



September 6, 2016

An Executive Summary to the Marcy Report

The proposal to include restaurant service upstairs at the Marcy Casino has been vetted through a process, which now culminates via this report in a document presentation to the public and the City. The comprehensive nature of the report enclosed will review the entire process, input, feedback, ideas and the related history of the facility and parties to operation.

The Buffalo Olmsted Parks Conservancy is grateful to the many citizens, neighbors, and constituents who engaged in this active public process over the past five months, and who provided valuable dialogue, contemplative concerns, and demonstrated their passionate interests in this proposal as well as the continued community communication and education efforts of the Conservancy.

To recap, public sessions were held on April 6th, April 28th and July 27th. Specific outreach was also targeted to the immediate surrounding neighbors in the south Delaware Park area. A survey of 179 household residents was conducted by the Conservancy, as well as a poll of interest solicited by the proposing vendor to 1,052 citizens and patrons. The survey average indicated 80% in favor, with 20% against or undecided; the vendor poll resulted in 98% in favor of the proposal.

Serious attention and discussion is being given to concerns of public enforcement, neighborhood impacts and contractual obligations. The City of Buffalo has agreed to provide a Memorandum of Understanding on increased enforcement, and the Conservancy has had all proposed legal contract terms and language refined for stronger impact protections and compliance. The Conservancy is confident in the ability to enforce contract terms. The Conservancy also deems the use of the facility to be consistent with original intent, and with a majority of public support established, the Board of Trustees is recommending to the City that this proposal proceed, and that it continue to be monitored via the Olmsted Community Council.

Again, the Buffalo Olmsted Parks Conservancy appreciates the level of attention given to this proposal and its process. We thank all who participated, and especially Professor Robert Shibley for his valuable advice and guidance in the completion of this process, and the review of this report. This document and experience will lend great value as the Conservancy continues to explore the utility and functionality of other facilities in our historic park system.



Community Observations Regarding the Proposal to expand Restaurant Service Upstairs at the Marcy Casino

With special thanks to Robert Shibley for his guidance, process facilitation, and editing of this report.

Introduction

This report outlines the process of community engagement and findings, as well as recommendations regarding the proposal to include restaurant service on the upper floor and terrace of the Marcy Casino in Delaware Park. A recent vendor proposal has sparked a great deal of interest in the immediate neighborhood and in the media. Many thoughtful questions, concerns, and suggestions have been raised through the process and are summarized as follows. This is a presentation of results, not of just one session, but the commentary of an entire process of consultation. A recorded compilation of feedback is also found in the attached appendices.

In broad strokes, the Conservancy hosted three meetings in diverse formats between April and July of 2016, with the last one including comment cards, a breakout session for discussion and notes made on large format paper and easels, along with the opportunity for email correspondence. The Conservancy made a presentation summarizing the history and background on the Delaware Park Casino. Constituents and neighbors of Delaware Park raised questions, offered alternative proposals, and identified concerns. Questions and concerns were raised on enforcement, and the nature or type of restaurant being proposed, including the use of alcohol. Other questions and concerns were expressed about the specific vendor and how they came to be under contract. Added inquiries were raised about the process of engagement.

The bulk of comments focused on security and parking issues as well as fundamental questions about how the Park system's maintenance and operations are funded. Issues of security and parking were raised as being current issues without the expanded restaurant idea, such that the initial offer by the City to increase police enforcement was met by an observation that maybe the police were needed elsewhere. In short, why create circumstances where more security is needed in the first place? All of the comments were thoughtful and well worth consideration.

In fact, this proposal and process itself may serve as a type of case study and road map to further enhance communication and community engagement, as the Buffalo Olmsted Parks Conservancy embarks on similar proposal opportunities at other facilities within the historic park system. A significant, positive initiative coming out of this process is the re-establishment of an Olmsted Community Council, where neighbors can convene and discuss park issues, needs and opportunities on a regular basis, as well as learn about the intent, function and mission of the Conservancy.

Background on the Delaware Park Casino facility

One of the core questions posed during the public input process has been regarding the intended use of the facility. What has this Casino building been used for historically? Why would the Conservancy consider a restaurant over other suggested use options? Does a restaurant fit in considering Olmsted intent or values? All very logical and helpful questions.

The original “Boathouse” was designed by Calvert Vaux, Olmsted’s architectural partner in the creation of Buffalo’s park system facilities. That structure burned down, was demolished and replaced by the Green and Wicks firm around the Pan-American Exposition in 1901. The building has sat magnificently on the shore of “Gala Water,” now Hoyt Lake, serving thousands who wish to recreate, congregate and socialize.

