

Monday, March 30, 2015 Council Meeting

PRESENTATIONS:

Gay Molnar, Aquarium of Niagara

Mike Mistriner, Cannon Design

– “Join Our Journey: The Humboldt  
Penguin Capital Campaign”

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ADMINISTRATIVE UPDATE:

Agenda Item #1

**SUBJECT:      CHANGE ORDER #1 - \$58,600.00**  
**2014 DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT**  
**(VARIOUS LOCATIONS)**

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on April 16, 2014 in the amount of \$341,412.00.

After the start of the City's Resurfacing Program, funding became available to add to the number of streets actually addressed through the project. The addition of streets to the Resurfacing Program, by necessity, also adds drainage structures to be repaired/replaced as well. Costs associated with the addition or substitution of streets for this project came to \$58,595.00, bringing the contract total to \$400,007.00. Funding is available in Code H0621.2006.0621.0449.599.

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

Agenda Item #2

**SUBJECT:** Bid #2015-02 Sale of Street Millings

We respectfully request you award the above referenced bid as follows:

TO: Modern Landfill, Inc.

4746 Model City Road

Model City, NY 14107

FOR: Sale of approximately 37,785 tons of street millings

generated during the 2015 paving season: \$ .85/ton

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to eight (8) vendors. Three (3) bids were received. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Armand Cerrone at \$ .79/ton, and from LaFarge North America at \$ .00/ton, but offering the City the option of a free dumpsite at their Niagara quarry.

Will the Council so approve?

Agenda Item #3

**SUBJECT:** Bid #2015-02 Meals for Prisoners

We respectfully request you award the above referenced bid as follows:

TO: PSNF Inc. d/b/a McDonald's

1726 Pine Avenue

Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Services Building: Breakfast (est. 3,000) \$ 1.00

Lunch (est. 6,700) \$ 1.65

Supper (est. 2,200) \$ 1.65

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Two (2) bids were received. Frankie's Donuts submitted a bid of \$ 1.00 for breakfast, \$ 1.75 for lunch, and \$ 1.75 for supper. The above referenced company submitted the lowest bid. This award will be in effect from April 14, 2015 through April 13, 2016.

Funds for this expenditure are available in Prisoner Meals A.3120.0001.0449.010.

Will the Council so approve?

Agenda Item #4

Re: Contribution to expenses of Good News Gospel Festival/Health Fair

Council Members:

The City has been requested by Niagara Falls Memorial Medical Center to once again be a sponsor of the Hospital's annual Good News Gospel Festival/Health Fair. The City has been asked to contribute the sum of \$2,500 toward the expenses of the event, which will be held on Saturday, July 18, 2015. Attached is a letter of request.

Funding is available from Tourism Fund balance.

Will the Council so approve?



NIAGARA FALLS  
**Memorial Medical Center**  
*Niagara's Premier Health Network*

Community Outreach Department  
501 Tenth St  
Niagara Falls, NY 14301  
Ph. (716) 285-2382



March 10, 2015

City of Niagara Falls N.Y.  
Mayor's Office  
Mayor Paul Dyster  
745 Main Street  
Niagara Falls New York 14301

Honorable Mayor Dyster

I pray all is well. I am writing this letter asking for the cities support once again of our Good News Gospel Festival/Health Fair.

As in the past the event will be held on the 3<sup>rd</sup> Saturday in July which will be July 18, 2015. It will be held at the NACC 1:00 P.M. to 7:00 P.M.

We are again asking the city to be a sponsor in this event, as we provide several services to the community on that day, such as health screenings, housing opportunity, legal help and many other service providers are available at the event. Last year we connected several people to primary care, and dental services, and free cancer screenings. As a major sponsor of the event we are asking you again for \$2500.00 towards the expenses of the event. This event also serves as entertainment for visitors to our city as well as residents.

We are asking to use some tables, chairs and hourly patrol of the area by police and fire personal.

Any questions please give me a call at 716-278-.

