

NIAGAR FALLS URBAN RENEWAL AGENCY
745 Main Street
Niagara Falls, New York 14302

TO: The Members of the Niagara Falls Urban Renewal Agency

FROM: Mayor Paul A. Dyster, Chairman

RE: **NFURA Meeting Scheduled for:**
Monday, September 23, 2013, 4:20 p.m. (note: meeting will
immediately follow N.F.C. meeting being held at 4:00 p.m.)
City Hall – Committee of the Whole Room
745 Main Street
Niagara Falls, New York

AGENDA

1. Roll Call
2. Welcome new member Christopher Robins (Jeff Paterson replacement)
3. Approval of Minutes of Meeting dated March 25, 2013 VOTE
4. Amend November 9, 2009 minutes to correct VOTE
General Counsel compensation
5. Amend 2010-2012 and 2013-2016 budgets adopted at VOTE
March 25, 2013 meeting
6. Designate agent to receive Notice of Claim VOTE
7. Amended 2012 Annual Report VOTE
8. Amended 2012 Procurement Report VOTE
9. Amended 2012 Goals VOTE

Old Business

New Business

Adjournment

There being no questions or comments, a motion to approve an additional \$500.00 in payment to Bonadio & Co. for audit and ABO filing work was made by Mr. Paterson, second made by Council Member Walker.

POLLED VOTE:

In Favor 6
 Opposed 0
 Approved

#4: Resolution: Adoption of 2010-2012 Administrative Budgets and 2013-2016 Administrative Budgets:

The following Resolution was put before the Board:

In order to comply with the Public Authorities Reform Act, Public Authorities law and other state laws regulating the Agency, it is hereby RESOLVED, that the Niagara Falls Urban Renewal Agency does hereby adopt the 2010-2012 Administrative Budgets and the 2013-2016 Administrative Budgets:

NIAGARA FALLS URBAN RENEWAL AGENCY
 ADMINISTRATIVE BUDGETS
 2010-2012

Revenues:

Parking Lot Lease Payments.....	\$5,400.00
(ParMed @ \$150/month and Jefferson Apts @\$300/month)	
Interest on bank deposits.....	<u>+350.00</u>
Total Revenues.....	<u>5,750.00</u>

Expenses:

Legal Counsel	\$6,000.00*
Recording Secretary	1,750.00*
Office Supplies, postage	<u>+100.00</u>
Total Expenses	<u>-7,850.00</u>
Appropriated Fund Balance	(2,450.00)

Deficit paid from cash on hand
 All additional expenses paid with board of directors' approval

*plus payroll taxes, etc.; paid by City and reimbursed

NIAGARA FALLS URBAN RENEWAL AGENCY
Mission Statement
03-25-13

The mission of Niagara Falls Urban Renewal Agency is to protect and promote the safety, health, morals and welfare of the people of Niagara Falls, to promote the sound growth and development, to correct substandard, insanitary, blighted, deteriorated or deteriorating conditions, factors and characteristics by the clearance, re-planning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas, to undertake public and private improvement programs related thereto and to encourage of participation in these programs by private enterprise, and to undertake any or all of the purposes specified in Articles 15 and 15-A of the General Municipal Law and in accordance with Article 18 of the Constitution of the State of New York.

Performance Goals:

No current performance goals.

Additional state questions:

- 1) Have board members acknowledged that they have read and understood the missions of the public authority: Yes
- 2) Who has the power to appoint the management of the public authority: The Board of Directors has the power to appoint management.
- 3) If the Board appoints management, do you have policy you follow when appointing the management of the public authority: The City of Niagara Falls Administration suggests a candidate for the position from the City of Niagara Falls Economic Development Department. After review of the candidate's credentials and an interview, the Board has the option to accept or deny the candidate. The management appointment requires a majority vote of the Board
- 4) Briefly describe the role of the Board and the role of management in the implementation of the mission: The Board of Directors is responsible for the establishment of Niagara Falls Urban Renewal areas and management is responsible for executing any action plans approved by the directors, all in accordance with state law governing the Agency.
- 5) Has the Board acknowledged that they have read and understood the responses to each of these questions: Yes

NFURA DEFENSE AND INDEMNIFICATION POLICY

03-25-13

Niagara Fall Urban Renewal Agency (the "Agency") shall indemnify all directors of the Agency and each officer and employee thereof, in the performance of their duties, and to the extent authorized by the Agency, each other person authorized to act for the Agency or on its behalf, to the full extent to which indemnification is permitted under the laws of the State of New York, and shall defend such directors, officers, employees and other persons in connection with any lawsuits brought against as a result of the performance of their duties and responsibilities.

