

R.2

**NIAGARA FALLS URBAN RENEWAL AGENCY
CITY OF NIAGARA FALLS, NEW YORK**

TO: Members of the Niagara Falls Urban Renewal Agency
FROM: Mayor Paul A. Dyster, Chairman
DATE: January 3, 2014
RE: **NOTICE OF MEETING**

Please be advised that a meeting of the Niagara Falls Urban Renewal Agency will be held at the date and time stated below. Please note that the meeting is scheduled to begin at 4:15 p.m., or immediately following the N.F.C. Development Corp. meeting being scheduled for 4:00 p.m.

An agenda is enclosed.

DATE: **Wednesday, January 15, 2014**

TIME: **4:15 p.m. (or immediately following N.F.C.
meeting)**

PLACE: **City Hall
745 Main Street – Committee of the Whole Room 117
Niagara Falls, New York**

To insure that we have a meeting quorum, please contact MaryAnn Colangelo at 286-8812 or 286-8800 to confirm your attendance.

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:**
Wednesday, January 15, 2014, 4:15 p.m. (or immediately following
N.F.C. meeting being held prior to the URA meeting).
City Hall – Committee-of-the-Whole Room #117
745 Main Street
Niagara Falls, New York

AGENDA

1. Roll Call
2. Approval of Minutes of Meeting dated: Sept. 23, 2013 VOTE
3. URA Meeting Schedule for 2014 Informational
4. Election of Chief Fiscal Officer for 2014 VOTE
(Position currently held by Council Member Grandinetti)
5. Election of Alt. Fiscal Officer for 2014 VOTE
(Position was held by former Council Member Fruscione)
6. Election of Secretary for 2014 VOTE
(Position currently held by Doreen O'Connor)
7. Election of Alt. Secretary for 2014 VOTE
(Position currently held by Council Member Charles Walker)
8. Banking resolution naming authorized officers of the VOTE
Agency
9. Retention of 2014 URA Auditor – Bonadio & Company VOTE
10. Old Business
11. New Business
12. Adjournment

NIAGARA FALLS URBAN RENEWAL AGENCY MEETING SCHEDULE 2014

Unless notified otherwise, all meetings shall be held at:

TIME: 4:30 p.m.

PLACE: City Hall – Committee of the Whole Room #117
745 Main Street
Niagara Falls, New York

January 15 (Wednesday)

March 10 (Monday)

May 19 (Monday)

July 14 (Monday)

September 8 (Monday)

November 17 (Monday)

NIAGARA FALLS URBAN RENEWAL AGENCY
Minutes of Meeting – September 23, 2013
City Hall – 745 Main Street – Committee-of-the-Whole Room
Niagara Falls, New York

Present: Mayor Paul A. Dyster, Chairman
Council Member Kristen Grandinetti
Council Member Charles Walker
Mr. Michael Hooper
Ms. Janet Markarian
Mr. Christopher Robins

Absent: Council Member Robert Anderson
Council Member Glenn Choolokian
Council Member Samuel Fruscione
Ms. Doreen O'Connor

Staff Present: Mr. Richard Zucco
Ms. MaryAnn Colangelo

Others Present: Mr. Craig Johnson
Mr. Tom DeSantis
Mr. Aaron Besecker, Buffalo News Reporter

Mayor Dyster called the meeting to order at 5:20 p.m. Roll was called and a quorum was present (6 Members).

Mayor Dyster welcomed new Agency Member Christopher Robins who replaced Jeff Paterson. Mr. Paterson resigned from the Board due to work and family obligations. Mayor Dyster stated that a letter would be sent to Mr. Paterson on behalf of the Agency thanking him for his service.

Minutes of Meeting

The Minutes of Meeting dated March 25, 2013, were put before the Board. There were no questions or comments. Mayor Dyster called the Board's attention to the portion of the minutes where there was a discussion concerning hiring a Director for N.F.C. Development and also the mention that at some point we would look at hiring a URA Director. Mayor Dyster asked for a motion to approve the March 25, 2013, minutes. There being no questions or comments, a motion to approve the minutes was made by Mr. Hooper, second made by Ms. Markarian. Unanimously approved by voice vote (6 members).

Amend November 9, 2009 Minutes to Correct General Counsel Compensation

Mr. Zucco stated that this issue came up during the audit of URA books. There was a difference in the stipend being paid to the URA General Counsel than what was reflected in the minutes. A review disclosed that the correct stipend was being paid, but there was a typographical error in the minutes. The audio tape of the meeting was reviewed as well as the backup documentation distributed to the Board outlining that a \$4,000 annual stipend increase was approved for the General Counsel, bringing the total stipend to \$7,000.00. Because of the error in the minutes, it is prudent to correct the November 9, 2009, minutes to read correctly that a stipend increase was approved in the amount of \$4,000 (the minutes stated \$3,000)

bringing total compensation to \$7,000. There being no objections or comments a motion for approval of the amendment of the November 9, 2009 minutes to state that a \$4,000 stipend increase for the URA General Counsel was approved was made by Council Member Grandinetti, second made by Ms. Markarian.