In 1875, an early Parks Commission report indicates that the restaurant operating in the Boathouse was turning a profit of \$1,400 and that community leaders were considering expanding service as popularity of the park amenity grows. It also notes that profits were earmarked to care for the building. For the next 100 years, various dining options would come and go, and the casino building would see periods of restoration and decline.

The casino building at one time was four stories high. The restorative redesign of the building around 1990, did not include a top fourth floor. The facility is only 5,143 square feet, with capacity for roughly 275-280 total guests, which includes the covered lower terrace. In 2013, the City dedicated \$2.1 million of its annual capital budget to rehabilitate the interior and install an elevator for ADA compliance. These improvements were seriously needed after years of neglect and recent over use. That capital restoration effort also included the refurbishment of the kitchen for food and beverage service.

Delaware Park Casino Use

Historically, the use of the facility has been dining, banquet, and community service based, in addition to storing boats for use on the lake. Since the beginning, there has been a kitchen in use, and many times there has been alcohol served. To consider a different purpose of the facility calls to question not only why, but what would generate similar revenue streams for facility upkeep and park reinvestment?

Suggestions through the public input process were made as to a day care, an environmental or Olmsted interpretive center, a tea house, a gift shop, ice cream parlor, and other creative considerations. As Olmsted scholar Frank Kowsky has said “there’s always been a restaurant at the Boathouse. That was the original intent.” At this time the Conservancy is not looking to change the purpose or use of the facility from anything apart from its consistent heritage or operational intent.

The Question of Alcohol

The follow up question to the facility use position, is why alcohol service needs inclusion as part of a concept? And another question went to the heart of several observations. 'Will we find a restaurant serving drinks, or a bar serving food?'

The discernment is that alcohol is not the primary directive of this facility; it is an accompaniment that trends throughout the culinary world. Buffalo itself is becoming a foodie town; even a craft brew and spirits town. Alcohol in moderation is already in the park as evidenced by 40 successful years of Shakespeare in the Park picnickers. The Albright-Knox also serves beer and wine at their café, a mere 200 yards away in the historic landscape.

A more complete answer is in how to enforce responsibility of alcohol service and theme consistency. The vendor, Magnolia, was reported in the media touting creation of a "beer garden" more than a restaurant, which concerned neighbors. The term beer garden today is more stylish than literal. The Conservancy is unequivocal on this subject. It will not support a bar, or bar scene, at the Marcy Casino.

The Conservancy has explicitly expressed to Magnolia, and in proposed terms for contract adherence, that the theme it would support is a dining experience which offers quality food and complimentary beverage of choice. Just as history dictates, the desire is for park appropriate amenities which welcome and serve the diversity of the park audience. Currently such food/beverage concept offerings are common at other public parks around the nation, including Philadelphia, Prospect Park, Queenston Heights in Niagara, most National parks, plus Central Park in NYC with Tavern on the Green and the Loeb Boathouse (note the Calvert Vaux theme).

Vendor History

The primary question and concern surrounding this particular vendor opportunity is with regard to open proposal and bidding competition. When was one solicited? What has been the pattern of occupancy? And why is the Conservancy charged with securing facility operators or concession vendors? Why is funding a concern?

Related Conservancy records indicate that in the early 1990's a sole vendor was contracted by the City to cater and provide public/private dining services at the renamed Marcy Casino. In 2004 when the County assumed managing the City's parks, the Buffalo Olmsted Parks Conservancy was contracted by the County to maintain, restore and care for the park system including the historic buildings. The existing caterer remained in service at the Casino until 2006, at a time when the Conservancy was also developing its master planning initiative for the parks.

The next phase of Casino operators spanned five years, roughly 2007-2011, with a preferred catering agreement activated to allow a choice of one of five separate caterers, each having access to the same kitchen downstairs. Although creative in intent, this

arrangement turned out to be a bit of a challenge, as not every caterer treated the facility and kitchen the same, or cared for it with consistency. It was a burden to manage. Within that period of time, it also became apparent a capital rehabilitation was needed, as described above in the Casino background section.

By 2010, the County had made the decision to return park responsibilities and property management back to the City, and the existing contract agreement with the Conservancy was amended for the organization's continued park maintenance and restorations through June of 2019. The City offered a lower annual contract fee, however, it agreed to provide numerous in-kind services, and gave the option for the Conservancy to earn revenue from the park facilities and golf courses.