#7: Resolution: Adoption of the filing of reports to comply with the Public Authorities Reform Act, Public Authorities Law and other State laws regulating the NFURA as a public authority:

RESOLUTION
NIAGARA FALLS URBAN RENEWAL AGENCY
March 25, 2013

Whereas, the requirements of the Public Authorities law and other state laws regarding the required filing of reports and the contents of the reports have been discussed with the NFURA directors, NOW, THEREFORE, in order to comply with the Public Authorities Reform Act, Public Authorities law and other state laws regulating the Niagara Falls Urban Renewal Agency as a public authority, it is hereby RESOLVED, that the Board of Directors of the Niagara Falls Urban Renewal Agency does hereby approve the filing of the following required reports:

12-31-12 Annual Report
12-31-12 Investment Report
12-31-12 Procurement Report
2012 Budget Report
2013 Budget Report
2014 Budget Report

There being no questions or comments, a motion for approval of the Resolution adopting the filing of the above reports to comply with the Public Authorities Reform Act, Public Authorities law and other State laws regulating the NFURA as a public authority was made by Council Member Grandinetti, second made by Mr. Hooper.

POLLED VOTE:

In Favor: 6
Opposed: 0
Approved

Old Business:

Mayor Dyster stated that the position of Sr. Business Development officer for the City of Niagara Falls included among its duties serving as director of the NFC Development Corp. That position was eliminated during the budget even though it had been funded with N.F.C. funds and not general fund monies. The URA Board had approved a resolution authorizing payment of approximately \$10,000 to hire a Director of URA and adding that duty onto the position of Sr. Business Development Director. So not having the position of Sr. Business Development Director, we currently have a stipend but no Sr. Business Development Director position to establish a Director of the URA. The Mayor stated that he felt both the N.F.C. and the URA needed to have a Director. He felt that unless anyone has any strong objection we should wait until the Casino issues resolve and then we may be able to get back to a more normal staffing situation and we will again look at addressing the URA Director position. The Mayor stated that previously Peter Kay served as URA director as part of his duties as Economic Development Director. There was no specific URA stipend given to Mr. Kay. He continued that we will either utilize the existing resolution that was passed for a URA director or come back and modify the resolution.

NIAGARA FALLS URBAN RENEWAL AGENCY

September 23, 2013

TO: NFURA Directors
FROM: Richard Zucco, General Counsel *RZ*
RE: Correction of November 9, 2009 Minutes Regarding General Counsel Compensation

Attached is a copy of the agenda item regarding general counsel compensation which was approved by the Agency at its November 9, 2009 meeting. Also attached is the page from the approved November 9, 2009 minutes for that meeting. As you can see, there is a discrepancy between the amount of compensation reflected in the agenda item and the minutes. This discrepancy was noticed when the Agency was responding to a FOIL request regarding compensation. The payment since January 1, 2010 has reflected the \$4,000.00 increase set out in the agenda item.

Because of this discrepancy, the recording of the meeting was reviewed. There was no mention of a specific amount in the discussion. The action of the Agency was to approve the increased compensation as set out in the agenda item.

Will the Agency vote to amend the November 9, 2009 minutes to reflect the increase of \$4,000.00 in general counsel compensation which was approved at the November 9, 2009 meeting?

development proposals if we have to bring the Urban Renewal Agency into play to accomplish any project either in the north end or the south end.

Mr. Zucco continued that the procedure to approve the new URA Plan is to receive a recommendation from the Urban Renewal Agency and send it to the Planning Board. The Planning Board will hold a public hearing and then make their recommendation to the Council. The Council will hold another public hearing and then vote on the adoption of the plan.

Mr. DeSantis stated that adoption of this plan will make the URA and Comprehensive Plan consistent, which will assist in being able to fast tract potential future projects.

There being no questions or comments, motion for approval of the Core City Urban Renewal Plan dated November 9, 2009, was made by Council Member Fruscione, second made by Council Member Anderson.

