



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

TO: The City Council  
FROM: Lisa A. Vitello, City Clerk  
RE: Informational Item: City Clerk's Report  
DATE: December 4, 2017

Council Members:

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of November-17

|                |                                    | <u>CONTROLLER</u>  | <u>TOTAL</u>        |
|----------------|------------------------------------|--------------------|---------------------|
| A1255-001 A012 | Vital Statistics                   | \$ 3,732.00        | \$ 3,732.00         |
| A1255-004 A013 | Copies of Records                  | \$ 514.25          | \$ 514.25           |
| A1255-004 A013 | Certificates of Marriage           | \$ 480.00          | \$ 480.00           |
| A2501-011 A044 | Peddler                            | \$ 100.00          | \$ 100.00           |
| A2501-014 A046 | Electrician - Active               | \$ 1,375.00        | \$ 1,375.00         |
| A2501-014 A046 | Electrician - Inactive             | \$ 400.00          | \$ 400.00           |
| A2501-016 A047 | Stationary Engineers               | \$ 1,730.00        | \$ 1,730.00         |
| A2501-016 A047 | Stationary Engineers Test Fee      | \$ 40.00           | \$ 40.00            |
| A2501-021 A048 | Amusement Games                    | \$ 200.00          | \$ 200.00           |
| A2542-000 A053 | Dogs/NYS Agr. & Mkts \$ 295.00     | \$ -               | \$ 295.00           |
| A2542-000 A053 | Additional Dogs                    | \$ 2,960.50        | \$ 2,960.50         |
| A2545-001 A054 | Marriage License/NYSHD \$ 1,080.00 | \$ 360.00          | \$ 1,440.00         |
| A1255-002 A123 | Commissioners of Deeds             | \$ 15.00           | \$ 15.00            |
| A2545-010 A128 | Petroleum - Retail                 | \$ 70.00           | \$ 70.00            |
| A2545-010 A128 | Petroleum - Storage                | \$ 60.00           | \$ 60.00            |
| A2545-021 A316 | Vending                            | \$ 120.00          | \$ 120.00           |
| A2545-023 A318 | Hunters/NYS DEC RAU \$ 582.98      | \$ -               | \$ 582.98           |
| A2545-023 A318 | Hunters Fees                       | \$ 34.02           | \$ 34.02            |
| A1255-005 A528 | Dog Release                        | \$ 550.00          | \$ 550.00           |
| TA63008 A597   | Marriage Performance               | \$ 900.00          | \$ 900.00           |
| A1255-006-A696 | Photos/passport-license            | \$ 9.00            | \$ 9.00             |
| <b>TOTAL:</b>  |                                    | <u>\$ 1,957.98</u> | <u>\$ 13,649.77</u> |
|                |                                    |                    | <u>\$ 15,607.75</u> |

|         |       |                          |             |
|---------|-------|--------------------------|-------------|
| Check # | 27313 | NYS Dept. of Arg. & Mkts | \$ 295.00   |
| Check # | 27291 | NYS Health Department    | \$ 1,080.00 |
| Check # | ET    | NYS DEC RAU              | \$ 582.98   |

*Lisa A. Vitello*

Lisa A. Vitello

LAV/lgl

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**CITY OF NIAGARA FALLS  
NEW YORK**

December 15, 2017

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**TO:** City Council

**FROM:** Mayor Paul A. Dyster

**SUBJECT: LETTER OF AWARD FOR CONSTRUCTION OF GRIFFON PARK COMFORT STATION**

The following was the result of bids received on July 27, 2017, for the above referenced project:

**CONTRACTOR**

Sicoli Construction Services, Inc.  
4800 Hyde Park Boulevard  
Niagara Falls, NY 14305

**BASE BID**

\$318,200.00

Walter S. Johnson Building Company, Inc.

\$349,700.00

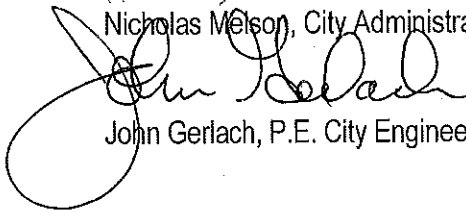
It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, Inc. at their total bid of \$318,200.00. Funding is available in Code H1213.2012.1213.0449.599.

Will the council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas Nelson, City Administrator

  
John Gerlach, P.E. City Engineer

Funding Approval:



Daniel Morello, City Controller

Council Meeting: **Dec. 26**, 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

DEC 26 2017

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**CITY OF NIAGARA FALLS  
NEW YORK**

December 20, 2017

**TO:** City Council

**FROM:** Mayor Paul A. Dyster

**SUBJECT:** **CHANGE ORDER #2 - \$55,285.00**  
**D'AMELIO PARK PLAYGROUND INSTALLATION**

A contract for the above referenced project was awarded to Gardenville Landscape & Nursery LLC, 3069 Clinton St. West Seneca, New York on May 16, 2016 in the amount of \$56,318.60.

As the project progressed toward completion, the Contractor was required to order the cast-in-place safety surfacing, originally anticipated to be purchased in its installed state, by the City at the time of the project's letting, from the NYS-OGS. However, prior to the project's completion, it was determined that NYS-OGS was NOT going to be able to provide the installed surfacing and arrangements with the Contractor would need to be made. To that end, costs associated with the procurement and installation of the playground safety surfacing by the Contractor amount to \$55,285.00 bringing the contract total to \$111,603.60.

Funding is available in the project's fund balance.

Will the Council vote to so approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

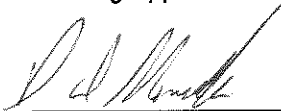
Respectfully submitted,

  
Mayor Paul A. Dyster

Nicholas Melson, City Administrator

  
John Gerlach, P.E. City Engineer

Funding Approval:



Daniel Morello, City Controller  
Council Meeting: December 26, 2017

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# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

December 19, 2017

The City Council  
Niagara Falls, New York

*RE: Increasing rates for clean-up of private properties*

Council Members:

The Director of the Department of Public Works advises that it is desirable to increase rates for the clean-up of private properties for calendar year 2018. Attached hereto please find a spreadsheet of the new rates to be in place.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Attachment

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## Billing rates for the clean-up of private properties