Sincerely

  
Cheryl Wiendkowski  
Events Coordinator  
Niagara Falls Memorial Medical Center

Cc: Mayor, City Administrator,

*Promoting healthy living everywhere people Live, Work, Play and Pray*  
621 Tenth Street • Niagara Falls, New York 14302 • (716) 278-4000  
[www.nfmmc.org](http://www.nfmmc.org)

Agenda Item #5

**RE:                   City Council Agenda Item: Assistant Housing Program Coordinator –  
Leased Housing**

**Council Members:**

The Niagara Falls Community Development Department proposes the creation of a new position, Assistant Housing Program Coordinator, in its Leased Housing Unit. The position will start at a Grade 19.

There is funding available through the Leased Housing budget, established by the United States Department of Housing and Urban Development. The creation of this position does not increase the size of the Leased Housing Unit or its budget, but rather redistributes staff resources. The Niagara Falls Municipal Civil Service Commission approved the creation of this position on March 19, 2015.

The Leased Housing Unit is going through a staff transition, with recent departures and retirements. This position is will bring specific industry experience into the department, as well as the ability to train other staff members. We anticipate hiring someone with current experience in the supervision of HUD and New York State funded housing programs, property management, and specifically oversight of project based vouchers.

Will the Council vote to approve the creation of the Assistant Housing Program Coordinator as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #6

**RE: City Council Agenda Item:**

**New Jerusalem Grant Extension**

**Council Members:**

On December 23, 2013, the City Council approved a grant of \$40,000.00 of State Finance Law §99-h funds (casino revenues) for the operation costs in 2014 of the New Jerusalem Boy's Reporting Center. The funds were to be expended for 2014 operating expenses, and requests for the draw of funds were required to be submitted by January 31, 2015. These are the normal grant provisions which the City uses when providing grants for annual operation expenses for all not for profit grants.

New Jerusalem experienced some difficulties last year, most significantly flowing from the untimely death of its director, James Seright. Consequently, the City grant was not drawn down.

The program is conducted under the auspices of The Independent Church of God in Christ. The Buffalo Federation of Neighborhood Centers, Inc. is providing invaluable management and other assistance to the program.

The Independent Church of God in Christ has requested that the grant be extended through 2015. To date, approximately \$17,000.00 of grant funds have been requested for 2014 expenses. If extended, the grant will be applied to 2014 and 2015 operating expenses. All other grant requirements will remain in place, with the grant required to be expended by January 1, 2016. The program appears to be running well, and the extension warranted to continue to support this program.

\$40,000.00 of CDBG grant funding for this organization is also being provided under the 2014 CDBG budget. The grant runs through June 30, 2015, There is no need to extend that grant.

Will the Council vote to approve the New Jerusalem Boys Reporting Center grant to include 2015 operating expenses as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?



Agenda Item #7

**SUBJECT:      BUFFALO AVENUE RECONSTRUCTION PROJECT  
                 VETERANS DRIVE TO 63<sup>RD</sup> STREET  
                 PIN 5460.28, R.P. 175  
                 \$0.00 CHANGE ORDER #6 AND FINAL**

A contract for the above referenced project was awarded to CATCO on May 29, 2012 in the amount of \$9,979,999.00.

As we conclude both the work and the warranty items for this project, the opportunities to encounter additional problematic soil issues have already come to pass. It is now possible to effectively deal with all the outstanding soil excavation and disposal issues. The cost of the disposition of the remaining soil handling totals \$287,262.00. However, existing underruns in paving, striping and excavating quantities allows the soil handling costs to be addressed without additional funding, leaving the final contract total to equal the \$9,979,999.00 award amount.

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

## Agenda Item #8

RE: City Council Agenda Item:

Buffalo Avenue Industrial Corridor – Brownfield Opportunity Area Program, Step-2

\$390,000 Consultant Contract to LaBella Associates DPC.

### Council Members:

The City has been awarded a second New York State Department of State Brownfield Opportunity Area (BOA) Program Grant for the *Buffalo Avenue Industrial Corridor Project “Step-2.”* The grant award for the BOA Project is in the amount of \$403,632.00. The total amount of the proposed consultant contract to LaBella Associates DPC is \$390,000.00, which will be paid for from the grant. Including the City’s matching share, which is 10% of any expenditures, Step-2 total project expenditures cannot exceed \$448,480.00. The City’s Planning Environmental & Economic Development staff is providing the City’s the full match amount of up to \$48,480.00 through “in-kind services” to the project. As such, there is no cash contribution or other cash disbursement required in accepting this award or in completing the Project.