POLLED VOTE

IN FAVOR: 9
OPPOSED: 0
APPROVED

General Counsel Compensation

Mayor Dyster stated an increase in the stipend for Richard Zucco in the amount of \$3,000 per year was very justly deserved. There has been a string of litigations that he has been successful in and the cost savings occurring from those successes has resulted in substantial savings to the City. He noted that Mr. Zucco has paid himself many times over with the result of his work. He said he has no difficulty whatsoever in recommending this action to the Board. The Mayor also noted that last year Mr. O'Donnell was given an increase and he felt it only fair that Mr. Zucco be given an increase as well.

Mr. Anderson stated that a couple of months ago he went on record that due to the poor state of the economy he would not approve a raise for anyone unless it had to do with longevity. He said it was nothing personal against Mr. Zucco but he would not be voting for any pay increases for anyone.

Motion for approval of stipend increase for Richard Zucco in the amount of \$3,000 to commence January 1, 2010 was made by Council Member Robins, second made by Council Member Walker.

POLLED VOTE

IN FAVOR: 6
OPPOSED: 3 (Anderson, Fournier, Fruscione)
APPROVED

NIAGARA FALLS URBAN RENEWAL AGENCY
ADMINISTRATIVE BUDGETS (AMENDED)
2010-2012

Revenues:

Parking Lot Lease Payments.....	\$5,400.00
(ParMed @ \$150/month and Jefferson Apts @\$300/month)	
Interest on bank deposits.....	<u>+350.00</u>
Total Revenues.....	<u>5,750.00</u>

Expenses:

Legal Counsel	\$7,000.00*
Recording Secretary	1,750.00*
Office Supplies, postage	<u>+100.00</u>
Total Expenses	<u>-8,850.00</u>
Appropriated Fund Balance	(3,100.00)

Deficit paid from cash on hand

All additional expenses paid with board of directors' approval

*plus payroll taxes, etc.; paid by City and reimbursed

NIAGARA FALLS URBAN RENEWAL AGENCY

September 23, 2013

TO: NFURA Directors
FROM: Richard Zucco, General Counsel *RZ*
RE: Designation of Agent to Receive Notice of Claim

Under the recently enacted State Uniform Notice of Claim Act, a notice of claim for a claim against a public corporation, which includes Niagara Falls Urban Renewal Agency, may be served on the Secretary of State. The Secretary of State must mail a copy of the notice of claim to the Agency. The Agency must designate the Secretary of State as its agent to receive service of any notices of claim, and the Agency must provide the name, address and email of an individual to whom the Secretary of State shall provide a copy of the notice of claim.

Will the Niagara Falls Urban Renewal Agency

- (1) designate the New York Secretary of State as the City's Agent for service of Notices of Claim,
- (2) provide that the Niagara Falls Urban Renewal Agency General Counsel is the individual to whom the Secretary of State will forward any notices of claim,
- (3) provide that the applicable time limit for filing a notice of claim on the Niagara Falls Urban Renewal Agency is the ninety (90) day limit provided for in General Municipal Law Section 50-e and
- (4) direct the filing of the required certificates of designation of notice of claim as provided for and required by law?

Governance Information (Authority-Related)

Question	Response	URL (if applicable)
1. Has the Authority prepared its annual report on operations and accomplishments for the reporting period as required by section 2800 of PAL?	No	
2. As required by section 2800(9) of PAL, did the Authority prepare an assessment of the effectiveness of its internal controls?	No	
3. Has the lead audit partner for the independent audit firm changed in the last five years in accordance with section 2802(4) of PAL?	Yes	N/A
4. Does the independent auditor provide non-audit services to the Authority?	Yes	N/A
5. Does the Authority have an organization chart?	No	
6. Are any Authority staff also employed by another government agency?	No	
7. Has the Authority posted their mission statement to their website?	Yes	http://www.niagarafallsusa.org/NFURA.cfm
8. Has the Authority's mission statement been revised and adopted during the reporting period?	Yes	N/A
9. Attach the Authority's measurement report, as required by section 2824-a of PAL and provide the URL.		http://www.niagarafallsusa.org/NFURA.cfm

