

NIAGARA FALLS URBAN RENEWAL AGENCY
Minutes of Meeting – March 12, 2012
City Hall – 745 Main Street – Room 17
Niagara Falls, New York

Present: Mayor Paul A. Dyster, Chairman
Council Member Robert Anderson
Council Member Glenn Choolokian
Council Member Samuel Fruscione
Council Member Charles Walker
Mr. Michael Hooper
Ms. Janet Markarian
Ms. Doreen O'Connor

Absent: Council Member Kristen Grandinetti
Mr. Jeffrey Paterson

Staff

Present: Ms. MaryAnn Colangelo

Staff

Absent: Mr. Richard Zucco

Others Mr. Craig Johnson

Present: Niagara Gazette Reporter

Mayor Dyster called the meeting to order at 4:30 p.m. Roll was called and a quorum was present (8 Members).

Minutes of Meeting

The Minutes of Meeting dated March 14, 2011, were put before the Board. There were no questions or comments. A motion for approval of the minutes was made by Council Member Fruscione, second made by Council Member Choolokian. Unanimously approved by voice vote (8 members).

URA Meeting Schedule for 2012:

For the Board's information, the 2012 URA meeting schedule was presented. The URA meeting dates set for 2012 are: May 21, July 16, September 10, and November 19. All meetings will be held at 4:30 p.m. at City Hall, Room 17. Mayor Dyster noted that on November 19th he and Council Member Anderson may be out of town. The Mayor stated that if the November 19th meeting date needed to be adjusted, we could address it later in the year. There were no other comments concerning the meeting schedule.

Election of Officers for 2012:

Mayor Dyster noted that the current list of 2011 officers are as follows:
Chief Fiscal Officer: Council Member Grandinetti; Alt. Fiscal Officer: Council Member Fruscione; Secretary: Doreen O'Connor; Alt. Secretary: Council Member Walker.

Mayor Dyster asked for any nominations. As no one offered any new nominations, Council Member Anderson asked if we could just keep the same slate of officers. After discussion, and there being no objections, it was decided amongst the Board to nominate the same URA Board members who are currently holding officer positions.

Chief Fiscal Officer:

Mayor Dyster asked for a nomination to elect Council Member Grandinetti as Chief Fiscal Officer of the Agency for 2012. Motion was made by Mr. Hooper, second made by Ms. Markarian. No other nominations were made. It was unanimously approved by voice vote to elect Council Member Grandinetti as Chief Fiscal Officer of the Agency (8 members).

Alt. Fiscal Officer:

Mayor Dyster asked for a nomination to elect Council Member Fruscione as Alt. Fiscal Officer of the Agency for 2012. Motion was made by Ms. O'Connor, second made by Council Member Choolokian. No other nominations were made. It was unanimously approved by voice vote to elect Council Member Fruscione as Alt. Fiscal Officer for the Agency. (8 members).

Secretary:

Mayor Dyster asked for a nomination to elect Doreen O'Connor Secretary of the Agency for 2012. Motion was made by Council Member Choolokian, second made by Council Member Fruscione. No other nominations were made. It was unanimously approved by voice vote to elect Doreen O'Connor as Secretary of the Agency. (8 members).

Alt. Secretary:

Mayor Dyster asked for a nomination to elect Council Member Walker as Alt. Secretary of the Agency for 2012. Motion was made by Council Member Choolokian, second made by Council Member Fruscione to nominate Council Member Walker. No other nominations were made. It was unanimously approved by voice vote to elect Council Member Walker as Alt. Secretary of the Agency. (8 members).

Execution of Banking Resolutions Naming Authorized Officers of the Agency:

Mayor Dyster read the following resolution into the record:

Be it Resolved, that the Agency continue to maintain checking or savings accounts and certificates of deposit in HSBC Bank, First Niagara Bank, M & T Bank and Key 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.

A motion to approve the above Resolution was made by Doreen O'Connor, second made by Council Member Fruscione. Unanimously approved by voice vote (8 members).

Cancellation of City-NFURA Old Falls Street Easement:

Mayor Dyster read the following memo concerning the cancellation of the old Falls Street Easement into the record:

On May 19, 1989, the “Old Falls Street Easement” was granted by the City to Niagara Falls Urban Renewal Agency. The easement was granted in connection with the issuance of \$5.97 Million in NFURA bonds for the “Old Falls Street Improvement Project.” The proceeds of the bonds were used to complete the Falls Street Station and Falls Street Faire projects. Since NFURA funds can only be used for public activities, the public areas of the Faire and Station were reconfigured into public streets. Under a series of deeds, leases, easements and assignments of rents, the “streets” were created to support the issuance of the bonds.

The easement was not created for the benefit of the public at large or any adjoining private property owner. The easement was a fiction, created solely to facilitate issuance of the bonds and injection of additional funds into the Faire and Station projects.

The existence of this easement was raised in connection with the removal of the covered walkway by the City. The easement does not require that the City and Agency continue the existence of the covered walkway. The document merely grants an easement in Old Falls Street (the 99 foot right of way) for a public pedestrian walkway. The easement has nothing whatsoever to do with the covered walkway. I do not recall that any of the bond proceeds were used for the covered walkway. Removal of the covered walkway into vendor spaces would not violate the easement, as the sidewalk is still maintained in Old Falls Street as a public pedestrian walkway.

In addition, none of the owners adjoining the easement are party to the easement, and none of the owners have a right to sue to enforce the easement.

On September 23, 1996, the City abandoned Tesla Avenue and Little Fourth Street, which were the “streets” inside the Faire and Station. On September 17, 1996, NFURA approved transfer of the Tesla Avenue and Little Fourth Street property to the Falls Street Faire and Station owners after the City abandonment. The Old Falls Street easement was not cancelled at that time.

NFURA has no interest in Old Falls Street, and could be subject to suit for injuries in the easement area. It would be prudent for the City and Agency to cancel the easement, leaving control of the Old Falls Street right of way solely in the City.

Will the Board of Directors vote to cancel the 1989 Old Falls Street Easement and authorize the Chairman to sign any documents necessary to effectuate the cancellation?

There was a brief discussion regarding the item. No objections were raised.

A motion for approval of the Cancellation of the Old Falls Street Easement as outlined above, was made by Mr. Hooper, second made by Council Member Anderson.

POLLED VOTE
IN FAVOR 8
OPPOSED 0
APPROVED

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Old Business:

Mayor Dyster asked if there was any old business to come before the Agency. No items were raised.

New Business:

Mayor Dyster asked if there was any new business to be brought before the Agency. No items were raised.

There being no further business, the Mayor asked for a motion of adjournment. Motion was made by Doreen O'Connor, second made by Janet Markarian. Meeting was officially adjourned at 4:47 p.m.