In addition to helping mitigate the stigma of blight within the Corridor, the Buffalo Ave BOA planning process will stimulate new investment in transportation infrastructure, environmental cleanup, and improved access to the waterfront, as well as, new investment in ‘strategic sites.’ Sites that can serve as catalysts in driving new forms of economic development in the Corridor.

Six proposals for professional services were received for the Buffalo Avenue Industrial Corridor BOA Project. All firms submitting in response to the City’s request-for-qualifications/proposals (RFQ/RFP) were evaluated as specified therein. In addition to this initial analysis, City staff, NYS-DOS and NYS-DEC also interviewed the three highest-quality consultant responses in making this recommendation.

LaBella Associates’ proposal was determined to be the most comprehensive proposal with the best approach to achieving the goals of the project, and offering the best value overall. Additionally, LaBella Associates has performed similar work for the City of Niagara Falls under Buffalo Ave Industrial Corridor BOA “Step-1” Project, which gives them specific familiarity with the needs of the City in this regard and with the State’s BOA reporting requirements. Therefore, the Department of Planning Environmental & Economic Development recommends engaging LaBella Associates, DPC for the *Buffalo Avenue Industrial Corridor BOA Step-2 Project*.

Will the Council vote to accept the NYS-DOS grant, approve the contract award to LaBella Associates, DPC, and authorize the Mayor to execute any documents necessary, in form and in content satisfactory to the Corporation Counsel, to effectuate the same?

Agenda Item #9

**RE:                   City Council Agenda Item:**  
  
**Niagara Falls Aquarium**  
  
**\$150,000.00 SFL 99-h Grant**

**Council Members:**

The Niagara Aquarium Foundation a/k/a Aquarium of Niagara is undertaking an ambitious project, a new habitat exhibit space for the Aquarium's colony of Humboldt Penguins, the Aquarium's premier species. The cost of this project will be nearly \$3.3 Million. The City has been requested to provide a grant of up to \$150,000.00, to be used to pay for some of the hard construction costs. The largest component of the project expenses will be paid with a NYPA Proceeds Challenge Grant.

This is an exciting project which will provide construction jobs. Once completed, the exhibit will greatly enhance the attractiveness of the Aquarium as a tourist attraction,

If approved, the grant funds will be drawn down under normal City grant procedures. The Aquarium will submit proof of availability of all project funds. Grant funds will be advanced only for work completed. The final grant disbursement will be made at project completion.

Funds are available from the State Finance Law §99-h funds (casino revenues) on hand.

Will the Council vote to approve the grant to the Aquarium of Niagara as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #10

**AMENDMENT**

The City Council

Niagara Falls, New York

Re: Funding for Positions that were Removed During the Budget Process

Council Members:

It is requested that the balance of the budget for the SWEET Team in the amount of \$42,470 be approved. The two temporary employees hired as part of this budget will be utilized to educate the public about the Refuse and Recycling Program and also for enforcement of Chapter 911 titled "Solid Waste Refuse and Recycling". Funding is available from casino revenues. For this purpose, attached is an amended budget.

Will the Council so approve?

CITY OF NIAGARA FALLS, NY  
2015 SWEET TEAM BUDGET

	2015 AMOUNT
BI-WEEKLY	29,983.00
TEMPORARY	30,000.00
OFFICE SUPPLIES	1,000.00
AUTOMOTIVE GASOLINE	3,000.00
CONSUMABLE PRINTED FORMS	1,000.00
AUTOMOTIVE PARTS	750.00
CLEANING/SANITARY	250.00
TOOLS	1,000.00
SAFETY SUPPLIES	325.00
UNDESIGNATED SUPPLIES	300.00
CELLULAR PHONES	1,000.00
PRINTING BOOKS/BROCHURES	550.00
ADVERTISING	1,000.00

Approved  
1/20/15 with  
Fringes.