The intent for facility earned revenue is to infuse funds back into the maintenance and care of the facility amenities and park system. Why does the Conservancy manage facilities and contract with operators? In essence, the City wants assurances that each of its facilities are sustainable. An active and used facility is much better for our communities. Since these historic structures require substantial maintenance, developing a plan for supplemental funds in addition to what the City is able to provide to sustain them is critical. To rehabilitate or restore them is even more expensive, and once restored they must operate to endure.

The Conservancy decided from a service consistency and care standpoint, that it would issue a public RFP in 2012 to select a sole vendor to operate at the Marcy Casino. The RFP was developed and overseen by the Board of Trustees and related committees. The Conservancy decided to also compile a master RFP for the bulk of facilities it managed, and solicited vendor and concession service proposals throughout the park system. Out of that public RFP process came the resurrection of the Juicery at Delaware Park, thanks to Mark Goldman and Angelo Ashker, plus a local operator Maritza Miller was secured for the Cazenovia Golf Shop.

And out of three vendors competing with submitted bid proposals for the Marcy Casino, Magnolia Events (Jason Davidson) was named the primary vendor from 2013-2015. Noted, in spring of 2014 a vendor came forward proposing to renovate the Rumsey shelter house (restroom/lounge) into a pub; the idea was rejected as by the Board of Trustees as not historically appropriate for that facility or park area.

Operating off the same RFP and master listing, vendors have continued to come forward to propose service in other park facilities such as the Lunch Box at Parkside Lodge, which lasted 2012-2013. The Golden Cup coffee café open for just one year in 2015 at the Parkside Lodge, however business was sporadic. The vendor expressed they wish they had invested in a liquor license to serve golf customers as similarly conducted at Cazenovia and South Park golf shops. Key to any of these concessions opportunities, is that these vendors are also expected to help rehabilitate the facility to meet code and improve service needs – at their investment.

For the last three years (2013-2015), Magnolia Events has been in a contract to cater weddings and perform special social or corporate events (such as their Hoppy Hours,

which also contribute to local charities). Magnolia's successful operation of the Rose Garden and Marcy Casino was honored in a 2015 bridal publication as one of the top wedding facilities in Western New York. As part of the current revenue sharing agreement, a percentage of contributions has been set aside annually for unexpected expenses or improvements. One recent improvement was a new sound system, so that Magnolia could control music volume of wedding and event DJs, thereby responding more sensitively to Shakespeare in the Park performances.

2015 Extension & 2016 Proposal

During the fall of 2015, the contract for Magnolia Events was coming to term at year end, and a 3-year contract renewal extension option existed if both parties desired to renew. This first right of refusal renewal mechanism was based on reputation, reliability and current financial performance, all of which were deemed highly successful.

During this period of renewal consideration, a verbal proposal was presented by Magnolia to bring food and beverage service upstairs, in addition to their current catering services in the lower banquet area. This enhancement of their contract was proposed to continue upgraded use of the single kitchen, plus offered to include the installation of a small bar area on the top floor, with other decorative updates. Total capacity was envisioned at 60 upstairs and 40 seated outside on the Terrace. This coupled with the standard lower catering capacity of about 175-180, kept the facility within maximum.

The Conservancy and Magnolia agreed in principal to renew the catering and events contract, and agreed to continue a dialogue through a process to consider their proposed service enhancement. A basic white paper proposal was outlined by Magnolia as to intent, and was presented to the Conservancy for consideration. Some of the finer points are listed:

- The proposed theme would be alfresco ala carte dining, which is described as small and shared culinary plates with craft beverage pairings, such as local beers, cocktails and wines.
- Park appropriate ambiance with a possible bocce court, flexible outdoor seating and dog friendly water stations.
- Saturday and Sunday brunches were proposed.
- If successful, service could be offered year-round and could include coffee and warming station attributes for winter recreationalists.
- Additional security measures with new camera surveillance, late cleaning crews and live security were proposed.
- Expanded free wifi service for patrons.
- Inclusion of increased bike rack placements.
- Valet parking, parking attendant, or shuttle services for weddings and large events, would continue as currently offered.

- Increased bathroom access, for the first time public will have access on a regular basis, plus provision of basic plumbing maintenance.
- As part of the proposed bar service they suggested approximately 10-14 total beer/wine taps to reduce waste and improve green/recycling practices.

The Conservancy's Board vetted the initial proposal and sent it into Committee review in the areas of Finance and Design Review. They also submitted it to the City for their initial reaction, which was met with the directive to have Magnolia formalize a business plan, and to have the Conservancy internally review revised vendor contract language in keeping consistent with City language and term updates. It was decided that Finance Committee would analyze the business plan components, while Design Review Committee would take a critical look at any proposed changes to the historical context of the building or services. City and Conservancy would collaborate on contract language development.

