing Committee has approved disbursements to 39 projects, committing funding support of \$22.5 million over the next 10 years, to date; NYPA has disbursed \$15 million to the Fund.

Information to be Provided by Bidders

1. Job title/Classification of personnel who will perform the work, hourly rate, and estimated number of hours specifically relating to the:
 - 1) Audit of Financial Statements
 - 2) Audit of Application of Agreed- upon procedures

2. Price to perform:
 - 1) Audit of Financial Statements \$ _____
 - 2) Audit of Application of Agreed-upon procedures \$ _____
 - 3) Out-of-pocket expenses \$ _____Total guaranteed maximum price \$ _____

3. Firm experience
4. Resumes of proposed personnel
5. References
6. Identify potential conflicts of interest (egs: clients, firm personnel, other relationships, etc.)

Submission

Your submission is required by April 1, 2012 to

Host Community Standing Committee
Vantage Center, Suite One
6311 Inducon Corporate Drive
Sanborn, New York 14132

Term

The term of this contract will be for approximately ___ months commencing ___ and ending ___.

Questions

Please submit any questions or inquiries in writing to:

Mary Melloni
Mary.Melloni@niagaracounty.com

Thank you.

Proposed Audit Firms

Grant Thornton, LLP

BDO Seidman, LLP

McGladrey & Pullen LLP / RSM McGladrey

Cherry, Bekaert & Holland LLP

BKD, LLP

Bonadio Group, LLP

Drescher & Malecki

Freed, Maxick & Battaglia

Amato, Fox & Company

Dresher & Malecki

Toski & Co., P.C.

Dopkins & Company, LLP

Conway Porter CPA

Lumsden & McCormick, LLP

Brown & Company

Chiampou Travis Besaw & Kershner, LLP

Brock Schechter & Polakoff LLP

7.1

NRGC MEETING MINUTES

MEMORANDUM

TO: Samuel M. Ferraro, Commissioner, Niagara County Dept. of Economic Development

FROM: Benjamin J. Bidell, AICP, Senior Planner, Niagara County Dept. of Economic Development

DATE: March 21, 2012

RE: **Niagara River Greenway Commission meetings held March 20, 2012**

The Niagara River Greenway Commission (NRGC) Executive Committee met on March 20, 2012 at 2:00 pm in the Beaver Island State Park Office in Grand Island, New York. The meeting was attended by Chairman Bob Kresse; Vice Chairman Paul Dyster; Secretary Alice Roth; Treasurer Sean Edwards; Citizens Advisory Committee Chairman David Hahn-Baker; Local Government Advisory Committee Chairman Ron Pillozzi; NYS Office of Parks, Recreation, and Historic Preservation representative Mark Thomas; Commissioner Pete McMahon; Executive Director Rob Belue; and Commissioner Emeritus Paul Leuchner.

The full Niagara River Greenway Commission met at 3:00 pm in the Beaver Island State Park Clubhouse immediately following the Executive Committee meeting. Attendees of the previous meeting were joined by Commissioner Ed McDonald; New York Power Authority representative Rob Daly; NYS Department of Environmental Conservation representative Tim DePriest; NYS Department of State representative Renee Parsons; NYS Department of Transportation Representative Ron Hayes; and Empire State Development representative Ray Witzleben. There were Approximately 35 individuals in attendance at the meeting including project sponsors and members of the public. An agenda was provided for the meeting and is attached.

