

NIAGARA FALLS URBAN RENEWAL AGENCY
Minutes of Meeting – March 25, 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. Jeffrey Paterson

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

Staff

Present: Mr. Richard Zucco, Legal Counsel
Ms. MaryAnn Colangelo, Recording Secretary

Others Mr. Craig Johnson
Present: Mr. Randall Shepard, Bonadio & Co.
Niagara Gazette Reporter

Mayor Dyster called the meeting to order at 5:08 p.m. Roll was called and a quorum was present (6 Members).

Minutes of Meeting

The Minutes of January 28, 2013, were put before the Board. There were no questions or comments concerning the minutes. Motion for approval of the minutes was made by Mr. Paterson, second made by Council Member Grandinetti. Unanimously approved by voice vote (6 members).

Approval of Compensation to Bonadio & Co. for Preparation of Reports Necessary for the Authorities Budget Office Filing:

Mr. Zucco stated that on January 28, 2013, the Board approved hiring Bonadio & Company to prepare an audit of the Agency and to prepare the reports necessary for the Authorities Budget Office (ABO) Filing at a fee of \$5,000. Bonadio was chosen because they are the City's current auditors and have also performed the ABO filings for N.F.C. Development Corp. Because of that, they are familiar with the Agency, especially since the Agency's finances are intertwined with the City's. It would have been inefficient to have two sets of auditors looking at the same sets of books at the same time. Due to the need to approve the hiring of Bonadio to complete this work before March 31, 2013, the filing deadline, the Agency did not have a chance to discuss the exact fee with them in advance. Bonadio has requested \$5,500 for the NFURA work; therefore, an additional \$500.00 in compensation was being requested from the Agency.

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..... +350.00
Total Revenues.....5,750.00

Expenses:

Legal Counsel\$6,000.00*
Recording Secretary1,750.00*
Office Supplies, postage +100.00
Total Expenses -7,850.00
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
ANNUAL ADMINISTRATIVE BUDGETS
2013-2016

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.....	5,750.00

Expenses:

Legal Counsel	\$6,000.00*
Recording Secretary	1,750.00*
Audit for ABO compliance.....	2,500.00
Office Supplies, postage	<u>+100.00</u>
Total Expenses	<u>-10,350.00</u>
Appropriated Fund Balance	(4,600.00)

Deficit paid from cash on hand

All additional expenses paid with board of directors' approval

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

There being no comments or questions, motion to approve the adoption of the 2010-2012 and 2013-2016 Administrative Budgets was made by Mr. Paterson, second made by Council Member Grandinetti.

POLLED VOTE:

In Favor: 6
Opposed 0
Approved

#5: Resolution: Adoption of URA Mission Statement and Policies: Mission Statement, Defense and Indemnification Policy, Purchasing Policy:

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 Niagara Falls Urban Renewal Agency does hereby adopt the attached mission statement and policies:

Mission Statement
Defense and Indemnification Policy
Purchasing Policy

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.

NIAGARA FALLS URBAN RENEWAL AGENCY
PURCHASING POLICY
03-25-13

Niagara Falls Urban Renewal Agency shall adhere to the requirements of the General Municipal Law of the State of New York applicable to competitive bidding and purchases applicable to the City of Niagara Falls in the State of New York and to Municipal Urban Renewal Agencies

There being no questions or comments, motion for approval of the above Mission Statement, Defense and Indemnification Policy and Purchasing Policy was made by Council Member Walker, second made by Council Member Grandinetti.

POLLED VOTE:

In Favor: 6
Opposed: 0
Approved

#6: Resolution: Approval of 2012 URA Financial Statements:

Mr. Randall Shepard from Bonadio & Company distributed the URA 2012 Financial Statements to the Board (copy of the 2012 financials included in official minute book). He noted that this was the first time the URA had a stand alone audit and it was because of the State Budget Authority requirements. Usually, the audit was always part of the City's financial statements. Mr. Shepard stated that it was an unqualified clean audit report. He noted that they were able to satisfy themselves with the opening numbers and the audit evidence. He reviewed the audit with the Board. He noted that after the Board's approval of the necessary policy and financial information being presented to the Board the necessary information will be submitted to the State Budget Authority office and the URA will be in full compliance with State regulations.

There being no questions or comments, the below Resolution was put before the board.

RESOLUTION NIAGARA FALLS URBAN RENEWAL AGENCY
2012 Financial Statement
March 25, 2013

RESOLVED, that Niagara Falls Urban Renewal Agency does hereby accept and approve the 2012 Financial Statements prepared by its auditors, Bonadio & Company, LLP.

Motion for approval of the 2012 URA Financial Statements was made by Council Member Grandinetti, second made by Council Member Walker.

POLLED VOTE:

In Favor 6
Opposed 0
Approved

#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.

Mayor Dyster stated that we are still having discussions with the Erie County Land Bank and we continue to have assurances that at some point in the near future we will be added to that land bank. He stated that this could result in a lot more activity for the Urban Renewal Agency going forward.

New Business:

There was no new business brought before the Agency.

Adjournment:

There being no further business a motion for adjournment was made by Council Member Grandinetti, second made by Mr. Paterson. Unanimously approved by voice vote (6 members). The meeting was adjourned at 5:27 p.m.