0.0

32,295.00 +  
1,000.00 +  
3,000.00 +  
1,000.00 +  
750.00 +  
250.00 +  
1,000.00 +  
325.00 +  
300.00 +  
1,000.00 +  
550.00 +  
1,000.00 +

012

42,470.00

Agenda Item #11

RELATIVE TO WAIVER OF PARKING FEES FOR NIAGARA FALLS HIGH SCHOOL  
GRADUATION AND GRADUATION REHEARSAL

BY:

Council Chairman Andrew Touma

WHEREAS, Niagara Falls High School will hold its 2015 graduation ceremony on June 27, 2015 from 12:00 – 2:00 p.m., and its rehearsal ceremony on Thursday, June 25, 2015 from 8:30 – 12:00 p.m,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive parking fees in the Third Street City parking lot and downtown parking ramp for persons attending the Niagara Falls High School graduation and rehearsal events, scheduled for June 27, 2015 from 12:00 – 2:00 p.m., and Thursday, June 25, 2015 from 8:30 – 12:00 p.m, respectively.

Agenda Item #12

RELATIVE TO HOME RULE REQUEST,  
REDUCTION OF SPEED LIMIT IN  
DOWNTOWN NIAGARA FALLS

BY: Council Chairman Andrew Touma

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S3115 and Assemblyman John Ceretto introduced Assembly Bill A3640, as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S3115 and Assembly Bill A3640, entitled “An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls”, and this Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

STATE OF NEW YORK

3115

2015-2016 Regular Sessions

IN SENATE

February 2, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT relating to authorizing the city of Niagara Falls, county of Niagara, to reduce the speed limit in downtown Niagara Falls

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Notwithstanding any general, special or local law or code  
2 to the contrary, the city of Niagara Falls, Niagara county is hereby  
3 authorized and empowered to lower the speed limit to not less than twenty-five miles per hour in downtown Niagara Falls, Niagara county. For  
4 the purposes of this section, the term "downtown Niagara Falls, Niagara  
5 County" shall mean the land area described as follows:  
6 COMMENCING in the city of Niagara Falls, Niagara County, New York;  
7 The TRUE POINT OF BEGINNING is the point of intersection of the  
8 Westerly right of way of John B. Daly Boulevard and the Southerly right  
9 of way of Buffalo Avenue;  
10 THENCE, leaving westerly along the Southerly right of way of Buffalo  
11 Avenue, proceeding until its intersection with the easterly edge of  
12 Riverside Drive;  
13 THENCE, leaving southerly and westerly along the Boundary of Riverside  
14 Drive until its intersection with the Westerly boundary of Holly Place;  
15 THENCE, leaving westerly along the line of land appropriated by and  
16 for the People of the State of New York in 1885, now known as Niagara  
17 Falls State Park, then following said property boundary westerly and  
18 northerly, proceeding until its intersection with the Northerly right of  
19 way of Niagara Street;  
20 THENCE, leaving easterly along the right of way of Niagara Street,  
21 proceeding until its intersection with the Westerly right of way of  
22 Rainbow Boulevard;  
23

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBDG2028-01-5



1 THENCE, leaving northerly along the Westerly right of way of Rainbow  
2 Boulevard, proceeding until its intersection with the Northerly right of  
3 way of Main Street;  
4 THENCE, leaving northeasterly along the Northerly right of way of Main  
5 Street, proceeding until its intersection with the Westerly right of way  
6 of Whirlpool Street;  
7 THENCE, leaving northerly along the Westerly right of way of Whirlpool  
8 Street, also abutting along the line of land appropriated by and for the  
9 People of the State of New York, proceeding until its intersection with  
10 the Easterly right of way of Third Street;  
11 THENCE, leaving southerly along the Easterly right of way of Third  
12 Street, proceeding until its intersection with the Northerly right of  
13 way of Pine Avenue;  
14 THENCE, leaving easterly along the Northerly right of way of Pine  
15 Avenue, proceeding until its intersection with the Easterly right of way  
16 of Main Street;  
17 THENCE, leaving southwesterly along the Easterly right of way of Main  
18 Street, proceeding until its intersection with the Easterly right of way  
19 of Fourth Street;  
20 THENCE, leaving southerly along the Easterly right of way of Fourth  
21 Street, proceeding until its intersection with the Northerly right of  
22 way of Niagara Street;  
23 THENCE, leaving easterly along the Northerly right of way of Niagara  
24 Street, proceeding until its intersection with the Westerly right of way  
25 of John B. Daly Boulevard;  
26 THENCE, leaving southerly along the Westerly right of way of John B.  
27 Daly Boulevard, proceeding until its intersection with the Southerly  
28 right of way of Buffalo Avenue, being also the POINT OF BEGINNING.  
29 S 2. This act shall take effect immediately.