At the Executive Committee meeting, Ms. Roth reviewed a proposal to create a Niagara River Greenway Commission Municipal Grant Program that would allocate \$65,000 per year from the NRGC budget for grants to municipalities to be used to promote the Niagara River Greenway and the work of the Greenway Commission. Grants of up to \$5,000 per municipality would be made available to each of the 13 Greenway Communities. A draft grant application was circulated to the Executive Committee for review. Chairman Kresse stated that he was just learning of this proposal for the first time. Mr. Belue indicated that he had included the Chairman in previous correspondence on this matter. Mr. Kresse questioned the authority of the Greenway Commission to re-grant funding. He also said that the proposed grant program does not address the problem that he perceives with control of the funding process by the standing committees. He said that the new members of the Erie County standing committee are not informed enough about the Greenway to make funding decisions. He also said that NYPA controls the standing committees and that the funding process is controlled politically. Mr. Kresse went on to say that the original intent of the Greenway legislation was to give control of the funding process to the Greenway Commission, but Niagara County hijacked control of the funding. Mr. Belue and Mr. Thomas indicated that there is legislation and contracts in place that dictate the current funding process. They were joined by Mr. Edwards and Mr. McMahon in questioning whether the existing legislation and contracts can be abrogated. Mr. Kresse expressed an interest in examining the legal basis for revising the process. Mr. Thomas questioned whether all members of the Executive Committee are in agreement with the Chairman's assertions that the funding process is broken and that Greenway funding is being wasted. He said that the map of projects reviewed for consistency with the

Greenway plan and the projects completed to date demonstrate a lot of success. He also said that the current funding process reflects municipal home rule, which is a foundation of New York State government. Returning to the discussion of the grant program, Mr. Kresse said that he is not familiar enough with the proposal to proceed with discussions and asked to table the discussion and scratch it from the regular meeting agenda. Mr. Dyster suggested that the Greenway Commission work with New York State Parks' counsel to investigate the authority of the Commission to re-grant funding.

At both meetings, Mr. Edwards gave a financial report stating that the Niagara River Greenway Commission has total year-to-date expenditures of approximately \$138,000 and maintains a fund balance of approximately \$509,000. The fund balance includes a \$225,000 appropriation from the 2011-2012 New York State Budget that was released to the Commission in February. The funds were appropriated from the New York State Environmental Protection Fund by State Senator Mark Grisanti who chairs the Senate Environmental Committee. It was indicated that another \$225,000 in funding is proposed in the 2012-2013 budget. Commission members highlighted the need to continue working with Senator Grisanti to ensure future funding for the Greenway Commission. Mr. Edwards said that he would address the Greenway Commission's 2012-2013 budget at the Commission's May meetings.

Also at both meetings, Mr. Hahn-Baker mentioned the previous meeting of the Citizens Advisory Committee and said that another meeting is being planned for May. He said that the meeting will likely be held in the City of Buffalo and will use a different format to encourage more productive discussion.

At the full Niagara River Greenway Commission board meeting, a public comment period was held on current agenda items. Dorothy Westhafer was present to offer comments on behalf of the Niagara Relicensing Environmental Coalition (NREC). She indicated that NREC finds the WNY Land Conservancy Niagara Escarpment Legacy Project and Great Lakes Center Niagara River Observatory project consistent with the Greenway Plan, and finds the Hartland Town Park Enhancement Initiative and the Historic Palace Theatre Exterior Renovation Project not consistent with the Greenway Plan.

Also at the full NRCG board meeting, Commission members voted on whether projects on the agenda are consistent with the Niagara River Greenway Plan. A summary of each project was read by Mr. Belue and project sponsors were on hand to answer questions from the board. A summary of the board's proceedings can be found below. More information on these projects can be found on the Greenway Commission's website at www.niagaragreenway.org.

Town of Hartland – The Hartland Town Park Enhancement Initiative: Bernie Rotella, Grant Writer for the Town of Hartland, and Ross Annable, Town Supervisor, were present to give an overview of the project and answer questions from the board. The project involves a request for \$200,000 in Greenway funding from the Host Communities Standing Committee to install lighting for athletic fields, install new playground equipment, upgrade a ½ mile wooded trail, and install signage. Mr. Rotella said that the ad hoc Greenway Committee of the Niagara County Legislature has agreed to support this phase of the project and additional funding will be sought through the NYS Consolidated Funding Application (CFA) process for future phases of the project, which include improvements to the park pavilion, construction of a perimeter trail, improvements to basketball courts, installation of fitness stations, and construction of an asphalt roller rink. There were questions from the board about how the project is connected to the Greenway. Mr. Rotella said that the project is located along NYS Route 104, which is part of the Niagara Wine Trail, and that 3 wineries are located in proximity to the park, so the park will support wine trail tourism. He said that the park is proximate to Lake Ontario and the Erie Canal. He also said that the park will serve as a Greenway gateway and will feature Greenway signage. The Greenway Commission determined that the project is not consistent with the Greenway Plan by unanimous vote.