POLLED VOTE

IN FAVOR: 6
OPPOSED: 0
APPROVED

Amend 2010-2012 and 2013-2016 Budgets Adopted at the March 25, 2013 URA Meeting

Mr. Zucco stated that the General Counsel stipend error in the minutes of November 9, 2009 was carried through to the URA budgets that were adopted on March 25th. The budgets should be amended to reflect the correct amount of annual Legal Counsel Compensation that was approved by the Board in 2009, which was \$7,000. There being no questions or comments a motion was made by Mr. Robins to amend the URA Budgets adopted at the March 25, 2013, meeting to reflect the correct annual Legal Counsel Compensation amount of \$7,000, second made by Council Member Grandinetti.

POLLED VOTE

IN FAVOR: 6
OPPOSED: 0
APPROVED

Designate Agent to Receive Notice of Claim

The following memo was distributed to the Board, which Mr. Zucco reviewed.

RE: Designation of Agent to Receive Notice of Claim

Under the recently enacted State Uniform Notice of Claim Act, a notice 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 Agency 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?

Mr. Zucco noted that there was a typo in the above memo that was distributed. #1 should read "as the Agency's" instead of "as the City's". Mayor Dyster asked for a motion to amend

#1 to delete the word "City's" and replace with the word "Agency's", motion to amend the language was made by Mr. Hooper, second made by Ms. Markarian.

POLLED VOTE TO AMEND

In Favor: 6
Opposed: 0
Approved

There being for further discussion, Mayor Dyster asked for a motion to approve the amended Designation of Agency to Receive Notice of Claim Policy as outlined above. Motion made to approve the amended version Notice of Claim Policy was made by Mr. Robins, second made by Council Member Walker.

POLLED VOTE:

In Favor: 6
Opposed: 0
Approved

Amended 2012 Annual Report, Amended 2012 Procurement Report and Amended 2012 Goals:

Mayor Dyster asked for a motion to move Agenda Item #7, Amended 2012 Annual Report; Item #8 The Amended 2012 Procurement Report and #9 the Amended 2012 Goals. Mr. Robins made a motion to move the (3) Agenda items, second made by Council Member Grandinetti. Mr. Zucco stated that this item and the prior item reflect the current state of the URA. URA passed a new plan and an expanded area of activity. The ABO reporting is necessary so URA is in compliance with all State regulations. In the event of any activity for the Agency to undertake, it will be ready, willing and able to do it. the Agency's major activity over the past few years has been approving reports and plans and not really any substantive action, but the filings need to be done so that, should something come down the road, the Agency would be able to undertake those projects. Mayor Dyster talked about the importance of keeping the URA as an active Agency in light of possible future development projects.

The distributed Amended 2012 Annual Report (attached to official minutes); 2012 Procurement Report (Attached to Official Minutes) and the below Amended 2012 Goals Resolution were put before the Board:

RESOLUTION
Niagara Falls Urban Renewal Agency
September 23, 2013

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.

The Bylaws provide that the purpose of the Agency is to carry out such urban renewal projects as the City of Niagara Falls, by action of the City Council, shall authorize.

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 Niagara Falls Urban Renewal Agency does hereby adopt the following as its goal for 2013 and 2014

Performance Goals:

That the Agency shall stand ready to carry out such urban renewal projects as are authorized and referred to it by the Niagara Falls City Council

There being no questions, or comments, a vote was called on the motion to approve the Amended 2012 Annual Report, the Amended 2012 Procurement Report and the Amended 2012 Goals for the URA:

POLLED VOTE:

In Favor:	6
Opposed:	0
Approved	

Old Business:

There was no old business brought before the Board.

New Business:

There was no new business brought before the Board

There being no further business, Mayor Dyster asked for a motion to adjourn. A motion of adjournment was made by Mr. Robins, second made by Ms. Markarian. Unanimously approved. Meeting was adjourned at 5:35 p.m.

**NIAGARA FALLS URBAN RENEWAL AGENCY
BANKING RESOLUTION
January 15, 2014**

BE IT RESOLVED, that the Agency continue to maintain checking or savings accounts and certificates of deposit in M & T Bank, and be it further

RESOLVED, that the newly elected officers are authorized to sign such bank signatory cards and standard banking resolutions as may be necessary to effectuate this resolution.

NIAGARA FALLS URBAN RENEWAL AGENCY

January 15, 2014

TO: NFURA Board of Directors
FROM: Richard Zucco, General Counsel
RE: Bonadio & Company, LLP for 2013 Audit and ABO Filings

Last year, the board approved hiring Bonadio & Company, LLP to prepare an audit of the Agency and to prepare the reports necessary for the Authorities Budget Office filing for a fee of \$5,500. Bonadio was chosen because they are the City's current auditors, and have also performed the ABO filings for NFC Development Corp. Because of that, they are familiar with the Agency, especially since the Agency's finances are intertwined with the City's. It is inefficient to have two sets of auditors looking at the same sets of books at the same time.

This year, URA has filed all required reports and is in compliance with the ABO requirements. However, the filings are an annual requirement, and an audit is required for the filing. Since Bonadio is still the City's auditor, and since they did a great job in bringing URA into ABO compliance, it makes sense to retain Bonadio to perform these tasks for the coming year.

Will the board of directors approve retaining Bonadio & Company for 2014 to perform the 2013 audit and assist in the ABO filings, at a fee of \$5,500.00?