Board of Directors Listing

Name	O'Connor, Doreen	Name	Hooper, Michael
Chair of the Board	No	Chair of the Board	No
If Yes, Chair Designated by.		If Yes, Chair Designated by.	
Term Start Date	03/01/1996	Term Start Date	03/05/2005
Term Expiration Date	Pleasure of Authority	Term Expiration Date	Pleasure of Authority
Title		Title	
Has the Board member appointed a designee?		Has the Board member appointed a designee?	
Designee Name		Designee Name	
Ex-officio	No	Ex-officio	No
Nominated By	Local	Nominated By	Local
Appointed By	Local	Appointed By	Local
Confirmed by Senate?	No	Confirmed by Senate?	No
Has the Board member/designee signed the acknowledgement of fiduciary duty?	No	Has the Board member/designee signed the acknowledgement of fiduciary duty?	No
Complied with training requirement of Section 2824?	No	Complied with training requirement of Section 2824?	No
Does the Board member/designee also hold an elected or appointed State gove	No	Does the Board member/designee also hold an elected or appointed State gove	No
Does the Board member/designee also hold an elected or appointed municipal government position?	No	Does the Board member/designee also hold an elected or appointed municipal government position?	No

Board of Directors Listing

Name	Grandinetti, Kristen	Name	Walker, Charles
Chair of the Board	No	Chair of the Board	No
If Yes, Chair Designated by.		If Yes, Chair Designated by.	
Term Start Date	01/01/2010	Term Start Date	01/01/1999
Term Expiration Date	Ex-Officio	Term Expiration Date	Ex-Officio
Title	City Council Member	Title	City Council Member
Has the Board member appointed a designee?	No	Has the Board member appointed a designee?	No
Designee Name		Designee Name	
Ex-officio	Yes	Ex-officio	Yes
Nominated By	Ex-Officio	Nominated By	Ex-Officio
Appointed By	Ex-Officio	Appointed By	Ex-Officio
Confirmed by Senate?		Confirmed by Senate?	
Has the Board member/designee signed the acknowledgement of fiduciary duty?	No	Has the Board member/designee signed the acknowledgement of fiduciary duty?	No
Completed with training requirement of Section 2824?	Yes	Completed with training requirement of Section 2824?	No
Does the Board member/designee also hold an elected or appointed State gove	No	Does the Board member/designee also hold an elected or appointed State gove	No
Does the Board member/designee also hold an elected or appointed municipal government position?	Yes	Does the Board member/designee also hold an elected or appointed municipal government position?	Yes

Board of Directors Listing

Name	Dyster, Paul	Name	Anderson, Jr., Robert
Chair of the Board	Yes	Chair of the Board	No
If Yes, Chair Designated by.	Elected by Board	If Yes, Chair Designated by.	
Term Start Date	01/01/2008	Term Start Date	01/01/2004
Term Expiration Date	Ex-Officio	Term Expiration Date	Ex-Officio
Title	Mayor	Title	City Council Member
Has the Board member appointed a designee?	No	Has the Board member appointed a designee?	No
Designee Name		Designee Name	
Ex-officio	Yes	Ex-officio	Yes
Nominated By	Ex-Officio	Nominated By	Ex-Officio
Appointed By	Ex-Officio	Appointed By	Ex-Officio
Confirmed by Senator?		Confirmed by Senator?	
Has the Board member/designee signed the acknowledgement of fiduciary duty?	No	Has the Board member/designee signed the acknowledgement of fiduciary duty?	No
Complied with training requirement of Section 2824?	No	Complied with training requirement of Section 2824?	No
Does the Board member/designee also hold an elected or appointed State gove	No	Does the Board member/designee also hold an elected or appointed State gove	No
Does the Board member/designee also hold an elected or appointed municipal government position?	Yes	Does the Board member/designee also hold an elected or appointed municipal government position?	Yes

Benefit Information

During the fiscal year, did the Authority continue to pay for any of the above mentioned benefits for

Board Members

Name	Title	Severance Package	Payment for Unused Leave	Club Memberships	Use of Corporate Credit Cards	Personal Loans	Auto Transportation	Housing Allowance	Spousal / Dependent Life Insurance	Tuition Assistance	Multi-Year Employment	None of These Benefits	Other
Fruscione, Samuel	Board of Directors											X	
Grandinetti, Kristin	Board of Directors											X	
Walker, Charles	Board of Directors											X	
O'Connor, Doreen	Board of Directors											X	
Paterson, Jeff	Board of Directors											X	
Markarian, Janet	Board of Directors											X	
Hooper, Michael	Board of Directors											X	
Anderson, Jr., Robert	Board of Directors											X	
Chocloktian, Glenn	Board of Directors											X	
Dyster, Paul	Board of Directors											X	

