

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 Mr. Richard Zucco
Present: Ms. MaryAnn Colangelo

Others Mr. Craig Johnson
Present: 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.