WNY Land Conservancy – The Niagara Escarpment Legacy Project: Patricia Szarpa, Executive Director of the WNY Land Conservancy, and Greg Coniglio, project consultant from Ecology and Environment, were present to give an overview of the project and answer questions from the board. The project involves a request for \$316,673 in Greenway funding from the Ecological Standing Committee to perform a comprehensive inventory of the ecological, geological, scenic, and cultural

resources of the Niagara Escarpment within Niagara County. The study will identify areas of natural significance; pinpoint opportunities to preserve, restore, and enhance these resources; and provide a set of conservation and restoration priorities and recommendations. The project will also promote public access to the Escarpment. Ms. Szarpa referenced the inclusion of the Escarpment Legacy Project in the Niagara Communities Comprehensive Plan. The Greenway Commission determined that the project is consistent with the Greenway Plan by unanimous vote.

Historic Palace Theatre – Exterior Renovation Project: Ann McCaffrey, board member from the nonprofit Historic Palace Theatre organization, and Mike Tucker, City of Lockport Mayor, were present to give an overview of the project and answer questions from the board. This project involves a request for \$151,697 in Greenway funding from the Host Communities Standing Committee to repoint exterior brickwork, install an electronic marquee, and install new windows and awnings towards the long-term preservation of this historic building. The work will build off of previous improvements that included a new roof, new HVAC system, and new electrical work. Nearly \$50,000 in matching funds have been identified for the exterior renovation project. There were questions from the board about how the project is connected to the Greenway. Ms. McCaffrey indicated that the building is located one block from the Erie Canal and is located along the Niagara Wine Trail. In addition, the theater is used for historic programming related to the Erie Canal. Mr. Thomas suggested that project sponsors also seek funding through the New York State Consolidated Funding Application (CFA) process. The Greenway Commission determined that the project is not consistent with the Greenway Plan by majority vote. The following Commission members voted that the project is consistent with the Greenway Plan: NYS Office of Parks, Recreation, and Historic Preservation; NYS Department of State; NYS Department of Transportation; Empire State Development Corporation; and New York Power Authority. All other Commission members voted that the project is not consistent.

Great Lakes Center, Buffalo State College – Niagara River Observatory: Alexander Karatayev, Director of the Great Lakes Center, and Dimitry Gorski, Fish Biologist for the U.S. Fish and Wildlife Service, were present to give an overview of the project and answer questions from the board. This project involves a request for \$1,509,137 in Greenway funding from the Ecological Standing Committee to undertake a study of the physical, chemical, biological, and social characteristics of the Lower Niagara River. The project will involve use of high-tech remote sensing equipment to monitor fish species and habitat. It will also include education and outreach components through local exhibits, student involvement, and project partnerships. The project will be carried out in close coordination with other agencies, organizations, disciplines, and jurisdictions including Canadian partners. The project will focus on the local sturgeon population as a starting point for analysis, but data on all species and habitats will be collected. The Greenway Commission determined that the project is consistent with the Greenway Plan by unanimous vote.

At the end of the full Greenway Commission board meeting, an open public comment period was held. Margaret Wooster, a representative from the Niagara Relicensing Environmental Coalition, requested that NREC be afforded more time to speak on agenda items at the beginning of the meeting since NREC represents 10 different environmental organizations. She also asked the Commission to consider a different room setup as attendees cannot see the presentations and it is often difficult to hear. She commented that the public is not an audience - the public is involved in the Greenway process. Otis Glover, Director of Strategic Planning & Institutional Advancement for the Olmsted Parks Conservancy, commented on the need for more structured communications between the Greenway Commission and the standing committees as well as a mandated completion schedule for projects. Terry Yonkers commented on the need to repair the funding process as the standing committees disenfranchise the public. He also suggested the need for a transportation committee to address the future of the Robert Moses Parkway and to address the broader issue of connectivity. Tom Frank commented on the need for binational, multi-modal transportation options.