Staff

Name	Title	Severance Package	Payment for Unused Leave	Club Memberships	Use of Corporate Credit Cards	Personal Loans	Auto Transportation	Housing Allowance	Spousal / Dependent Life Insurance	Tuition Assistance	Multi-Year Employment	None of These Benefits	Other
No Data has been entered by the Authority for this section in PARIS													

Summary Financial Information

SUMMARY STATEMENT OF NET ASSETS

<u>Assets</u>	
<u>Current Assets</u>	
Cash and cash equivalents	\$974,731
Investments	\$0
Receivables, net	\$0
Other assets	\$0
Total Current Assets	\$974,731
<u>Noncurrent Assets</u>	
Restricted cash and investments	\$0
Long-term receivables, net	\$0
Other assets	\$0
Capital Assets	
Land and other nondepreciable property	\$872,400
Buildings and equipment	\$0
Infrastructure	\$0
Accumulated depreciation	\$0
Net Capital Assets	\$872,400
Total Noncurrent Assets	\$872,400
Total Assets	\$1,847,131

Summary Financial Information

SUMMARY STATEMENT OF REVENUE, EXPENSES AND CHANGES IN NET ASSETS

<u>Operating Revenues</u>	
Charges for services	\$5,400
Rental & financing income	\$0
Other operating revenues	\$7,098
Total Operating Revenue	\$12,498
<u>Operating Expenses</u>	
Salaries and wages	\$9,459
Other employee benefits	\$0
Professional services contracts	\$0
Supplies and materials	\$104
Depreciation & amortization	\$0
Other operating expenses	\$11,992
Total Operating Expenses	\$21,555
Operating Income (Loss)	(\$9,057)
<u>Nonoperating Revenues</u>	
Investment earnings	\$1,314
State subsidies/grants	\$0
Federal subsidies/grants	\$0
Municipal subsidies/grants	\$0
Public authority subsidies	\$0
Other nonoperating revenues	\$0
Total Nonoperating Revenue	\$1,314

Current Debt

Question	Response
1. Did the Authority have any outstanding debt, including conduit debt, at any point during the reporting period?	
2. If yes, has the Authority issued any debt during the reporting period?	No

New Debt Issuances List by Type of Debt and Program

No Data has been entered by the Authority for this section in PARIS

Annual Report for Niagara Falls Urban Renewal Agency
Fiscal Year Ending: 12/31/2012

Run Date: 08/23/2013
Status: CERTIFIED

Real Property Acquisition/Disposal List

This Authority has indicated that it had no real property acquisitions or disposals during the reporting period.

Property Documents

Question	Response	URL (if applicable)
1. In accordance with Section 2896(3) of PAL, the Authority is required to prepare a report at least annually of all real property of the Authority. Has this report been prepared?	Yes	http://www.niagarafallstusa.org/NFURA.cfm
2. Has the Authority prepared policies, procedures, or guidelines regarding the use, awarding, monitoring, and reporting of contracts for the acquisition and disposal of property?	Yes	http://www.niagarafallstusa.org/NFURA.cfm
3. In accordance with Section 2896(1) of PAL, has the Authority named a contracting officer who shall be responsible for the Authority's compliance with and enforcement of such guidelines?	Yes	

No Data has been entered by the Authority for this section in PARIS

Procurement Report for Niagara Falls Urban Renewal Agency

Fiscal Year Ending: 12/31/2012

Run Date: 08/23/2013

Status: CERTIFIED

Procurement-Information:

Question	Response	URL (if applicable)
1. Does the Authority have procurement guidelines?	Yes	http://www.niagarafallsusa.org/NFURA.cfm
2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?	Yes	
3. Does the Authority allow for exceptions to the procurement guidelines?	No	
4. Does the Authority assign credit cards to employees for travel and/or business purchases?	No	
5. Does the Authority require prospective bidders to sign a non-collusion agreement?	Yes	
6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents or specifications for procurement contracts?	No	
7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-j(2)(a) of the State Finance Law, "The Procurement Lobbying Act"?	Yes	
8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-j(10) of the State Finance Law?	No	
8a. If Yes, was a record made of this impermissible contact?		
9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-j(9) of the State Finance Law?	Yes	

Procurement Report for Niagara Falls Urban Renewal Agency

Fiscal Year Ending: 12/31/2012

Run Date: 08/23/2013

Procurement Transactions Listing:

Status: CERTIFIED

Additional Comments: