

**Niagara River Greenway
Local Government Advisory Committee Meeting
Thursday, August 31, 2006 - 2:00PM to 4:00PM
Beaver Island State Park Clubhouse, Grand Island, New York**

Minutes

The Niagara Greenway Commission Local Government Advisory Committee held its fifth meeting on Thursday, August 31, 2006. The following Commission members and local officials were in attendance:

Ronald H. Moline, NRG Commissioner/LGAC Chairman (Town of Tonawanda)
Robert Kresse, Chairman, NRG Commission
Richard Soluri, NRG Commissioner (Village of Lewiston)
Paul Leuchner, NRG Commissioner
Paul Dyster, NRG Commissioner
Brett Sommer, NRG Commissioner
Jim Mroz, City of North Tonawanda
Peter McMahon, Supervisor, Town of Grand Island
Gary Roesch, Town of Grand Island
Mary Cooke, Town of Grand Island
Michael Raab, Deputy Commissioner, Erie Cty. Department of Environment & Planning
Sandra Nasca, City of Buffalo Office of Strategic Planning
Vince Anello, Mayor, City of Niagara Falls
Don Rappold, Lewiston-Porter Central School District
David Schaubert, Lewiston-Porter Central School District
Neil C. Riordan, Mayor, Village of Youngstown
Beverly Roach, Village of Youngstown
Sam Ferraro, Commissioner, Niagara Cty. Economic Development
Mert Wiepert, Supervisor, Town of Porter
Nancy j. Orsi, Town of Porter
Harvey Albond, Town of Wheatfield
Ronald Pilozzi, Mayor, City of Tonawanda
Christine Pilozzi, City of Tonawanda
Jason LaMonaco, City of Tonawanda

1. Chairman Moline called the meeting to order at 2:05PM
2. Welcomed officials, public and stakeholders, followed by introductions of government officials and others.
3. Approval of minutes - changes requested by Harvey Albond; minutes approved as amended (all noted changes were made on September 5, 2006 and provided to committee members).
4. Chairman Moline noted that NRG Commission has established a working group that has been working closely with the consultant team on the development of the NRG Plan.

Chairman Moline introduced Mark Mistretta, Wendel Duchscherer, who provided a presentation on the preliminary development of greenway boundaries and project selection criteria.

Mark Mistretta reviewed the agenda for his presentation and emphasized that the greenway is envisioned by the Commission, and through the legislation, to extend lake to lake along the Niagara River.

Mark reviewed the definition of a greenway,

"The Niagara River Greenway is a world-class corridor of special places, parks, and landscapes that celebrates our unique natural, cultural, recreational, scenic and heritage resources and provides access to and connection between these important resources"

which describes the vision for our lake to lake greenway and has helped the consulting team to articulate the vision for the greenway. Mark also reviewed the goals, which back up the definition:

- Excellence
- Sustainability
- Accessibility
- Ecological Integrity
- Public Well-Being
- Connectivity
- Restoration
- Authenticity
- Celebration / Interpretation
- Partnerships
- Community Based

Mark discussed how projects will be identified or defined - priorities, programmatic, etc.; there will also be a variety of projects in the plan and the plan will be flexible as time goes on to incorporate that may not exist today.

Mark identified nine criteria that have been developed for project selection:

1. Consistency with Goals
2. Priority Status
 - Geographic
 - Programmatic
3. Environmental soundness
4. Implementable
 - Clear plan/ actions steps to complete
 - Reasonable costs, schedule
 - Logical phasing
5. Local Sponsorship- Partnerships
 - Municipal Sponsor?
 - Evidence of Public Support
6. Matching Funds/ Leverage
7. Economic feasibility
 - Consideration of operations and maintenance costs
 - Generates adequate revenues or has local sponsor
 - Evidence of capacity
8. Clear Benefits to the Greenway
9. Consistency with local planning efforts

Mark noted that greenways are about "partnerships" (municipal sponsorship and public support) and that leveraged funding and matching funds are required to achieve the project goals.

Christine Polizzi asked how will project be selected, who will do this?

Mark noted that this will be explained further on in the presentation.

Sam Ferraro stated that (per the presentation) we want to make sure that we are addressing the goals of the greenway, but don't we also want to address the goals of the legislation?

Mark said, yes, and noted that the greenway goals satisfy the goals (or mandate) in the legislation.

Sam Ferraro noted that the legislation also said that there should be inland connections and it is important that this be acknowledged. Along the Niagara River you should also include connections, trails and tributaries.

Mark stated that we agree and this concept has not been lost by the working group or the consultant team. You will see that as we move forward in the presentation.

Ron Moline asked who will be applying these criteria to the projects during the selection and how will that be carried over into the NRG plan?

Mark, again, noted that this will come out in the presentation.

Mark resumed the presentation and provided an overview of the funding and settlement agreements. He noted that the details are now posted on the NRG website and he encouraged the audience to visit the site. It is important that the members and the public understand the funding structure.

Mark presented a funding summary that described the various funds/settlements in terms of how much per year and the standing committee that administers the funds.

Sam Ferraro asked how the summary was prepared. He noted that the host communities consist of 7 entities (City of Niagara Falls, Town of Lewiston, Town of Niagara, Niagara County, Lewiston-Porter School District, City of Niagara Falls School District and Niagara Wheatfield School District) - there is a host community settlement of \$5 million per year, which is separate from the greenway fund.

Rob Belue indicated that the wording "NPC greenway funds" should replace the words "Niagara Greenway fund" on the summary. The Niagara County settlement involves the 7 host communities. The Erie County settlement entity is comprised of the City of Buffalo, Erie County and the Olmsted Parks Conservancy - the \$2 million per year settlement is shared between these municipalities. For example, the Town of Tonawanda does not have a separate agreement with NYPA.

Sam Ferraro said that this is an important distinction - there is \$3 million per year for the 7 entities in Niagara County or \$150 million over 50 years. The \$5 million per year is also to be distributed by a percentage rate among the 7 entities and is separate from the \$3 million - it has no connection to the greenway.

Paul Dyster noted that this is being clarified because there was confusion by others who were asking questions about funding. Where it says standing committee, we should break this out so that it is clear that the 7 entities of the agreement are separated out.

Rob Belue said he is working on the clarifications to the summary; the changes will be made before the CAC meeting next week and posted on the website.

Chairman Kresse stated that we will be talking about the funding aspects after the meeting; we need to clarify this now, early in the

process. We are talking about the structure of the greenway and one of the major considerations in reaching consensus - therefore, we need to address a few of the problems in the funding summary.

Chairman Kresse added that we also need to examine the selection process - the agreements do not have a clear definition of how a project makes it through the system. We need the Local Government Advisory Committee (LGAC) to offer some comments on this process. Does a project meet the selection criteria? This information is presented to the NRGC to be sure it is consistent with the plan. NRGC gives their thumbs up and send it on to the standing committee who looks at how much money is being requested, the type of project, etc. The next step is not clear.

Sandy Nasca noted that for Buffalo's agreement they came up with a group of four people who will make the final determination - NYPA is one of 4 votes. The City does not want to have to go back to the commission for final approval.

Robert Kresse said, again, that we need to understand fully how we are going to fund projects. We will decide on a project to fund that is consistent with plan; this is reviewed by the commission. Despite the fact that there is a NYPA rep on the standing committee, there is a yes or no by NYPA. We need to know if NYPA is going to assert this roll.

Michael Raab said that he believes it is very clear that the NYPA representative on the standing committee is the ultimate spokesman for NYPA. We do not want to go back three times to NYPA - this has to be clarified.

Mark Mistretta asked that the LGAC work on the ambiguities in the funding process to help us work this out and get it straight in the plan. It's still not crystal clear what is happening with all the settlements. We also need to think about how projects are brought forth - will this be once a month, once a year, etc.? Should it be operated like a grant program?

Robert Kresse said that there is the anticipation that specific projects will be included in the plan as they fall within the three zones and how they will be funded.

Mark said that at the last meeting we asked for information on projects and the team has received information on projects; we have received a lot of good information.

Ron Moline mentioned that the reference to the standing committee refers to the committees that are referenced in the settlement agreements.

Paul Dyster stated that at the CAC meeting, some people have come forward with projects and he has told them that these types of projects must be consistent with the plan. He said he has also told them that projects have to be moved forward by the standing committee. He noted that they also have to participate in the planning process for projects in their local municipalities. It is helpful to the consulting team if we have specific examples, but if a certain project is or isn't mentioned in the plan, it does not mean it will or will not be funded. Everything has to go through the process.

Sandy Nasca reiterated that if projects are specifically referenced in the plan, it does not mean they will be funded.

Robert Kresse said that is right; projects must be consistent with the plan. It just shows that the consultant has identified some projects that meet the goals of the plan.

Mark Mistretta resumed the presentation. He reviewed the boundary and discussed how themes and goals, resources, interpretation, connections, economic revitalization, etc. have all been looked at. The greenway assets, in terms of resources, have been well researched and the consulting team mapped what we know is out there, as well as what we heard from the communities.

The consulting team has spent a lot of time thinking about the "telling the story" aspect of this plan. At the public meetings we heard many great things and these have been mapped based on their theme (historic, cultural, educations, etc.).

The team has also spent a lot of time looking at connections and how this all crosses over and connects with the other themes. We are not downplaying connections and the team has looked at all the types of connections, in all directions. This effort has taken environmental resources and other elements into consideration.

All of the research has led the team in the direction of a tiered boundary approach. This includes a primary area, secondary area and a contributing area that helps to establish priorities for the greenway.

The primary area generally follows the CZMA and LWRP boundaries but expands these boundaries in some areas. The primary area satisfies the lake to lake goal.

The secondary area reaches out a bit further and includes significant resources within $\frac{1}{4}$ to $\frac{1}{2}$ mile of the primary boundary. The boundaries also extend up into the tributaries of the Niagara River, mostly up to the confluences of these creeks. This has all been mapped.

The contributing area, which is further from the waters edge, contains important projects and resources. It broadens the environmental significance of the Niagara River. The projects further from the water would, in most cases, have less of a significant factor.

Mark noted that the consulting team developed all of this onto one map (showed a map that revealed the 3 areas). Mark reviewed some specifics about the boundary area on the map.

In the south we have focused on tying in the inland trail connections - Buffalo River, Scajaquada Creek, Erie Canal, etc. All aimed at tying in systems using the secondary and contributing areas with the primary area.

Mark noted that as the team has started to put this plan together and test it against projects; for example, in Cambria they have a Town Park along a tributary that eventually runs to the Niagara River. This park is in the contributing area and is a significant distance from the river. A project at this park could be funded if it is determined to meet all the evaluation criteria, but it might be considered a lower priority.

Other tests - we looked at pathways; there is funding for pathways. We can show that pathway would be a high priority, especially when they help with the lake to lake connection.

So the consulting team, in conjunction with the working group, believes this boundary scheme meets the goals of the Niagara River Greenway and the greenway legislation.

Paul Dyster noted that the primary area also goes out into the water to the international border, which is also important.

5. At this point, Mark asked for first reactions to this concept. Ron Moline opened the floor for questions, which were fielded by Robert Kresse:

Sam Ferraro said that now that you have laid out the 3-tiered boundary, the legislation notes that the municipalities must approve the plan before it's presented to the commission. Are you now saying that all the communities within this 3-tiered area will have to approve the plan??

Robert Kresse said that the boundary right now is not a given, ultimately the commission must decide. We believe there is enough give in the boundary to work through this. Visually, the plan must be very definitive before it goes to the municipalities and there must be a preamble that explains the process undertaken to achieve the map, etc.

Sam Ferraro noted that Niagara County is one of 7 host communities, we have all passed resolutions asking that the boundary for NRG include connections to the trails (seaway, wine, etc.). Regarding what is being shown, those trails do not extend beyond the edge of the 3rd boundary. The Erie Canal trail, seaway trail and wine trail continue on, well beyond what you are showing. Where does the connection continue as we wanted through our resolutions? We have been very consistent in our comments at all of these meetings - what ever plan is decided upon must contain all of these trails in their entirety. Any connections beyond this are not shown on the map outside of the tertiary (contributing) boundary. These elements would not be considered for funding outside the boundary??

Mark Mistretta stated that the consulting teams position is that we need to pull back a bit because of the amount of land that is occupying the primary area - there is not enough funding to effectively address all the projects that would exist, we have to have a limit.

Sam Ferraro noted that Niagara County is only one of the 7 host communities.

Robert Kresse intervened and stated that we will address this issue later, after the meeting. He asked what are the ramifications of being located in one of these three areas? You consider that there is a standing committee; if a proposal is made, the person making this proposal knows that if you are in zone 1 you have an easier chance of getting funding than if you were in zone 3. That is the only significance. (

Dan Spitzer of Hoskins Russ, who was representing Town of Lewiston asked if a project fits within the goals, will it be in the plan?? If it's out past the boundaries, will it be in the plan - if it fits the goals?? Will the standing committee put it into the plan?? If a community within the settlement area wants a project within the plan, are you limiting the area you are working with??

Robert Kresse said that the plan will not list funding sources, it will note priorities for projects based on which zone they falls into. Again, we need a separate meeting to resolve your concerns.

Neil Patterson Jr. of the Tuscarora Nation council of clan chiefs and mothers was present on behalf of Seneca, along with Chief Roger Hill, one of 8 principal chiefs of the Tonawanda Seneca Nation. Neil noted that they are running late in their presentation of ideas for the greenway, but they want to get their 5 concepts into the process. He said that he was making a proposal on behalf of the nation. The Tonawanda Senecas are the original occupants of this area and they continue to occupy the land in a traditional manner as they have used, and will use, these lands for many years. They have a vested interest in all that goes on here.

Robert Kresse noted that the purpose of this meeting was to have questions in relation to the boundary and selection criteria.

Rob Belue noted that he did receive a fax from the nations this morning and that it was forwarded to Mark Mistretta. Mark will make sure that their concepts and ideas are considered in the plan.

Mark reminded the LGAC that the Nation has been invited to sit at the table with the other municipalities.

Neil Patterson briefly discussed the five concepts they are offering to be included as components of the plan.

Harvey Albond stated that we have set down the flow of approvals that are formally required by statute. The LGAC is set up by statute and its membership specified by statute. Unanimous approval is required by each and every municipality that occupies the river. Thus, it is very important that the local governments be involved at the very earliest stage, particularly for projects.

Robert Kresse said that the point was well taken. March 2007 is very close and we need to have this all approved by the various municipalities, and the Commission, by that date.

Mark Mistretta said that this is why we are having this meeting, to get to the heart of these issues.

Jim Mroz said that in the City of North Tonawanda they have included a number of individuals so that they can reach consensus and he recommends that the others do the same.

Dave Schaubert stated that the LGAC was presented, a while ago, with a plan for a boundary by Niagara County, that boundary included all the goals and the proposal was approved by all of the boards of those municipalities and it was all given to the commission and to this committee a long time ago, and talked about. All those municipalities approve this plan, and now this boundary being presented by the consultant is completely inconsistent with what we presented. The law says that the boundary has to be approved by everybody and you are going against 8 of the municipalities in the plan. You are essentially killing the plan and trying to limit what they can do with their funds.

Robert Kresse noted that he would be attentive to the significance of the remark.

Dave Schaubert added that the point is that the Niagara county boundary plan was submitted here and it has been ignored. What the Riverkeeper wants is fine, but they don't get a vote on this. Our committee is just as important as the other NRG committees.

Mark Mistretta noted that with the exception of the extent of the trail boundaries, the plan being presented is very similar to that offered by Niagara County.

Robert Kresse noted that two important points be made - one that we have very little time and two that we have a disagreement on the boundary right now and there is no point in voting on something that involves misunderstanding. Work is wasted if we don't go through this process carefully.

Dick Soluri said the he has been receiving copies of the resolutions. He said that he liked the idea that the consulting team has developed and thinks it is worth talking about although he supports the plan set forth by the Niagara Power Coalition. He added, I feel that we are establishing a long term master plan and I would like to see many of these projects in the plan. It should be a grand plan. People seem to be concerned about the funding. Funding opportunities are received on a regular basis. So funding does not just come from greenway funds. This plan will help establish projects. If you notice there are 8 ex-officio members on the commission who represent state agencies. I think we have to have a vision. I proposed a dream project for a pedestrian connection to Canada and I know it may not get funded, but it is not an insurmountable project.

Robert Kresse said that funding and selection will be based on priorities, if there are important projects further east then maybe we move the boundary. The projects must be matched with priorities. We have to reach consensus on boundaries. We have to come together on this and resolve these issues. If we can agree on the principles and priorities, we can surmount these issues. If we are concerned about the boundaries of the contributing area, we can easily adjust this boundary. We have to have a separate meeting to sit down and discuss this because we have to get a draft plan together by the end of September.

Michael Raab asked if a statement could be made that projects must meet criteria. Projects that meet the criteria are eligible for consideration by the standing committees.

Robert Kresse asked that he put this thought in writing and submit it to the commission.

Sandy Nasca asked if the consultant could provide us with copies of the presentation so that we can see the actual boundaries. If we can see the boundary then we can be better prepared to respond to your concerns and questions.

Paul Dyster said that the boundary has been tweaked by the consultant and the working group up until this meeting, so there have not been any copies available for review. Mark is just trying to determine if the tiered approach works for the plan. We have to be concerned about the boundary and the criteria. There is a trade off - if the criteria are very good, then the boundary is less important and visa versa. We don't want to usurp the power of local governments to plan projects, we just want to establish a good plan. One of the good things I am going to take away from this meeting is that no one has said that we should not have a greenway. This is significant at the regional and international level. However, please note that everything that you are seeing right now is draft.

6. Mark Mistretta discussed the proposed next steps and upcoming meetings and how the team was planning on moving forward with the idea.

- September 6, 2006 - 7:00 to 9:00PM - Citizens Advisory Committee
Beaver Island State Park Clubhouse
- September 12, 2006 - 2:00 to 5:00PM - Stakeholders Concept Workshop
Beaver Island State Park Clubhouse
- September 13, 2006 - 2:00 to 5:00PM - Niagara River Greenway Commission Concept Workshop
Beaver Island State Park Clubhouse

Sam Ferraro mentioned that Mark noted that there is a CAC meeting on the 6th, are you going to present this map at that meeting or are you going to tweak it before than? In fairness to this committee, any changes should be viewed by the LGAC before it is vetted anywhere else. We just want the graphics to be the same.

Mark noted that the consulting team did not know what to expect from this meeting. We will present this same map at the next meeting but we need to consider what we have heard here today. What is clear to us is that we have work to do and we need to figure out how to address all the concerns to get the positive votes. Ultimately it is the meeting with the commission is where we have to download all the concerns and see what they have to say. It is their decision.

7. The meeting was closed by Ron Moline, who noted that the purpose of the meeting was to discuss the project criteria and boundaries as presented. There was no approval to take place here today. He noted that he agrees that before any firm proposal for a boundary is set before the NRGC that this committee should again meet to talk about changes and the realities of the NYPA settlements. We can't really set a date for that meeting now. The consultant and the working group must review the proposed boundaries. The municipalities must approve this plan unanimously, no matter how many of them are voting (if we are considering the three tiers).

Robert Kresse reiterated that we must have everybody on board voluntarily by March 2007.

Meeting adjourned at 4:10PM.