Process of Consideration

Specific questions have been posed, both at open sessions and in *The Public* as well as *Buffalo Rising*, regarding the informational process and community outreach/input methods and logistics utilized. One question is why wasn't the public or neighborhood involved or asked for their opinions or preferences for this facility sooner?

Some concerned neighbors consider the proposal for Marcy Casino as having a flawed methodology, and one commentary references a public session as "loaded dice." Such opponents, however, add value to the process of discovery, discussion and recommendations. The Conservancy is grateful to all communication efforts, as these views, opinions and concerns are integral to proper vetting. It is also important to understand and acknowledge the passionate motivations of general park enthusiasts along with the predicted concerns of immediate park neighbors.

The process to date has included the public - with specific focus on the immediate neighborhood - and provides a comprehensive view of input and concerns expressed. This feedback remains beneficial in delivering thoughtful and pragmatic reasoning going forward in addressing many of the immediate and consistent issues.

The Conservancy's Board heard feedback as well from its Committees on the business plan and design elements. The operational plan as proposed was deemed reasonable, enabling improved facility maintenance and security, and could share an additional level of revenue with the Conservancy to the tune of \$75,000-90,000 annually. This figure is the equivalent of four to five seasonal workers in Delaware Park.

The design aspects of the interior/exterior to the upstairs were also deemed reasonable. The Conservancy's consulting preservation architect noted that the wall proposed for modification to service a bar would actually be historically accurate with the context of the original building layout. All proposed materials, upgrades, wood

accents, furnishings and the architectural attention to detail were considered appropriate with the integrity of the space.

The only proposed design/feature elements deemed inconsistent or undesirable were outdoor televisions or increased audio amplification. Permanent outdoor bar service would also not be allowed.

Once the Conservancy had drafted its comments and approved them at the Board level, these comments were submitted to the City in February of 2016. Release of the Conservancy's position was contingent on both City review and on the immediate engagement of the public; specifically the immediate neighbors.

With respect to the City's process, once related departments had time to review the context and recommendations of the Conservancy as well as make their own observations for consideration, it was then agreed to hold a first neighborhood open house on April 6, 2016. 179 households in the immediate area were sent a letter inviting attendance and participation. The addresses were provided by the District Common Council office. Twenty-seven people came and gave open feedback and asked a variety of questions about the proposed concept. Answers and further thought were given by the Conservancy and Magnolia. Common element concerns were noted by the Conservancy as to parking, security, alcohol and hours of service.

On April 28, 2016, a second public open house was scheduled. The 179 residents were solicited again, this time with a postcard announcement in lieu of a formal letter. Thirty-four people attended as well as nine Conservancy Trustees. This second session vetted more questions and concerns, yet consistent with those voiced at the prior session. Again open concerns from the floor were documented by the Conservancy, and dialogue was exchanged which furthered additional conversations both out in the public, and between the Conservancy and Magnolia.

In collecting the concerns directly voiced via these two sessions and after dialogue on options, the Conservancy complemented the two sessions with a summary letter detailing the noted concerns. Included with the letter to the immediate neighbors and session participants, was a survey in assessing support and/or further concern. This resulted in a generally positive response with 80% in favor - however comments noted also reinforced that if the proposal were to go forward, there would need to be some serious consideration of the consistent issues raised.

Across the span of this process, neighborhood support for the restaurant proposal has consistently hovered at approximately 80%, with 20% either not in favor or still undecided. Additional surveys and polls were also activated by Magnolia in the general public which with over 1,052 responses demonstrated overwhelming favor of 98%. Statistics from surveys and polls are provided as an appendix to this report. These results led the process to a third event, which was designed to facilitate the opportunity for all participants to have their comments again recorded and visibly noted for consideration, especially regarding the consistent concerns. Comments were collected in a variety of ways from personal comment cards, to large white board

notations, web-based feedback was available as well as email or post options. Through this engagement format, no one was denied the opportunity to express or offer comments.

This method requested participants to focus in on the specific areas of concern, and gave them an opportunity for face-to-face dialogue with those best equipped to answer or provide factual information. It also afforded greater interaction between participants in brainstorming other suggestions or issues, learning about alternatives, hearing opinions, all of which was recorded for further consideration, compilation and response.

The process engaged also did not serve as referendum, but as an effort to capture value from all participants in the search for what might be acceptable solutions, more than the implication of a win-lose confrontation. A question posed was whether the current contract could be left as is until its next full term? An alternative solution to that would be to add value with an interim amendment and monitor new performance as an opportunity for best practices going forward. It would be a missed opportunity to not seek improvement.