"X" notes that there was no charge for this item previously

|                                         | 2017      | 2018                                |
|-----------------------------------------|-----------|-------------------------------------|
| 1. Pickup Trucks/SUV                    | \$ 23.00  | \$ 23.00                            |
| Supervisor Rate                         | X         | See "Employee Rates" below          |
| 2. Laborer                              | \$ 10.00  | \$ 11.00                            |
| 3. Trailer for Clean Team               | X         | \$ 15.00                            |
| 4. Tandem Dump Truck w/Operator         | \$ 65.00  | Line altered for 2018 proposed rate |
| Tandem Dump Truck                       | X         | \$ 65.00                            |
| Tandem Operator                         | X         | See "Employee Rates" below          |
| 5. Loader w/Operator                    | \$ 100.00 | Line altered for 2018 proposed rate |
| Loader                                  | X         | \$ 100.00                           |
| Loader Operator                         | X         | See "Employee Rates" below          |
| 6. Single Axle Dump w/Operator          | \$ 50.00  | Line altered for 2018 proposed rate |
| Single Axle Dump Truck                  | X         | \$ 50.00                            |
| Single Axle Dump Truck Operator         | X         | See "Employee Rates" below          |
| 7. Bucket Truck w/Operator              | \$ 100.00 | Line altered for 2018 proposed rate |
| Bucket Truck                            | X         | \$ 100.00                           |
| Bucket Truck Operator                   | X         | See "Employee Rates" below          |
| 8. Wood Chipper                         | \$ 40.00  | \$ 40.00                            |
| Wood Chipper Operator                   | X         | See "Employee Rates" below          |
| 9. Chain Saw (Forestry)                 | \$ 10.00  | \$ 10.00                            |
| 10. Mulcher (walk behind)               | \$ 30.00  | \$ 30.00                            |
| 11. Mower (walk behind)                 | \$ 20.00  | \$ 30.00                            |
| 12. Riding Mower                        | X         | \$ 35.00                            |
| 13. Weed whacker, Blower, Hedge Trimmer | \$ 10.00  | \$ 10.00                            |
| 14. Refrigerator, Freezer, or A/C Unit  | X         | \$ 15.00                            |
| 15. Propane Tank                        | X         | \$ 5.00                             |
| 16. Tires                               | X         | \$ 10.00                            |
| 17. Household Hazardous Waste (HHW)     | X         | \$ 0.75 per lb                      |
| 18. Debris Disposal                     | \$ 26.75  | \$ 40.00                            |
| 19. Emergency Pickup                    | X         | \$ 200.00                           |
| <b>Employee Rates</b>                   |           |                                     |
| Supervisor - Project Coordinator        | X         | \$ 30.24                            |
| Supervisor - Forester                   | X         | \$ 27.66                            |
| Supervisor - Streets Foreman            | X         | \$ 26.78                            |
| Operating Engineer                      | X         | \$ 27.87                            |
| MEO3                                    | X         | \$ 20.06                            |
| MEO2                                    | X         | \$ 18.89                            |
| MW3                                     | X         | \$ 19.58                            |
| MW2                                     | X         | \$ 18.68                            |
| Climber 3                               | X         | \$ 23.08                            |
| Climber 2                               | X         | \$ 16.79                            |
| Climber 1                               | X         | \$ 18.68                            |



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

December 20, 2017

The City Council  
Niagara Falls, New York

*RE: Return of closing proceeds from 7<sup>th</sup> & Niagara Street transaction to NFC  
Development Corp*

Council Members:

The closing on the transaction involving the sale of the eleven (11) parcels comprising the 7<sup>th</sup> & Niagara Street project has taken place and the closing proceeds have been received by the City. Because the NFC Development Corp incurred certain costs in assembling this footprint of parcels for development, including the acquisition of one (1) of the parcels as well as the various costs of clean-up, it is requested that the sum of \$14,724.69 be transferred from the City back to NFC Development Corp. This amount is derived from the purchase price which was \$15,200.00 minus a delinquent water bill in the amount of \$475.31 which had to be credited by the City to the developer at closing.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

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# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

December 19, 2017

The City Council  
Niagara Falls, New York

*RE: Municipal Cooperation Agreement with City School District of the City of  
Niagara Falls*

Council Members:

During the last few years the City has detailed a police officer to the Niagara Falls High School to serve as a School Resource Officer ("SRO"). For the first few years, the services provided were paid by a grant. The grant has now expired.

The School District wishes to continue the practice of having an SRO on site at the high school and wishes to continue this practice at its sole expense. Attached hereto is a copy of a proposed Shared Services Agreement which calls for the School District to reimburse the City for the cost of the SRO. The only exhibit missing from this agreement is a Schedule A which details the duties of the SRO. The School District is in the process of providing the City with a copy of Schedule A for inclusion in this agreement.

Will the Council so approve and authorize the Mayor to execute the Municipal Cooperation Agreement provided the same is in form and content acceptable to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

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## MUNICIPAL COOPERATION AGREEMENT

This Municipal Cooperation Agreement (the "Agreement") made this \_\_\_\_ day of December, 2017 by and between the City of Niagara Falls, a municipal corporation of the State of New York with offices at City Hall, 745 Main Street, Niagara Falls, NY 14305 (the "City") and the City School District of the City of Niagara Falls organized under the laws of the State of New York with offices at 630 - 66<sup>th</sup> Street, Niagara Falls, NY (the "District").

WHEREAS, the City employs approximately 155 sworn, full-time Police Officers; and

WHEREAS, the District has as one of its buildings the City of Niagara Falls High School located at 4455 Porter Road, Niagara Falls, NY 14305, (the "High School") which is home to approximately 2300 faculty, staff and students; and

WHEREAS, [some years ago] in 2000, the District identified the need for a sworn, uniformed full-time Police Officer employed by the City at the Niagara Falls Police Department ("NFPD") to serve as a [SRO] School Resource Officer ("SRO"); and

WHEREAS, the duties and responsibilities of the SRO are summarized in Schedule A attached hereto; and

WHEREAS, the District believes that it is in the best interest of the District and its faculty, staff and students to continue to have a SRO on site at the High School at times when faculty, staff and students are present in the High School; and

WHEREAS, the City and the District have had discussions about the cost incurred by the City in order for a sworn, full-time Police Officer be detailed at the High School at such times as faculty, staff and students are present in the High School; and

WHEREAS, the total annual cost of a sworn, full-time Police Officer is approximately \$104,988.00, as detailed on the spreadsheet attached hereto as Schedule B; and

WHEREAS, the District has agreed to reimburse the City for the entire cost of a sworn, full time Police Officer to serve as SRO pursuant to the terms and conditions contained in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Agreement, the City and the district hereby agree as follows:

1. TERM. The term of this Agreement shall commence on January 1, 2018 and terminate on December 31, 2018 unless sooner terminated in accordance with the terms of this Agreement.
2. PAYMENT. The District shall reimburse the City for the entire cost of the sworn, full time Police Officer assigned to the High School as the SRO as detailed in Schedule B.

6. cont

The total cost is estimated to be the sum of \$104,988.00 plus any cost adjustments or increases incurred by the City pursuant to the Collective Bargaining Agreement (the "CBA") in place between the City and the City of Niagara Falls Police Club, of which the individual designated to serve as the SRO is a member. The District agrees to reimburse the City in two payments for the cost of the SRO. The first such payment shall be due and payable on June 30, 2018 in the amount of \$52,494.00 and the second such payment in the amount of \$52,494.00 is due and payable on December 15, 2018 together with any adjustments made pursuant to the CBA referred to herein. Payments shall be made by the District to the City within ~~[fifteen (15)]~~ thirty (30) days of the due date.

3. COST OVERRUNS. The City and the District agree that there shall be no additional monies due from either party without mutual consent with the exception of the adjustments referred to in paragraph 2 above which may be necessitated as a result of the CBA referred to herein.
4. EXECUTION. The City and the District agree to execute all necessary agreements, certifications or reimbursement requests for the cost of the SRO.
5. PROJECT DESCRIPTION AND BUDGET. The City and the District agree that the SRO job description attached hereto as Schedule A details the full and complete duties of the SRO. The daily schedule to be followed by the SRO shall be determined by the SRO's supervisor at NFPD in consultation with the [principal of the High School] District's Superintendent or his designee. The City agrees that the NFPD Officer designated as the SRO shall report for duty at the High School on days and times designated by his supervisor at the NFPD in consultation with the [principal of the High School] District's Superintendent or his designee. On days when the High School may not be in session, or when the SRO is not scheduled to report to the High School for any other reason, the District [agrees that the City] may utilize the SRO [for any other NFPD duties as assigned by the SRO's supervisor at NFPD] elsewhere in the District as determined by the SRO's supervisor at the NFPD in consultation with the District's Superintendent or his designee.
6. AMENDMENTS. It is agreed that no changes may be made to the duties and responsibilities of the SRO and budget as described in Schedules A and B attached hereto, respectively, except as provided in Paragraph 2 hereof without the prior written approval of both the City and the District. Such approvals will not be withheld provided the changes are not substantive and do not alter the scope, intent or basic elements of the SRO position. Any changes which are substantive or alter the scope, intent or basic elements of the SRO position will be implemented by an amendment to this Agreement, provided the same are acceptable to both the City and the District.
7. RECORDS. The District agrees to keep full and accurate [books and] records regarding the hours worked by the SRO at the High School or any other alternate location he may [be] as directed [to report to] by his supervisor at the NFPD in consultation with the [principal of the High School]. The City may review these books and records at any reasonable time upon reasonable notice to the District.] District's Superintendent or

6. cont

his designee. The District shall furnish a copy of the records of the SRO's hours worked to the City upon request.