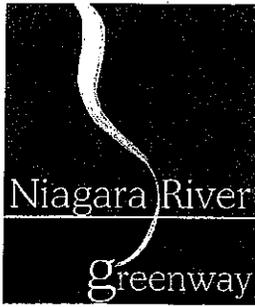
The next Niagara River Greenway Commission Executive Committee meeting will be held on Tuesday, May 15, 2012 at 2:00 pm in the Beaver Island Park Office, which will be followed by the full Greenway Commission board meeting at 3:00 pm in the Beaver Island State Park Clubhouse.



**45th Niagara River Greenway Commission Mtg.
Beaver Island State Park
Grand Island, NY
March 20, 2012 3:00 P.M.**

1. **Call to order** –*Chairman Kresse*
Roll Call-Alice Roth, Secretary
2. **Review and approval of minutes**-*Chairman Kresse*
3. **Comments from the Chair**-*Chairman Kresse*
4. **Public Comment-Current Agenda Items Only**
2 minute limit for individuals
3 minute limit for Organization Representative
Total meeting time allowed 15 minutes
5. **Committee Reports-**

Financial Report/2012-2013 Budget- Sean Edwards, Treasurer
NRGC Municipal Grant Program-Alice Roth, Secretary
Citizen Advisory Committee—David Hahn-Baker, Chairman
6. **Old Business-**
Project Review and Vote-Rob Belue & Full Commission
Presentations limited to 5-7 minutes
 - *Town of Hartland-The Hartland Town Park Enhancement Initiative*
 - *WNY Land Conservancy & Ecology & Environment, Inc.-The Niagara Escarpment Legacy Project*
 - *Historic Palace Theatre-Exterior Renovation Project*
 - *Great Lakes Center, Buffalo State College-Niagara River Observatory*
7. **New Business**
Reminder: NYS Joint Commission on Public Ethics filing deadline;
May 15, 2012
8. **Public Comment-Open Topics-3 minute limit**
9. **Adjourn**



Niagara River Greenway Commission

Beaver Island State Park
2136 West Oakfield Road
Grand Island, New York 14072
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For Immediate Release:
Wednesday, March 21, 2012

Contact: Rob Belue
(716) 773-5361

Niagara River Greenway Commission Determines Consistency

The Niagara River Greenway Commission is pleased to announce the vote on project consistency as determined by the Commission for the twenty-sixth round of projects submitted to the Greenway Commission.

Projects were submitted on January 17, 2012 and the votes were taken today during the regularly scheduled meeting of the Commission. The subjective evaluation of projects was based on the principals, goals and criteria that define the Niagara River Greenway Plan. The following project sponsors and respective projects were determined consistent:

- *WNY Land Conservancy & Ecology & Environment, Inc.-The Niagara Escarpment Legacy Project*
- *Great Lakes Center, Buffalo State College-Niagara River Observatory*

The following project sponsor and respective project was determined not-consistent:

- *Town of Hartland-The Hartland Town Park Enhancement Initiative*
- *Historic Palace Theatre-Exterior Renovation Project*

Now that the Niagara River Greenway Commission has issued a finding of consistency with the Niagara River Greenway Plan, project sponsors are responsible for funding arrangements. Funding requests can be made through conventional grant and endowment sources as well as the various greenway standing committees.

The twenty-seventh round of project determinations will be made on May 15 2012. Those projects will be on the web-site Tuesday, March 27 2012. Public comment on those projects will be accepted until April 30, 2012 and may be submitted at the website, www.niagaragreenway.org or by mail to Niagara River Greenway, 2136 West Oakfield Road, Grand Island, NY 14072. All projects and submission dates for future determinations are also available on the website.

To review the approved Niagara River Greenway Plan and GEIS or to learn more information about the Commission log onto www.niagaragreenway.org. The Niagara River Greenway Commission is a public benefit corporation established by Chapter 460 of the laws of 2004, and charged with the planning and development of a greenway of interconnected parks, river access points and waterfront trails along the Niagara River from Lake Erie to Lake Ontario at the site of the historic Fort Niagara.