Consistent Concerns

As the Conservancy, City and Magnolia have discussed, there are many ways to address unintended consequences if the restaurant proposal were accepted. Specifically, the terms of contract are the legal vehicle by which to enforce and address issues. Community concerns of security, traffic, parking, noise or unwanted park usage, etc., which were identified consistently in the process, would require monitoring with the City and through quarterly review with the Olmsted Community Council. The City has also proposed its development of a Memorandum of Understanding to be followed for their part in supplementing any contractual terms for enforcement.

1. Park Security – Many questions about park security and patrols, the impact to local enforcement service demands, migrating delinquent behavior to other areas of the park, park lighting, street lighting, etc. have all been recorded.
2. Parking Capacity – Multiple questions on the availability, congestion, ticketing, limitations, private property impacts, current loads, etc. have all been recorded. Parking has been an issue cited by many residents because of the many large events which occur in Delaware Park and the Albright Knox Gallery in addition to the slate of plays, picnics, races, and standard activities. Neighbors' driveways are blocked, cars park on the grass, cars find their way into the park proper, etc., and all enforcement issues.
3. Concept, Theme and Contract – As discussions progressed, more questions came to light in regard to restaurant concept consistency, appropriate park theme, current use, alcohol concerns, hours of operation, refuse and recycling impacts, noise, menu items, term limits, etc. and have all been recorded. Many

of these concerns would be addressed in the proposed terms of contract language, and all three parties between the Conservancy, City and current vendor have agreed to consider stronger terms for enforcement.

4. Process – Again, the process as described above was comprehensive, yet its challenges provided a new opportunity for greater awareness and engagement through the development of a community council. All concerns about information and communication have been, and will continue to be, recorded. At the conclusion of this report, there is a section on the Olmsted Community Council and its development as a community resource for information, engagement and continuing this important dialogue.

Remedies & Responsibilities

As mentioned, in its assessment of the concerns at hand, the City has agreed to develop a Memorandum of Understanding regarding its commitment to improving public safety and parking enforcement directly relating to Delaware Park and the Marcy Casino. The City has specifically pledged to increase patrols, especially on known heavy use or major event days/evenings. They have agreed to review and improve street and park lighting including the installation of a security light on the Rumsey Woods Shelter Building. They have also agreed to review and consider additional street surveillance cameras at Rumsey Rd. and Lincoln Parkway.

Additionally Magnolia has committed to enhanced security by installing surveillance cameras, and by providing night guards when necessary. This would establish a presence and monitoring of the area, but would also provide additional benefits in reducing break-in and vandalism attempts within this entire area of Delaware Park.

With regard to parking enforcement and the many concerns voiced, the City has agreed to increase ticketing especially during peak or saturation times, and to enforce residential street posted compliance. Magnolia has offered to maintain its procedures to host valet parking during its weddings and large events, so that park patrons are not inconvenienced by compounded events. Magnolia offers to continue to communicate with Parking Enforcement on notification of events and special situations which may need attention prior to occurrence.

In responding to voiced community concerns as heard through the public sessions, the Albright-Knox has already offered to open their Elmwood lot between 5pm-midnight for a special reduced rate to assist with Shakespeare in the Park and other evening event demands. This will open up another 140 parking spaces which were not available until now. Magnolia has subsequently offered to provide a discount on any proposed restaurant purchases if patrons used the Albright-Knox lot. Magnolia has also offered to purchase additional bike racks to encourage multi-modal access to the park.

Most stringently, the Conservancy heard many concerns regarding enforcement of contract provisions. Since that is the main area in which the Conservancy can make

an impact of confidence, its draft contract language was put through legal review. Currently any considered language is also being prepared in conjunction with the City's legal review for common terms of contract. Assurance in the ability of the Conservancy to enforce any of its contract language should be high, especially with the degree of scrutiny given to this particular venture and process. Magnolia has agreed to cooperate with all tightened language proposed by contract, as they are committed to prove their terms of service will be consistently adhered to.

Contract Terms: Listed here are some described terms of contract which address the common concerns noted and vetted through the public process:

- Hours of Operation – per City ordinance and stipulated terms of contract on restaurant hours, the vendor would be required to provide last call at 10:00 p.m. and cease further alcohol service. All patrons must be off premises no later than 11 p.m. The vendor must also post hours and restrictions on their website and on the door of the facility. Weddings and special event guests would need to adhere to terms, and would not be accessible to the upper area after 10:00 p.m.
- Concept/Theme – the concept would be adhered to by contract terms as park-appropriate, light dining service with beverage accompaniment. Themes, advertising, and promotions of any restaurant service would also be in compliance with the approved concept. Service attributes would be reviewed annually, and discussed via the Olmsted Community Council in monitoring use and activity.
- Noise – per City ordinance and stipulated terms of contract on noise, the vendor would not be allowed to have bands, DJs or amplified music on the upper Terrace. Background music would be allowed for ambiance only. DJ's, bands, etc. are still allowed on the lower covered terrace in support of weddings and events. Vendor would work with Shakespeare to ensure respectful collaboration.
- Refuse/Recycling – Vendor would be required to increase refuse/recycling services with the City. The concept of no more than 12 taps to the bar area would be supported as it is intended to reduce the waste of cans/bottles accumulation and residual impacts.
- Maintenance – Vendor would be responsible for all daily and routine maintenance and upkeep of the facility interior. The City would be responsible for any slated major capital improvements, and major infrastructure repairs such as HVAC, elevator, roofing, structural, etc., noting that City provisions are strictly dependent on budget. The Conservancy is responsible for the landscape, snow removal, accessibility, and would collaborate with the vendor on any shared funding provisions for any small emergency repairs or non-capital facility enhancements.
- Building Improvements – any initial improvements to the facility as part of the proposed restaurant would be the financial and implementation responsibility of the vendor. Any fixed improvements would be retained by the facility as permanent. Proposed modifications or alterations to the facility would require a full review and approval by both the City, the Conservancy's Design Review committee and the Board of Trustees.

- Security – Vendor would improve the security plan for the facility and be responsible for improvements such as video surveillance, night patrols, or other approved means to protect and monitor the property and grounds as defined in the proposed agreement.
- Term of Agreement – as the current Conservancy and City partnership agreement is only valid through June 30, 2019, the contract with such a vendor can only be allowed for the same timeframe, however as this date marks mid-season for a restaurant, the vendor would be given consideration of an extension. As to first right of refusal on the extension, if the vendor was in compliance with contract terms, and based on their level of investment in the facility, the City, Conservancy and Olmsted Community Council would confer on a period up to a 3-year extension, with a decision made no later than June 1, 2019.
- Violations/Consequences/Breach – enforcement of contract terms was one of the biggest concerns voiced by the public. As such, knowing that with any new venture there could be growing pains, the vendor would receive a fine for any cited violations or non-compliance with City ordinances. If more than three violations were cited in year's operation, the City, Conservancy and Olmsted Community Council would confer on the facts along with any subsequent contract termination. If there were ever a blatant breach, the Conservancy would retain the authority to terminate expeditiously.

Recommendations & Other Notes

Three community meetings were held to discover and address any concerns related to this proposal. Additionally letters, surveys and polls were included through a variety of communications in making assessments. The meetings varied in format so that all issues could be addressed across all audiences. This report is a complete journal of record. This process has spanned from initial concept through the weeks after the third public session, a total of over nine (9) months, and dialogue will continue.

This chronicle demonstrates of a great deal of thought and analysis about the workings of a possible amenity enhancement in a public park. The results of this process have identified core concerns and remedies, as the City has proposed to increase enforcement, the vendor would provide solid service enhancements and adhere to contract terms, and the Conservancy would strictly administer its contract and improve its communication with the community. From the surveys and commentary, the public - and especially the neighborhood - has consistently shown an average of 80% in favor of the restaurant; 20% against or indifferent.

From this input, analysis, remedies and conclusions, it is the Conservancy's recommendation to the City to proceed with the proposal of enhanced restaurant service upstairs at the Marcy Casino. Again, it will be the Conservancy's intent to enforce all terms of contract and the stipulated consequences of non-compliance, but more importantly to create an opportunity to observe performance and allow the public to continue to give feedback on progress and other potential.

Notes: As a point of public communication, there are additional projects slated for the Marcy Casino area that may be occurring in fall of 2016 and/or spring of 2017. The front landscape of the Casino up through the Rose Garden has been designed and was approved with support from a State grant in 2013 to remove the parking area and relocate handicapped access nearer to Lincoln Parkway. This modification to the landscape was thoroughly vetted through committees and with the City. Keeping the Olmsted Community Council informed on the progress of this project will be important.

Access in the park, as to paths and roads, is also being re-evaluated as too many cars are currently finding their way into the landscape. Working with the Olmsted Community Council we hope to engage thought on remedy for this situation while still allowing for emergency, police or park maintenance access. Another important project slated for City budget appropriations in 2017-2018 will be the renovation and upgrade of the HVAC system at the Marcy Casino. This will be a major capital improvement and investment by the City.