8. TERMINATION. The parties agree that the failure of the SRO to render satisfactory services to the District may be deemed a cause for the suspension or termination of this Agreement. In the event the District shall deem that the SRO has not provided satisfactory services to the District for any reason, the District agrees to specify, in writing, the reasons substantiating this determination and provide the same to the supervisor at the NFPD of the SRO officer so designated. The parties agree that the City shall then have thirty (30) days within which to cause the officer designated as the SRO to perform satisfactorily. In the event that the performance of the officer so designated does not improve, the City will then designate an alternate sworn, full time NFPD Police Officer acceptable to the District, to serve as SRO. Notwithstanding anything herein to the contrary, the District shall have the right to terminate this Agreement for any reason upon giving the City sixty (60) day written notice of its intention to terminate, and the Agreement shall so terminate sixty (60) days from the date of the Notice.

9. INDEMNIFICATION. To the extent permitted by law, the City and the District agree to indemnify, save and hold harmless each other, their agents and employees from any and all claims, demands, actions, or causes of action arising out of the performance or non-performance of the work and services provided for in this Agreement, and further agrees to defend at its own cost and expense any action or proceeding commenced for the purpose of asserting any claim arising out of this Agreement. In this regard, the City is self-insured and attaches hereto as "Schedule C" a certificate of self-insurance.

10. NON-DISCRIMINATION. The City and the District shall not limit access or discriminate in the operation of the facilities against any person on the basis of place of residence, race, creed, color, national origin, sex, age, disability or marital status.

11. APPROVALS. This Agreement shall not take effect until its approved by the City Council of the City of Niagara Falls and the Board of Education of the School District of the City of Niagara Falls.

IN WITNESS WHEREOF, the School District of the City of Niagara Falls and the City of Niagara Falls have executed this Agreement on the day and year indicated.

Date:

THE CITY OF NIAGARA FALLS

By: \_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
Corporation Counsel

6 cont  
Date:

CITY SCHOOL DISTRICT OF THE CITY OF  
NIAGARA FALLS

By: \_\_\_\_\_

6 cont  
City of Niagara Falls  
School Resource Officer

SCHEDULE B

| Expense Item          | 2015       | 2016       | YTD<br>2017 |
|-----------------------|------------|------------|-------------|
| Bi-weekly Pay         | \$ 50,521  | \$ 55,391  | \$ 26,400   |
| Overtime              | \$ 1,889   | \$ 1,514   | \$ 7,557    |
| Shift Premium         | \$ 1,436   | \$ 1,400   | \$ 801      |
| Holiday Pay           | \$ 3,976   | \$ 3,832   | \$ -        |
| Field Training        | \$ -       | \$ -       | \$ 66       |
| Line Up Pay           | \$ 2,364   | \$ 2,443   | \$ 1,225    |
| Uniform Allowance     | \$ 1,200   | \$ 1,200   | \$ -        |
| Vacation              | \$ 5,188   | \$ 2,303   | \$ 2,467    |
| Personal              | \$ 1,106   | \$ 468     | \$ 247      |
| Comp Time Off         | \$ 201     | \$ -       | \$ 2,640    |
| Funeral Leave         | \$ -       | \$ 184     | \$ -        |
| Sick Leave            | \$ 441     | \$ 1,069   | \$ 493      |
| Total Personal Costs  | \$ 68,322  | \$ 69,804  | \$ 41,896   |
| Liability Insurance   | \$ -       | \$ 299     | \$ -        |
| Total Operating Costs | \$ -       | \$ 299     | \$ -        |
| Social Security       | \$ 5,228   | \$ 5,340   | \$ 3,779    |
| Workers Comp          | \$ 6,129   | \$ 6,129   | \$ 5,423    |
| Life Insurance        | \$ 158     | \$ 175     | \$ 139      |
| Medical Insurance     | \$ 21,981  | \$ 21,981  | \$ 14,654   |
| Dental Insurance      | \$ 1,260   | \$ 1,260   | \$ 840      |
| Total Benefit Costs   | \$ 34,756  | \$ 34,885  | \$ 24,835   |
| Total Costs           | \$ 103,078 | \$ 104,988 | \$ 66,731   |



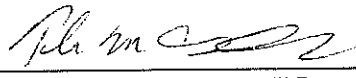
# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

Room 242- LAW DEPARTMENT  
(716) 286-4420

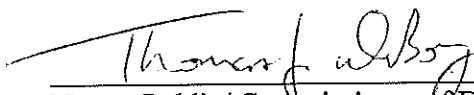
## VERIFICATION OF INSURANCE

The undersigned, being a person knowledgeable in the insurance business and who is responsible for the Risk and Insurance function for the City of Niagara Falls, hereby verifies that the City of Niagara Falls has in effect for the 10/25/17 – 10/25/18 period a fully-funded Self-Insurance Program, plus Excess Insurance in the amount of \$5,000,000 for Comprehensive General Liability and Automobile Liability, subject to a \$1,000,000 per occurrence self-insured retention.

By   
THOMAS M. O'DONNELL  
Acting Risk Manager  
City of Niagara Falls, New York

State of New York           )  
County of Niagara        SS.  
City of Niagara Falls     )

On the 11<sup>th</sup> day of December, 2017 before me personally appeared Thomas M. O'Donnell, Acting Risk Manager for the City of Niagara Falls, New York, to me known and he did depose and say that the above is a true statement.

  
Notary Public/ Commissioner of Deeds

**THOMAS J. DeBOY**  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires December 7, 2021



7

**CITY OF NIAGARA FALLS, NEW YORK**

**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** December 26, 2017  
**RE:** City Council Agenda Item:  
Amendment to 2015 CDBG Grant to  
Niagara Falls Power Cats Wrestling Club

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**Council Members:**

The City of Niagara Falls' 2015 United States Housing and Urban Development (HUD) Action Plan included a \$10,000.00 Community Development Block Grant (CDBG) for to the Niagara Falls Wrestling Club, Inc. (a/k/a Niagara Falls Power Cats Wrestling Club) for wrestling mats and capital improvements, being a new alarm system and façade improvements at its 2402 Niagara Street.

