

**CITY OF NIAGARA FALLS  
NEW YORK**

DATE: April 30, 2012

TO: The City Council

FROM: Mayor Paul Dyster  
Chief Executive Officer

James R. Bird  
City Assessor

SUBJ: AGENDA ITEM – Certification of Base Percentages, Current Percentages and Current Base Proportions for Homestead & Non-Homestead Assessment Roll

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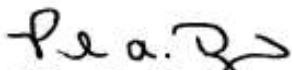
In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Respectfully,

  
Mayor Paul Dyster  
Chief Executive Officer

  
James R. Bird  
City Assessor

Anderson \_\_\_\_\_ Choolokian \_\_\_\_\_ Grandinetti \_\_\_\_\_ Walker \_\_\_\_\_ Fruscione \_\_\_\_\_

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND  
CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE  
LEVY OF TAXES ON THE 2012 ASSESSMENT ROLL

Approved Assessing Unit

City of Niagara Falls, 291100  
City of Niagara Falls, 291100

## CERTIFICATION

## Section I

## DETERMINATION OF BASE PERCENTAGES

	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B*100)	(D) Base Percentages (C/sum of C)
Homestead	527,758,662	89.89	587,116,100	57.88187
Nonhomestead	379,450,055	88.82	427,222,534	42.11833
Total	907,217,717		1,014,338,634	100.00000

## Section II

## DETERMINATION OF CURRENT PERCENTAGES

	(E) Prior Year Taxable Assessed Value Including Special Franchise	(F) Prior Year Class Equalization Rate	(G) Estimated Market Value E/(F*100)	(H) Current Percentages (G/sum of G)
Homestead	872,234,749.00	83.00	937,886,827	68.54664
Nonhomestead	400,234,242.00	83.00	430,369,400	31.45336
Total	1,272,468,991		1,368,256,227	100.00000

## Section III

## DETERMINATION OF CURRENT BASE PROPORTIONS

	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Part (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion ( K L)-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions
		P(H/D)	(J/sum of J)				signature
Homestead	40.12162	47.51422	51.51681	55.07407	-6.46	52.82777	title
Nonhomestead	59.87838	44.71630	48.48319	44.92593	7.92	47.17223	47.17223
Total	100.00000	92.23052	100.00000	100.00000		100.00000	date

Agenda Item #2

**CITY OF NIAGARA FALLS, NEW YORK**

**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** 4/30/12  
**RE:** **AGENDA ITEM: Federal Budget Finalization - 2012 Department of Housing and Urban Development - Community Development Block Grant, HOME and Emergency Shelter Grant Programs**

The City Council approved the Fiscal Year 2012 Consolidated Annual Plan on October 17, 2011. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Shelter Program (ESG); all funded through annual Department of Housing and Urban Development (HUD) allocations. These budgets were presented to the City Council based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2012 allocations were released on February 1, 2012. The City's final CDBG, HOME and ESG Budget is \$6,185 higher than the \$2,660,000 budget previously approved by the City Council. The individual programs are affected as follows:

Funding Source	12/2011 Estimate	2012 Final Allocation	Dollar Change	% Change
CDBG	2,000,000	2,121,101	121,101	6.06%
HOME	550,000	347,028	-202,972	-36.90%
ESG	110,000	198,056	88,056	80.05%
<b>Total 2012 Allocation</b>	<b>2,660,000</b>	<b>2,666,185</b>	<b>6,185</b>	<b>0.23%</b>

**CDBG BUDGET REVISIONS**

2012 Final Allocation - CDBG	\$
CDBG Allocation	2,121,101
Program Income	295,000
Total Allocation	2,416,101
12/2011 Admin. Estimate (20% of Final Allocation + Program Income)	460,000
Final Admin. (20%)	483,220
Dollar Increase	23,220
12/2011 Commercial Rehabilitation Estimate	40,000
Final Commercial Rehabilitation Estimate	70,000
Dollar Increase	30,000
12/2011 Interim Assistance	10,000
Final Interim Assistance	22,881
Dollar Increase	12,881
12/2011 Clearance/Demolition	75,000
Final Clearance/Demolition	125,000

Dollar Increase	50,000
12/2011 Code Enforcement	5,000
Final Code Enforcement	10,000
Dollar Increase	5,000

### **HOME Budget Revisions**

City of Niagara Falls - CD	
12/2011 Home Estimate	213,000
Final Home Budget	134,190
Dollar Decrease	<b>78,810</b>
Center City	
12/2011 Home Estimate	182,000
Final Home Budget	114,924
Dollar Decrease	<b>67,076</b>
NHS	
12/2011 Home Estimate	155,000
Final Home Budget	97,914
Dollar Decrease	<b>57,086</b>

### **ESG Budget Revisions**

Community Missions	
12/2011 ESG Estimate	30,000
Final ESG Budget	52,056
Dollar Increase	22,056
Family and Children's Services	
12/2011 ESG Estimate	30,000
Final ESG Budget	52,000
Dollar Increase	22,000
YMCA	
12/2011 ESG Estimate	20,000
Final ESG Budget	42,000
Dollar Increase	22,000
YWCA - Carolyn's House	
12/2011 ESG Estimate	30,000
Final ESG Budget	52,000
Dollar Increase	22,000

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 so approve and authorize the Community Development Director to make the necessary budget adjustments?

Agenda Item #3

**RE: DEPARTMENT OF CODE ENFORCEMENT – EXPENSES INCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY FROM APRIL 1, 2011 TO MARCH 31, 2012**

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall “order an assessment against said premises for several sums herein reported”.