Olmsted Community Council

The vision for a new Council is evolving. The Conservancy has always valued community input and engagement, since its very beginning. The Conservancy believes that the formation of a renewed Community Council is the best mechanism to communicate and educate. Especially as projects from the master plan come into new stages of implementation, engaged community awareness with reliable information and activation is essential.

One of the areas not addressed specifically within the 2008 master plan was the use and long term care of historic park facilities and structures. As we have learned from this particular process, the use of these facilities is of growing importance, and two-way public dialogue affords greater opportunities to inform, and to serve the Conservancy's mission. That mission is not only in preserving historical integrity, but in assuring the intent and functionality of park facilities. These park features and attributes are amenities of growing public service with increasing maintenance, and which could develop into real and practical opportunities to influence funding toward the generational sustainability of the entire system.

With the 150th anniversary of the birth of our nation's first urban park system in 2018, Buffalo is poised to head into the national spotlight, and the Conservancy certainly wants every advocate for our parks to be part of a greater process, and the celebration. Buffalo should be proudly looking to put on its park best, and welcoming those from around the nation to experience the splendor of Olmsted.

Notes: As a footnote to the history of community engagement, years ago when the Conservancy operated purely as an advocacy group, they worked tirelessly to cultivate great volunteer relationships in supporting the beautification, improvements, and safety of our park system. Tremendous feats and community alliances were accomplished through hands-on efforts.

In about 2003, when the maintenance aspects of the parks were given to the Conservancy by the County-City, an organized Council of community representatives was formed. Many participants were from the earlier days of hands-on involvement. A major role for this forming group was in supporting the 2004-2008 master planning effort of the Conservancy and garnering community input on what was needed as priority park projects or attributes.

Since the plans publishing and adoption in 2008, the former Council and its constituents struggled in the transition from serving as beautification volunteers, to those vetting master planning priorities for parks system restoration, to those in a roll of monitoring and facilitating plan implementation. The group remained in its advisory role until about 2011.

The Conservancy is a 501(c)3 not-for-profit organization, it is not a governmental agency. Going forward, the new Olmsted Community Council continues to be recrafted with governance considerations. Key to its structure will be the reintroduction of hands-on volunteer involvement and public pride initiatives. We would anticipate the formal development of the Council occurring over the next few months with an announcement before the next annual meeting of its membership.

If anyone would like to become part of that Council and participate with the future dialogue of the Conservancy and community, please contact the Conservancy offices at 716-838-1249, or visit our website at www.bfiloparks.org.

APPENDIX A

Marcy Casino – Survey & Poll Results – For Presentation on 7/27/16

Neighborhood Mailing 179 mailed
74 responses (41%)
(Yes - 58 = 78.5%; No - 12, Undecided - 4 =21.5%)

Supporters

- Neighborhood Mailing 58
- On-line signatures 718
- Park users 224
- Paper Petitions 52

Total 1,052 (98.5%)

Opposed/Undecided (mailing returns) 16 (1.5%)

Letters of Support

- Shakespeare in Delaware Park (received)
- Mark Schroeder, City of Buffalo (received)
- "D" District - Chief Barba (received)
- Brian Higgins (received)

APPENDIX B

Terrace at the Marcy meeting

Buffalo Seminary School - July 27, 2016

Recap/Summary of Meeting

COMMENT CARDS:

65 total Attendees

41 Response Cards:

28 yes = 85%

5 no = 15%

8 undecided, or no box checked

Consistent Supporter Comments:

- Region needs to know about Marcy
- Security needs to be a priority
- Restoration of Olmsted's vision, a place of "rest & relaxation"
- Increase visibility and use of the parks, more diverse audience
- Bring people back to the city
- Issues are more with city than the conservancy
- Vendor has a proven track record in the community
- Great id for Buffalo, for the parks, and for the visitors.

Consistent Objector comments:

- Could be more appropriate use for the building – learning/visitors center, boating classes, daycare center, etc.
- Do not need a nighttime food operation
- Need full user survey of park users for ideas for casino, not just neighborhood. Meeting was too controlled.

Undecided:

- Venue should be a snack bar/coffee shop during the day, event/banquet space in the evening. Limit capacity to 100 people
- Poor process & dishonesty have led to mistrust of BOPC and its concern for its mission.
- Trouble connecting 'Plan for the 21st Century' guiding principles with a restaurants. Will any other facilities in the system have restaurants?
- Success contingent on type of restaurant, ability to conform to a neighbor friendly environment, serenity of the park needs to be maintained.
- Re: where do we go from here comment, where is "here".
- Are the Hoppy Hours presently existing legal?