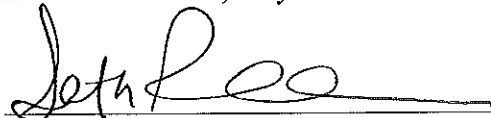
The wrestling club owns its location at 2402 Niagara Street. The building is in need of new windows. The wrestling club has obtained proposals for window replacement. The lowest proposal quoted a price of \$11,906.00, with Davis-Bacon prevailing wages. Community Development has sufficient unallocated program income to make up the additional cost for the project. These funds cannot be used for administrative purposes but can be dedicated to capital expenses. It is proposed that 2015 Community Development funds and program income in the amount of \$11,906.00 be approved for window replacement at 2402 Niagara Street. This programmatic change is consistent with the original intent of the 2015 CDBG allocation.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Respectfully submitted,

  
Paul A. Dyster, Mayor

  
Nicholas Melson, City Administrator

  
Seth A. Piccirillo  
Director of Community Development

DEC 26 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Chairman Walker \_\_\_\_\_

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**TO: City Council**  
**FROM: Niagara Falls Community Development**  
**DATE: December 19, 2017**  
**RE: AGENDA ITEM: 2018 Department of Housing and Urban Development - Community Development Block Grant, HOME and Emergency Solutions Grant Programs**

The Niagara Falls Community Development Department requests Niagara Falls City Council approval of the draft Fiscal Year 2018 Community Development Consolidated Action Plan. It is year four of our 2015-2019 Five Year Strategic Plan. Based on our projections, it consists of \$2.7 million in federal investment, \$14 million in non-municipal matching funds for a \$16.5 million total leveraged plan. The draft FFY 2018 Community Development Action Plan consists of the following United States Housing and Urban Development (HUD) Programs: Community Development Block Grant (CDBG) Program, HOME Rehabilitation Program, and Emergency Solutions Program (ESG).

|                                |                    |
|--------------------------------|--------------------|
| <b>Draft 2018 CDBG Amount:</b> | <b>\$2,184,219</b> |
| <b>Draft 2018 HOME Amount:</b> | <b>\$336,222</b>   |
| <b>Draft 2018 ESG Amount:</b>  | <b>\$200,000</b>   |

These budgets are being presented to the City Council in draft form, based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final FFY allocations are generally posted in the spring of each calendar year. A final schedule for 2018 has not yet been set by the federal government. The Niagara Falls Community Development Department will request City Council approval of the final HUD allocations at that point. Historically, our draft budget estimates have been within 2 percent of our final allocations. Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council.

The draft 2018 Community Development Consolidated Action Plan was built through a 12 week civic engagement process, which included discussion at 6 public meetings, public review of the draft budget since September 2017, online and print citizen surveys, an email address dedicated to dialogue and a 30 day public comment period. Our department also presented an overview of the draft plan to the City Council at its December 11, 2017 meeting. The Niagara Falls Community Development Department is confident that our process is a national model of transparent and well explained public engagement and budgeting.

#### **Neighborhood Planning Meetings (2017 Dates)**

|               |                                                |
|---------------|------------------------------------------------|
| Wed., Oct. 4  | Henry J. Kalfas Magnet School – 1730 Beech Ave |
| Wed., Oct. 11 | LaSalle Public Library – 8728 Buffalo Ave      |
| Sat., Oct. 21 | Hyde Park Stone Room – 911 Robbins Dr          |
| Thu., Oct. 26 | Niagara City Lofts – 561 Portage Rd            |

DEC 26 2017

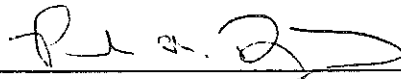
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### Application/Approval Process

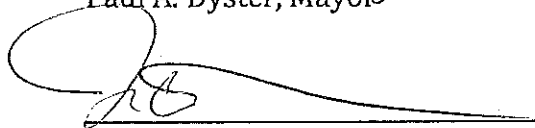
|                   |                                                                       |
|-------------------|-----------------------------------------------------------------------|
| Mon., Sep. 25     | Citizen Survey Available, CDBG/HOME/ESG Applications Available        |
| Fri., Oct. 27     | Citizen Survey Closes, CDBG/HOME/ESG Applications Submission Deadline |
| Oct. 30 - Nov. 15 | Funding Committee Review of Applications                              |
| Thu., Nov. 16     | Draft 2018 Action Plan Public Available for Review                    |
| Nov. 16 - Dec. 18 | 30-day Public Comment Period                                          |
| Tue., Nov. 21     | "Pizza with the Plan" Public Meeting - 1022 Main Street               |
| Mon., Dec. 11     | Presentation of Draft 2018 Action Plan & Budget to City Council       |
| Mon., Dec. 18     | Draft 2018 Action Plan Public Hearing - City Hall Council Chambers    |
| Tue., Dec. 19     | Draft 2018 Action Plan City Council Agenda Item Submitted             |

Upon City Council approval, the draft action plan will be submitted to HUD for programmatic review and approval. The action plan is not finalized until HUD approves of it and the city's actual allocations are posted. Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council. Will Council vote to approve the Draft FFY 2018 Community Development Action Plan?

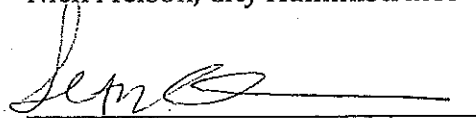
Respectfully submitted,



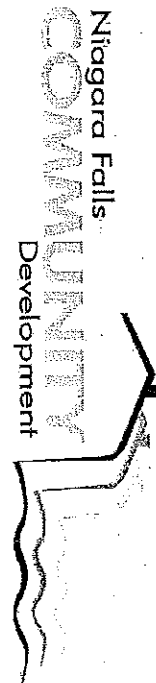
Paul A. Dyster, Mayor



Nick Melson, City Administrator



Seth Piccirillo, Director  
Community Development



**CITY OF NIAGARA FALLS DEPARTMENT OF COMMUNITY DEVELOPMENT**

**PROGRAM YEAR 2018 ACTION PLAN IDENTIFICATION OF RESOURCES**

**IMPORTANT:** This is a DRAFT BUDGET based on applicant response and public input. This is NOT the final 2018 budget. The City of Niagara Falls Community Development Action Plan must be approved by the Niagara Falls City Council and the United States Department of Housing and Urban Development. The draft budget and individual project allocations are subject to change by the City of Niagara Falls draft budget review process and/or HUD based on project eligibility and available annual funding.

| Entity | Activity Description                                                                                                                                                                                                                                                                                                                                                                                                                          | 2018 CBDS    | Needs Addressed                         | CBDS Eligible Activity                          | Program Income | Appliment (CST) | State       | Other    | Private     | Source of Funds                                                                             |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------------------------|-------------------------------------------------|----------------|-----------------|-------------|----------|-------------|---------------------------------------------------------------------------------------------|
| 1      | City of Niagara Falls<br>Department of Public Works - Special Operations Project: Targeted cleanup task force that includes interim assistance activities from both the Departments of Public Works and Code Enforcement.<br>New Home Owner Closing Cost Assistance Grants: Approximately \$2,500 awarded per closing cost grant to first time home buyers. Approximately \$1,000 in program income will be used for mortgage recording fees. | \$200,000    | Benefit low to Moderate income Areas.   | Streets, sidewalks, or green space improvements |                |                 |             |          |             |                                                                                             |
| 2      | City of Niagara Falls<br>The City will administer deferred home rehabilitation loans for eligible Niagara Falls Home Ownership Auction houses and oversee the Niagara Falls Housing Collaborative. \$100,000 will be used for program delivery costs.                                                                                                                                                                                         | \$448,732    | Benefit low to Moderate income Persons. | Rehabilitation and Preservation Activities      | \$1,000        |                 |             |          |             |                                                                                             |
| 3      | City of Niagara Falls<br>Participatory Budgeting Process                                                                                                                                                                                                                                                                                                                                                                                      | \$150,000    | Benefit low to Moderate income Persons. | Public facilities and improvements              |                |                 |             |          |             |                                                                                             |
| 4      | City of Niagara Falls<br>Buffalo Avenue Streetcapping and Beautification Project.                                                                                                                                                                                                                                                                                                                                                             | \$100,000    | Benefit low to Moderate income Areas.   | Street improvements                             |                |                 | \$500,000   |          |             | NYS Assembly Member Iann                                                                    |
| 5      | City of Niagara Falls<br>Community Development Department-directed placemaking initiatives, including public art and placemaking, executed in collaboration with community members.                                                                                                                                                                                                                                                           | \$9,580      | Benefit low to Moderate income Areas.   | Street improvements                             |                |                 |             |          |             |                                                                                             |
| 6      | Niagara Falls Public Library<br>Upgrade and renovation of sound and projection system in Main Street branch auditorium.                                                                                                                                                                                                                                                                                                                       | \$27,000     | Benefit low to Moderate income Areas.   | Public facilities and improvements              |                |                 |             |          |             |                                                                                             |
| 7      | Niagara Falls Housing Authority - The Orling<br>Doris Jones Family Resource Building youth programming.                                                                                                                                                                                                                                                                                                                                       | \$60,000     | Benefit low to Moderate income Persons. | Public Services                                 |                |                 |             |          |             |                                                                                             |
| 8      | Niagara Falls Neighborhood Housing Services, Inc.<br>First-time homebuyer education and closing cost grant program.                                                                                                                                                                                                                                                                                                                           | \$65,000     | Benefit low to Moderate income Persons. | Direct Homeownership Assistance                 |                |                 |             |          |             | Match included in renovation program below.                                                 |
| 9      | Niagara Falls Housing Collaborative<br>City-wide Housing Renovation Program administered by Center City Neighborhood Development Corp. and Niagara Falls Neighborhood Housing Services, Inc. The program will be overseen by Niagara Falls Community Development. The Niagara Falls Housing Collaborative will offer services city-wide. \$180,000 for program delivery.                                                                      | \$315,899    | Benefit low to Moderate income Persons. | Rehabilitation and Preservation Activities      |                |                 | \$287,238   | \$61,000 | \$1,410,000 | NYS HCS, NeighborhoodWorks America, Fundraising Efforts, NYS AHC, Client-obtained mortgages |
| 10     | True North Gardens/Reinvent Housing<br>Adaptive reuse/conversion of 30 units of affordable rental housing in the former Sacred Heart School at 1112 South Avenue.                                                                                                                                                                                                                                                                             | \$50,000     | Low income Housing Benefit.             | Acquisition                                     |                |                 | \$8,500,000 |          |             | NYS Housing Trust Fund and Low Income Housing Tax Credits                                   |
| 11     | Resources for Women, Inc.<br>Mental health counseling for homeless youth.                                                                                                                                                                                                                                                                                                                                                                     | \$60,000     | Benefit low to Moderate income Persons. | Youth Services                                  |                |                 |             |          | \$76,625    | NYS Bureau, United Way of Greater Niagara                                                   |
| 12     | ADMINISTRATION - Cannot exceed 20% of the total 2018 CBDS Amount.                                                                                                                                                                                                                                                                                                                                                                             | \$435,228.00 | ADMINISTRATION                          | ADMINISTRATION                                  | \$1,000        | \$0             | \$9,287,538 | \$65,000 | \$4,486,625 |                                                                                             |
| 13     | CITY OF NIAGARA FALLS<br>TOTAL                                                                                                                                                                                                                                                                                                                                                                                                                | \$2,154,219  |                                         |                                                 |                |                 |             |          |             |                                                                                             |

8 cont

8 cont

| HOME INVESTMENT PARTNERSHIP PROGRAM                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |                                                     |                                            |                |                  |          |              |                                              |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------|--------------------------------------------|----------------|------------------|----------|--------------|----------------------------------------------|
| Entity                                               | Activity Description                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2018 HOME | Needs Addressed                                     | HUD Eligible Activity                      | Program Income | Applicant (City) | State    | Other Public | Private                                      |
| Niagara Falls Community Development                  | Niagara Falls Community Development will oversee the Niagara Falls Housing Collaborative and execute deferred rehabilitation loans at targeted properties.                                                                                                                                                                                                                                                                                                                         | \$97,500  | Benefits Low and Moderate Income Persons.           | Rehabilitation of residential properties.  |                |                  |          |              |                                              |
| Niagara Falls Housing Collaborative                  | City-wide Housing Renovation Program administered by Caritas City Neighborhood Development Corp. and Niagara Falls Neighborhood Housing Services, Inc. The program will be overseen by Niagara Falls Community Development. The Niagara Falls Housing Collaborative will offer services city-wide, breaking down the current geographical and programmatic boundaries of targeted areas. \$50,434.33 reserved for CBO projects. \$15,611.10 reserved for CBO administrative costs. | \$205,100 | Benefits Low and Moderate Income Persons.           | Rehabilitation and Preservation Activities |                |                  |          |              |                                              |
| ADMINISTRATION                                       | Cannot exceed 10% of the total 2018 HOME Amount                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |                                                     |                                            |                |                  |          |              |                                              |
| City of Niagara Falls                                | Administration - Total administration costs cannot exceed 10% of the total 2018 HOME Amount.                                                                                                                                                                                                                                                                                                                                                                                       | \$23,527  | Administration                                      | Administration                             |                |                  |          |              |                                              |
| Niagara Falls Housing Collaborative                  | Administration - Total administration costs cannot exceed 10% of the total 2018 HOME Amount.                                                                                                                                                                                                                                                                                                                                                                                       | \$11,095  | Administration                                      | Administration                             |                |                  |          |              |                                              |
| TOTAL                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$336,222 |                                                     |                                            | \$0            | \$0              | \$0      | \$0          | \$0                                          |
| EMERGENCY SOLUTIONS PROGRAM                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |                                                     |                                            |                |                  |          |              |                                              |
| Entity                                               | Activity Description                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2018 ESF  | Needs Addressed                                     | HUD Eligible Activity                      | Program Income | Applicant (City) | State    | Other Public | Private                                      |
| YWCA of the Niagara Frontier, Inc. - Carolyn's House | Fund transitional housing for homeless women and children. Grandfathered in as "emergency shelter" from FY 2010.                                                                                                                                                                                                                                                                                                                                                                   | \$35,300  | Benefits Very Low, Low and Moderate Income Persons. | Emergency Shelter                          |                |                  | \$35,300 |              |                                              |
| YWCA of the Niagara Frontier, Inc. - Carolyn's House | Rapid Rehousing Program Case Management. CM will issue RHP payments.                                                                                                                                                                                                                                                                                                                                                                                                               | \$12,500  | Benefits Very Low, Low and Moderate Income Persons. | Rapid Rehousing                            |                |                  | \$15,200 |              | \$15,800                                     |
| YWCA of the Niagara Frontier, Inc. - Carolyn's House | Homelessness Prevention Program Case Management. CM will issue HP payments.                                                                                                                                                                                                                                                                                                                                                                                                        | \$22,500  | Benefits Very Low, Low and Moderate Income Persons. | Homelessness Prevention                    |                |                  |          |              |                                              |
| Community Missions of Niagara Frontier, Inc.         | Homelessness Prevention Program Rental Arrears payments.                                                                                                                                                                                                                                                                                                                                                                                                                           | \$20,000  | Benefits Very Low, Low and Moderate Income Persons. | Homelessness Prevention                    |                |                  |          | \$20,000     | Donations                                    |
| Community Missions of Niagara Frontier, Inc.         | Emergency Shelter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$62,040  | Benefits Very Low, Low and Moderate Income Persons. | Emergency Shelter                          |                |                  |          | \$62,040     | CAL Donations                                |
| Community Missions of Niagara Frontier, Inc.         | Rapid Rehousing Program, Security Deposits.                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$15,000  | Benefits Very Low, Low and Moderate Income Persons. | Rapid Rehousing                            |                |                  |          | \$20,500     | CAL Donations                                |
| Family and Children's Services Casey House           | Emergency Shelter for homeless youth.                                                                                                                                                                                                                                                                                                                                                                                                                                              | \$8,330   | Benefits Very Low, Low and Moderate Income Persons. | Emergency Shelter                          |                |                  |          | \$20,000     | Niagara County Department of Social Services |
| Family and Children's Services Passage House         | Emergency Shelter for victims of domestic violence and their children.                                                                                                                                                                                                                                                                                                                                                                                                             | \$8,330   | Benefits Very Low, Low and Moderate Income Persons. | Emergency Shelter                          |                |                  |          | \$20,000     | United Way of Greater Niagara                |
| City of Niagara Falls                                | Administration - Total administration costs cannot exceed 7.5% of the total 2018 ESF Amount.                                                                                                                                                                                                                                                                                                                                                                                       | \$15,000  | Administration                                      | Administration                             |                | \$5,140          |          |              |                                              |
| TOTAL                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | \$320,020 |                                                     |                                            |                | \$5,140          | \$35,500 |              | \$138,360                                    |

Match listed with CDBG activities

8 cont

**City of Niagara Falls – Department of Community Development  
Draft 2018 Action Plan Official Written Public Comments Summary**

**Citizen Survey (Mon., Sep. 25 – Fri., Oct. 27)**

See Attached

**Neighborhood Planning Meetings (Wed., Oct 4; Wed., Oct. 11; Sat., Oct. 21; Thu., Oct. 26)**

No Comments Received

**30-Day Comment Period (Nov. 16 – Dec. 18)**

No Comments Received via email, letter, or hand-delivered

**“Pizza with the Plan” Public Meeting (Tue., Nov. 21)**

See Attached

**Draft 2017 Action Plan Public Hearing (Mon., Dec. 18)**

No Comments Received

8 cont

# 2018 Action Plan Survey Results

15 Participants

## Category Results

| Ranking | Category                                     | Total Score |
|---------|----------------------------------------------|-------------|
| 1       | Street, Sidewalk, & Green Space Improvements | 6           |
| 2       | Crime Prevention Services                    | 4           |
| 2       | Youth Programs & Facilities                  | 4           |
| 2       | Workforce Development                        | 4           |
| 2       | Housing Rehabilitation                       | 4           |
| 2       | Storefront/Local Business Investment         | 4           |
| 7       | Targeted Blight Clearance                    | 3           |
| 8       | Public Facility Improvements                 | 0           |

## Public Comments

### Most used words

|               |            |          |
|---------------|------------|----------|
| 3 POVERTY     | 2 BUSINESS | 2 ACTION |
| 3 CITY        | 2 HOUSING  | 2 HELP   |
| 2 DEVELOPMENT | 2 BLIGHT   |          |

### Full Public Comments as Written (29 Comments total)

Increased focus on accessibility for individuals with disabilities.

---

Youth Economic Development

---

Blight clearance, housing rehabilitation and storefront/local business investment

---

I feel this department has made an incredible impact on the city by completing a wide array of projects over the past few years--possibly more than any other city department--and am looking forward to seeing 2018's Action Plan be carried out.

---

a, b, c, d & g

---

Targeted Blight Clearance

---

Housing rehab

---

8 cont

I think you could make good use of the open space along Hudson rd by allowing a community garden there. It may even be something residents would be willing to pay a small amount to gain access to.

---

Complete renovation or replacement of the Jayne Park playground is my requested number 1 priority over everything else.

---

Home ownership--and poverty reduction efforts

---

The EITC is a very important tool in reducing poverty. It can help arrest generational poverty. No one ever seems to talk about this, or understand its huge potential.

---

Action

---

Your fly is down

---

Housing Rehabilitation

---

I would like a muriels other places around the city other than third st.

---

More business development

---

Coherent plans for vacant lots (for development)

---

Any and all help you guys need, I'm in!

8 cont

City of Niagara Falls – Department of Community Development  
DRAFT 2018 Action Plan  
Pizza with the Plan Public Meeting Written Comments  
November 29, 2017, 6pm – 7pm

| Project # | Organization                                      | Project Name                                            | Public Comment                                                                                          |
|-----------|---------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 2         | City of Niagara Falls                             | New Home Owner Closing Cost Assistance Grants           | "Great program."                                                                                        |
| 5         | City of Niagara Falls                             | Buffalo Avenue Streetscaping and Beautification Project | "More beautification projects!"                                                                         |
| 7         | Niagara Falls Public Library                      | Auditorium Renovation & Upgrades                        | "What about A/C in Aud? It's a sauna in there!"                                                         |
| 9         | Niagara Falls Neighborhood Housing Services, Inc. | Home Ownership Programs                                 | "This has been a very successful program."                                                              |
| 10        | Niagara Falls Housing Collaborative               | City-Wide Housing Renovation Program                    | "Great Program. Keep it going. Increase if possible."                                                   |
| 14        | City of Niagara Falls                             | NF CD HOME Rehab                                        | "What does \$70k really fix in today's dollars...?"<br>"Can this be better 'advertised' to the public?" |
| 15        | Niagara Falls Housing Collaborative               | City-Wide Housing Renovation Program                    | "Could use more funding into this area."                                                                |

9

# CITY OF NIAGARA FALLS

## OFFICE OF THE CITY CLERK

**TO:** City Council Members

**FROM:** Lisa A. Vitello  
City Clerk

**DATE:** 2017

**RE:** Local Law #1-2017

Please be advised that Local Law No. 1 for the year 2017, relative to adopting a Local Law authorizing a Property Tax Levy in excess of the limit established in General Municipal Law Section 3-C approved by Mayor Paul A. Dyster on December 6, 2017, was received and filed by the NYS Department of State on December 7, 2017.

Lisa A. Vitello  
City Clerk

2017 DEC -7 AM 8:53

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE

RVF  
DEC 28 2017

10



# City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

DATE: December 18, 2017  
TO: The City Council  
FROM: Lisa A. Vitello  
SUBJECT: Commissioner of Deeds

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 DEC 18 AM 10:45

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2018 to December 31, 2019.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Kylee M. Ryan

360 N. 3<sup>rd</sup> St., Lewiston, NY 14092  
(Employer: Jason Cafarella, Attorney)  
754 Park Place  
Niagara Falls, NY

Respectfully submitted,

Lisa A. Vitello  
LAV/cs

DEC 26 2017

GRANDINETTI \_\_\_\_\_ SCOTT \_\_\_\_\_ TOMPKINS \_\_\_\_\_ TOUMA \_\_\_\_\_ WALKER \_\_\_\_\_



Printed on Recycled Paper

11  
RESOLUTION NO. 2017-

RELATIVE TO REAPPOINTMENTS TO THE CITY OF NIAGARA FALLS SENIOR CITIZEN COUNCIL

BY:

Council Chairman Charles Walker  
Council Member Kristen Grandinetti  
Council Member Ezra Scott, Jr.  
Council Member Kenny Tompkins  
Council Member Andrew Touma

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Senior Citizen Council:

| <u>APPOINTMENT</u>                                                             | <u>TERM EXPIRES</u> |
|--------------------------------------------------------------------------------|---------------------|
| Robert Ramos<br>2481 South Avenue<br>Niagara Falls, New York 14305             | 12/31/2020          |
| Harold Fox<br>2243 Cleveland Avenue<br>Niagara Falls, New York 14305           | 12/31/2020          |
| George Kralick<br>512 82 <sup>nd</sup> Street<br>Niagara Falls, New York 14304 | 12/31/2020          |

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 DEC -6 PM 1:15

DEC 26 2017

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RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 DEC 18 AM 9:19

RESOLUTION No.2017-

**RELATIVE TO THANKING CHAIRMAN CHARLES WALKER FOR  
HIS LONG SERVICE TO THE CITY OF NIAGARA FALLS  
BY: COUNCIL MEMBERS KRISTEN GRANDINETTI, EZRA SCOTT, JR.,  
KENNY TOMPKINS AND ANDREW TOUMA**

**WHEREAS**, the City of Niagara Falls and the Niagara Falls City Council wishes to thank Chairman Charles Walker for his outstanding service to the City of Niagara Falls, and

**WHEREAS**, Chairman Walker has demonstrated hard work and dedication to the City of Niagara Falls as the longest serving councilman in recent history, and

**WHEREAS**, Chairman Walker has been a distinguished member of this body since 1999, serving as Chairman 5 times during his career on the Council, and

**WHEREAS**, Chairman Walker has consistently put the needs of this community in the forefront never failing to stand up for the issues and problems most important to the residents he has served, always concerned about their health, welfare and well-being, and

**WHEREAS**, Chairman Walker has been dedicated to this community and to the people of Niagara Falls not only as a City Councilmember but as a member of the Mt. Zion Missionary Baptist Church, a board member of the Urban Renewal Agency, the NFC, the North Pointe Council and Niagara Community Action Program, and

**WHEREAS**, Councilman Walker's involvement in the Underground Railroad and Heritage Project has been key in promoting historical tourism in the City of Niagara Falls

**WHEREAS**, Chairman Walker has worked tirelessly as the Community Outreach Manager at Niagara Falls Memorial Medical Center since April of 2007, and

**WHEREAS**, Chairman Walker married his lovely wife Linda in 1987 and both have continued to serve this community with distinction, and,

**WHEREAS**, Chairman Walker has embodied the principles of good citizenship, a commitment to public service and a love for his community.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council and the City Of Niagara Falls does hereby thank Mr. Charles Walker for his dedication, determination and hard work on behalf of our great city.

Grandinetti\_\_\_\_\_ Scott\_\_\_\_\_ Tompkins\_\_\_\_\_ Touma\_\_\_\_\_ Walker\_\_\_\_\_

DEC 26 2017

13

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE

2017 DEC 18 AM 9:19

RESOLUTION No.2017-

**RELATIVE TO THANKING COUNCILWOMAN KRISTEN GRANDINETTI  
FOR HER DEDICATED SERVICE AS A MEMBER OF THE CITY COUNCIL  
BY: COUNCIL MEMBERS, EZRA SCOTT, JR., KENNY TOMPKINS,  
ANDREW TOUMA, CHAIRMAN CHARLES WALKER**

**WHEREAS**, the City of Niagara Falls and the Niagara Falls City Council wishes to thank Councilwoman Kristen Grandinetti for her dedicated service to the City of Niagara Falls, and

**WHEREAS**, Councilwoman Grandinetti has demonstrated her devotion, loyalty and allegiance to the City of Niagara Falls, and

**WHEREAS**, Councilwoman Grandinetti has served as devoted member of this body since 2009, and

**WHEREAS**, Councilwoman Grandinetti has been an advocate for our diverse population through her endless efforts on behalf of the Heart ,Love and Soul Food Pantry, Planned Parenthood of Western New York, The Bi-national Niagara Falls Illumination Board, NFC Development Corporation and the Urban Renewal Agency, and,

**WHEREAS**, Councilwoman Grandinetti has been a devoted teacher for the Niagara Falls School District since 1994, spending countless hours to make certain our children have the skills needed for success, and

**WHEREAS**, Councilwoman Grandinetti has been a great Ambassador for the city she was born and raised in, and

**WHEREAS**, Councilwoman Grandinetti has been a strong voice for the issues that were important to all residents of Niagara Falls.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council and the City of Niagara Falls does hereby thank Councilwoman Grandinetti for her resolve, hard work and dedication on behalf of our great city.

Grandinetti\_\_\_\_ Scott\_\_\_\_ Tompkins\_\_ Touma\_\_\_\_ Walker\_\_\_\_

14  
RESOLUTION No. 2017-

**RELATIVE TO AMENDING CHAPTER 701 OF THE CODIFIED ORDINANCES  
ENTITLED "ANIMALS, FOWL AND DOGS"**

BY:

Council Member Ezra P. Scott, Jr.  
Council Member Kenny Tompkins  
Council Member Andrew Touma

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 DEC 20 AM 10:33

**BE IT RESOLVED** by the City Council of the City of Niagara Falls, New York  
that Chapter 701 of the Codified Ordinances entitled "Animals, Fowl and Dogs" is hereby  
amended to read as follows:

701.01 DEFINITIONS

...

DOG CONTROL OFFICER – any person authorized from time to time to enforce the  
provisions of the Agriculture and Markets Law of the State of New York and provisions set  
forth in this article.

**ENCLOSURE – a fence of at least six feet in height, or other structure, such as a pen,  
forming or causing an enclosed area suitable to prevent the entry of young children,  
or any part of their bodies, and suitable to confine vicious dogs in conjunction with  
other measures which may be taken by the owner or the keeper, such as the tethering  
of a vicious dog. Such other structure shall be securely enclosed and locked and  
designed with secure sides, top and bottom, and shall be designed to keep the animal  
from escaping therefrom. If the pen or other structure has no bottom secured to the  
sides, the sides must be embedded in the ground no less than one foot.**

...

CITY – means City of Niagara Falls.

**MENACING FASHION – Means that a dog would cause any person being chased or**

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

DEC 26 2017

14 cont

approached to reasonably believe that the dog will cause physical injury to that person.

...

THERAPY DOG – means any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing home, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

### VICIOUS DOG

(1) Any dog:

- (a) Which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack;
- (b) With a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger or threaten the safety of human beings or domestic animals;
- (c) Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal or household pet without provocation, on public or private property; or

(2) No dog may be declared vicious if the threat, injury or damage was sustained by a person who, at the time such threat, injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog.

(3) No dog may be declared vicious if it is used by law enforcement officials for law enforcement work.

WAR DOG – means any dog which has been honorably discharged from the United States armed services.

WITHOUT PROVOCATION – Means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

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WORKING SEARCH DOG – means any dog that is trained to aid in the search for missing persons and is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

**All other words and phrases used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them by § 108 of the Agriculture and Markets Law.**

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...