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached. A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

**City of Niagara Falls**  
**New York**

April 24, 2012

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**SUBJECT:** Bid #09-12 Sale of Street Millings

At its meeting of April 16, 2012, the Council awarded the above referenced bid. An error in the recommendation was made. The wrong company was listed as the recommended bidder. The price bid was correct however. Therefore, we recommend the Council rescind the award and reaward as follows:

TO: Armand .. Cerrone, Inc.  
4625 Witmer Road  
Niagara Falls, NY 14305  
FOR: Sale of approximately 18,000 tons of Street Millings  
generated during the 2012 paving season: \$ .76/ton

The City Purchasing Agent 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 four (4) vendors. Two (2) bids were received. The bid from LaFarge North America, Inc. was for \$0.00 (i.e. they would accept the material at no charge to the City).

## Agenda Item #5

The City of Niagara Falls Veterans Memorial Commission has once again asked the City to co-sponsor the annual Memorial Day parade 2012. The parade will take place on Saturday, May 26, 2012. It will assemble at 10:00 a.m. in the City Market near the American Legion Post and will begin at 11:00 a.m. As a co-sponsor, the City has been asked to provide use of its bandstand with podium, mic and speakers together with approximately 40 chairs. These items will be made available pursuant to the terms of a co-sponsorship agreement to be prepared by the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute a co-sponsorship agreement?

Agenda Item #6

The following is the result of bids received on April 11, 2012, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Valeri Concrete Construction, Inc. 6655 Errick Road North Tonawanda NY 14120	\$193,127.00
Ventry Concrete Construction, Inc.	\$214,962.50
CVF, Inc.	\$243,189.50

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Valeri Concrete Construction, Inc. in the amount of \$193,127.00. Please note all costs are totally reimbursable by New York State CHIPS Funds.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Authority, in the amount of \$20,000.00, under the Niagara Falls Water Board budget, pending authorization by the Niagara Falls Water Board Meeting this month. Therefore, the City of Niagara Falls and the Niagara Falls Water Board will enter into a contract with Valeri Concrete Construction, Inc., to total \$213,127.00

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

Agenda Item #7

As a result of the restructuring of duties and responsibilities, it is recommended that one (1) Communication Technician position be eliminated. This will result in a total savings, inclusive of benefits, of \$66,431.94. It is also recommended that an additional Administrative Lieutenant position be created. This would involve the promotion of a Police Officer to that position without filling the vacancy created. The purpose for this is to provide additional administrative support in order for the NFPD to more adequately comply with the requirements contained in the consent decree the City entered into with the New York State Attorney General's Office, Civil Rights Division. The increase for the creation of this additional Administrative Lieutenant position, inclusive of benefits, will be \$12,443.84.

The net savings to the City resulting from both of these action items is \$53,988.01.

Will the Council so approve?

## Agenda Item #8

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 11, 2012 and run on a daily basis through December 31, 2012. The cost to the City for this service will be \$492,000.00. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund.

Will the Council so approve?

Agenda Item #9

Date Claim Filed:	January 18, 2012
Date Action Commenced:	N/A
Date of Occurrence:	January 13, 2012
Location:	11 <sup>th</sup> Street and Michigan Avenue
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Vincent Jackson
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,133.38
Make Check Payable to:	Paul Gigliotti
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

## Agenda Item #10

Date Claim Filed:	July 23, 2009
Date Action Commenced:	December 22, 2009
Date of Occurrence:	May 7, 2009
Location:	Intersection of Elmwood Avenue and Sheridan Drive, Tonawanda, New York.
Nature of Claim:	Personal injuries sustained in an accident with City vehicle.
City Driver:	Nicholas Ligammari
Status of Action:	Post-verdict.
Recommendation/Reason:	Best interests of City to pay claim; contractual obligation with City's excess carrier.
Amount to be Paid:	\$750,000.00
Make Check Payable to:	Law Office of Roland M. Cercone PLLC, as attorneys for Stephanie and Michael Insalaco
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above be paid under the terms set forth above. Will the Council so approve?

**WHEREAS**, The Benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and

**WHEREAS**, The Benevolent and Protective Order of Elks, Lodge 346, will sponsor observances during the Month of May in tribute to the Junior Citizens of this Community; and

**WHEREAS**, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and

**WHEREAS**, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and

**WHEREAS**, to achieve this worthy objective, we should demonstrate our partnership with youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship.

**NOW THEREFORE BE IT RESOLVED**, that the members of the Niagara Falls City Council of the City of Niagara Falls, New York, along with Mayor Paul Dyster, declare May 6<sup>th</sup> thru May 9<sup>th</sup>, 2012 as National Elks Youth Week and urges all departments of government, civic and fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

Agenda Item #12

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1313 entitled "Commercial Districts" of the Zoning Ordinance is hereby amended by amending Section 1313.4.B entitled "C1-C Buffalo Avenue – 86<sup>th</sup> Street Business District" to read as follows:

**B. C1-C BUFFALO AVE. – 86<sup>th</sup> STREET BUSINESS DISTRICT**

Purpose: To encourage the development of a variety of residential, general commercial and mixed uses in addition to permitting limited transportation/warehouse type.

Permitted transportation/warehouse type uses shall not exceed a maximum gross floor area of 18,000 square feet and/or a maximum of 50 exterior truck/bus parking spaces for the entire sub-district.

Motor Vehicle Service and Repair. Minor uses **[may only be] are permitted [as an accessory to a primary transportation/warehouse type use] in this district.**

Permitted transportation/warehouse type uses shall not include:

1. Camper Parks
2. Contractor's Yards
3. Motor Vehicle Service and Repair, Major
4. Motor Vehicle Sales and Leasing
5. Parking, Commercial
6. Rail Transit Facility

Bold and Underlining indicate **Additions**.

Bold and Brackets indicate **[Deletions]**.