Station White Board input

(combined/grouped to eliminate duplication)

Security/Parking

- Security is the big concern, there is no security now
- Existing problems with noise (firecrackers, parties) at Rumsey field and Rumsey shelter - midnight - 1 am. Rumsey Woods is a black hole at night. Kids bring in beer and have parties at night. It's unsafe.
- Regular patrol/random sweeps from midnight -6
- Tickets for no parking zone
- Community police
- Enforcement is already an issue. Cops have enough to do.
- Dedicated patrol on Rumsey especially from 10 pm on
- Police van in evening? Lights on, friendly, FYI sort of thing
- Posted signs limiting parking on both sides at same time
- No change in current parking for Rumsey or surrounding neighborhood
- Utilize cultural parking in neighborhood - the History Museum and AKAG
- Do not have confidence that city or conservancy will enforce regulations
- Parking conflicts with existing park users and events
- Most illegal parking between 4-9 pm.- sports/events/daily park use
- Private security 10-12 on busy nights
- Parking in front of driveways...obstructing sightlines...unsafe.
- Is the enhancement of police presence and lighting critical? Isn't more urgently needed in other parts of the city?
- Community police ends at 8pm - need a good security plan.
- Policing - Need to be a part of the advisory/community council at Precinct D
 - Community police officer
 - Bike patrol
 - Get meeting with captain to discuss strategy.

Concessionaire

- Minimum noise/control noise / No DJ's
- Noise monitoring - enforcement? (Won't be done.)
- Need Contract summary points
- Post sample proposed menus on websites - BOPC and/or Magnolia
- Reduce days and hours of operations, would prefer lunch and dinner 4-5 days/wk. NOT 7 days a week. The serenity of the park should be respected.
- Price point will be prohibitive to some.
- Capacity
- Year round operations
- What will happen with weddings if restaurant is upstairs/
- Concerns over exhaust smells of fryer- do not want to smell food being prepared
- Requirements of vendor - noise, closing time, etc.
- Basis for non-compliance of contract
- Is this a bar that serves food or a restaurant that serves alcohol?

- Casino for everyone, public restrooms 365
- Other park facilities do not serve alcohol, alcohol is the issue
- Concessionaire is very good, weddings are very classy events since they have taken over management. This has the potential to raise a great deal of money for the parks and provide an opportunity for more people to enjoy a park setting like no other in the city.
- Need to provide real clarity for 10pm 'last call' rules and hold them to it.
- What is the plan in case of an emergency

BOPC/Advocacy

- Issues with existing non-scheduled events i.e. bongos.
- Can't the Conservancy find other ways to raise money?
 - Conservancy does a great job, I will start donating.
- Green code provides better protections for the outer harbor than the parks.
- Need a part of the park for Olmsted's intent of quiet, solitude, passive use - where is that in the park?
- Couldn't there be other uses for the building to increase public use- i.e. nature center.
 - Supportive of development of nature programs for parks
- Nature education could take place out in the parks i.e. guided walks.
 - Interest in getting involved in advocacy committee for nature education programs discussion.
- How does serving food and alcohol at the Marcy Casino enhance the mission of the Conservancy?
- What are the opportunities for the lake side lower level access for a concessionaire? Maybe another vendor?

Website/E-Mail responses

11 responses received

- One wanted to be notified of future meeting, lives on Nottingham and impacts them
- Two did not think it was a good idea or use of the building, restaurant will interfere with park atmosphere (one was a repeat from the Buff. Sem. Meeting)
- Eight were in favor, and thought we should absolutely have a restaurant.

There were two questions about the price, do not want it to be high end, pricing out the average/middle class park user.

One suggested that the conservancy see past the vocal minority, and allow the community to make better, more frequent use of the parks.

Other Input Notes from meeting

Police/noise

- Regular patrol/random sweeps from midnight -6
- Tickets for no parking zone
- Community police
- Dedicated patrol on Rumsey especially from 10 pm on
- Existing problems with noise (firecrackers, parties) at Rumsey field and Rumsey shelter - midnight - 1 am
- There is no security now, after dark, park is a black hole.
- Police van in evening? Lights on, friendly, FYI sort of thing

Parking

- Posted signs limiting parking on both sides at same time
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Vendor

- Private security 10-12 on busy nights
- Casino for everyone, public restrooms 365
- Minimum noise/control noise
- Basis for non-compliance of contract
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- Capacity
- Year round operations
- What will happen with weddings if restaurant is upstairs/
- Concerns over exhaust smells of fryer- do not want to smell food being prepared
- Noise/ no DJ's
- Contract summary points
- Requirements of vendor - noise, closing time, etc.
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Advocacy

- Noise monitoring – enforcement? Won't be done.
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