**701.05A SEIZURE AND IMPOUNDING OF DOGS.**

Any peace officer, police officer or representative of the Society for the Prevention of Cruelty to Animals is hereby authorized to seize any dog running at large in violation of Section 701.04 or Section 923.02(c) of these ordinances and immediately deliver the same to the pound maintained by the Society for the prevention of Cruelty to Animals. If such dog does not bear a license tag, it shall be disposed of pursuant to Article 7 of the Agriculture and Markets Law of the State of New York. If the dog seized bears a license tag, the officer or representative of the Society for Prevention of Cruelty to Animals shall ascertain the owner of such dog and shall give immediate notice by personally serving such owner or member of his family at least eighteen years of age with a notice in writing stating that the dog has been seized and will be destroyed **or forfeited** unless redeemed within **three business days from the day the dog is impounded, [the period provided in Article 7 of the Agriculture and Markets Law of the State of New York]**, and further provided that the owner pays the following impoundment fees:

...

**701.05B SEIZURE OF VICIOUS DOGS.**

**(1) A Dog Control Officer who has probable cause to believe that a dog is vicious, as defined in this chapter, shall immediately demand that possession of the dog be forthwith relinquished to said Dog Control Officer, who shall impound said dog and notify the owner of said impoundment. The owner of such dog may request**

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the City Court to conduct a hearing within fifteen (15) days from the notification of the dog's impoundment, to determine if the dog is vicious. Upon such hearing, all interested persons shall have the opportunity to present evidence on the issue of the dog's viciousness. If no such hearing is requested within fifteen days from the notification of the dog's impoundment, the dog shall become the property of the City.

(2) After a finding that the dog is vicious as defined in this chapter, it is in the Court's discretion to order the dog destroyed or to return the dog to the owner upon satisfaction of all of the following conditions:

(a) The owner obtained general liability insurance in the amount of \$100,000 for any injury which the dog may cause, naming the City of Niagara Falls as an additional insured for the purpose of receiving notification of termination. It shall be the duty of said dog owner to maintain such insurance policy in force so long as the dog shall be present in the City of Niagara Falls.

(b) The owner shall obtain from the City Clerk a conspicuously colored collar identifying the dog as vicious. Said collar shall remain on the dog at all times.

(c) The owner shall obtain a leash and muzzle for said dog. Such leash shall have a maximum length of three feet and shall have a minimum tensile strength of 300 pounds. It shall be unlawful, at all times thereafter, to allow said dog to leave the owner's home or enclosure, as defined herein, unless said dog is muzzled, collared and tethered and under the control of a person at least 18 years of age.

(d) Registration. The City Clerk or his/her designee shall require the owner of a vicious dog to register such dog with the City Clerk. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where the dog is kept, if not at the address of the owner, and any other information which the City Clerk or his/her designee shall require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of \$30. Each dog registered pursuant hereto shall be assigned an official registration number by the City Clerk. Such registration number shall be tattooed on the dog at the owner's expense in the

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manner prescribed by the City Clerk. The certification of registration shall be of such form and design and shall contain such information as the City Clerk shall prescribe and shall be issued to the owner upon payment of the registration fee and presentment of sufficient evidence that the owner has complied with all the orders of the City Clerk as prescribed at the determination hearing.

(e) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or street.

(f) The owner of the dog shall have the dog spayed and/or neutered at the owner's expense.

(g) The dog shall not be returned to any person under the age of 18.

(3) A Dog Control Officer who has probable cause to believe that a vicious dog is being possessed in violation of any order issued pursuant to this chapter shall immediately demand that possession of the dog be forthwith relinquished to said Dog Control Officer, who shall impound said dog until this chapter has been complied with and all fines paid.

#### 701.05C LIABILITY OF OWNER FOR INJURIES BY VICIOUS DOGS

If any vicious dog causes injury to a person or domestic animal or damage to property while out of or within the enclosure of the owner of the dog, or while off the property of the owner, whether or not the vicious dog was on a leash and securely muzzled or whether the vicious dog escaped without the fault of the owner, the owner shall be liable to the person aggrieved by the injury for all damages sustained, to be recovered in a civil action.

#### 701.05D NOTIFICATION OF STATUS OF VICIOUS DOG

The owner shall notify the Dog Control Officer immediately, but in no event more than 24 hours, if a vicious dog is loose, unconfined, has attacked any other animal, has attacked a human being or has died.

#### 701.05E DOG FIGHTING; TRAINING TO ATTACK

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No person shall own or harbor any dog for the purpose of dog fighting or shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.

**701.05F SELLING, BREEDING, BUYING OR GIVING AWAY VICIOUS DOGS**

No person shall possess with intent to sell, offer for sale, give away, breed, buy, attempt to buy or receive as a gift within the City any vicious dog.

**701.05G PENALTIES FOR OFFENSES**

(1) Any person who is found to have a vicious dog pursuant to the provisions of this article:

(a) Shall pay all expenses, including shelter, food and veterinary expenses, necessitation by the seizure of any dog for the protection of the public and such other expenses as may be required for the destruction of such dog.

(2) Any person who is found to have violated any other provision of this chapter shall be guilty of an offense and may be punished as provided in Chapter 701.99 herein.

**701.05H PROVISIONS SUPPLEMENTAL TO STATE LAW**

The provisions of this chapter shall not supersede but rather shall be supplementary to the provisions of law contained in Article 7 (§ 106 et seq.) of the Agriculture and Markets Law and any other applicable ordinance, rule or regulation and successor laws, ordinances, rules and regulations.

**701.05I APPEARANCE TICKETS**

The Dog Control Officer, in accordance with Subdivision 4 of Agriculture and Markets Law § 114, may issue an appearance ticket pursuant to the Criminal Procedure Law for any violation of this article.

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Bold and Underline Indicate Additions

Bold and Brackets Indicate [Deletions]

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RESOLUTION APPROVING GRANT BY NIAGARA FALLS URBAN RENEWAL  
AGENCY TO SANDSTONE SPRINGS, LLC AND SANDSTONE SPRINGS  
HOLDINGS, LLC OF OPTION TO PURCHASE  
3625 HIGHLAND AVENUE  
RESOLUTION 2017-

BY: Member of Council Andrew P. Touma

**WHEREAS**, the Niagara Falls Urban Renewal Agency (NFURA) has heretofore designated Sandstone Springs, LLC a qualified sponsor and entered into a lease with right of first refusal with Sandstone Springs, LLC for 3625 Highland Avenue, Niagara Falls, NY ("Property"), and

**WHEREAS**, NFURA has received a request from Sandstone Springs, LLC and Sandstone Springs Holdings, LLC for an option ("Option") to purchase the Property for \$865,000.00. The Option would be exercised at any time that the lease is in effect, including the initial three year term and the additional three year term if the right to extend the lease is exercised. If the Option to purchase is exercised, one-half of the rent paid by Sandstone shall be applied against the purchase price when the sale takes place, and

**WHEREAS**, on November 28, 2017 NFURA did direct publication of public notice pursuant to General Municipal Law §507(2)(d) refer the Option to the Niagara Falls City Council for its approval after a public hearing, and

**WHEREAS**, a public notice pursuant to General Municipal Law §507(2)(d) was published in the Niagara Gazette on December 3, 2017 as directed by NFURA,

**WHEREAS**, the City Council did hold a public hearing on said lease with right of first refusal on December 26, 2017 at 6:00 PM Eastern Daylight Time, in the City Council Chambers of the City of Niagara Falls, New York at City Hall, 745 Main Street after publication of notice of said hearing

**NOW, THEREFORE BE IT RESOLVED**, that the City Council does hereby approve pursuant to General Municipal Law §507(2)(d) the proposed grant by Niagara Falls Urban Renewal Agency to Sandstone Springs, LLC and Sandstone Springs Holdings, LLC of the Option to purchase 3625 Highland Avenue as described herein.

DEC 26 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Chairman Walker \_\_\_\_\_

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