**A03640 Text:**

## STATE OF NEW YORK

3640

2015-2016 Regular Sessions

IN ASSEMBLY

January 27, 2015

Introduced by M. of A. CERETTO -- read once and referred to the Committee on Transportation

AN ACT relating to authorizing the city of Niagara Falls, county of Niagara, to reduce the speed limit in downtown Niagara Falls

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Notwithstanding any general, special or local law or code  
2 to the contrary, the city of Niagara Falls, Niagara county is hereby  
3 authorized and empowered to lower the speed limit to not less than twenty-five miles per hour in downtown Niagara Falls, Niagara county. For  
4 the purposes of this section, the term "downtown Niagara Falls, Niagara  
5 County" shall mean the land area described as follows:  
6 COMMENCING in the city of Niagara Falls, Niagara County, New York;  
7 The TRUE POINT OF BEGINNING is the point of intersection of the  
8 Westerly right of way of John B. Daly Boulevard and the Southerly right  
9 of way of Buffalo Avenue;  
10 THENCE, leaving westerly along the Southerly right of way of Buffalo  
11 Avenue, proceeding until its intersection with the easterly edge of  
12 Riverside Drive;  
13 THENCE, leaving southerly and westerly along the Boundary of Riverside  
14 Drive until its intersection with the Westerly boundary of Holly Place;  
15 THENCE, leaving westerly along the line of land appropriated by and  
16 for the People of the State of New York in 1885, now known as Niagara  
17 Falls State Park, then following said property boundary westerly and  
18 northerly, proceeding until its intersection with the Northerly right of  
19 way of Niagara Street;  
20 THENCE, leaving easterly along the right of way of Niagara Street,  
21 proceeding until its intersection with the Westerly right of way of  
22 Rainbow Boulevard;  
23

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LB002029-01-5

A. 3640

2

1 THENCE, leaving northerly along the Westerly right of way of Rainbow  
2 Boulevard, proceeding until its intersection with the Northerly right of  
3 way of Main Street;  
4 THENCE, leaving northeasterly along the Northerly right of way of Main  
5 Street, proceeding until its intersection with the Westerly right of way  
6 of Whirlpool Street;  
7 THENCE, leaving northerly along the Westerly right of way of Whirlpool  
8 Street, also abutting along the line of land appropriated by and for the  
9 People of the State of New York, proceeding until its intersection with

10 the Easterly right of way of Third Street;  
11 THENCE, leaving southerly along the Easterly right of way of Third  
12 Street, proceeding until its intersection with the Northerly right of  
13 way of Pine Avenue;  
14 THENCE, leaving easterly along the Northerly right of way of Pine  
15 Avenue, proceeding until its intersection with the Easterly right of way  
16 of Main Street;  
17 THENCE, leaving southwesterly along the Easterly right of way of Main  
18 Street, proceeding until its intersection with the Easterly right of way  
19 of Fourth Street;  
20 THENCE, leaving southerly along the Easterly right of way of Fourth  
21 Street, proceeding until its intersection with the Northerly right of  
22 way of Niagara Street;  
23 THENCE, leaving easterly along the Northerly right of way of Niagara  
24 Street, proceeding until its intersection with the Westerly right of way  
25 of John B. Daly Boulevard;  
26 THENCE, leaving southerly along the Westerly right of way of John B.  
27 Daly Boulevard, proceeding until its intersection with the Southerly  
28 right of way of Buffalo Avenue, being also the POINT OF BEGINNING.  
29 S 2. This act shall take effect immediately.