

Monday – January 25, 2016 Council Meeting

PRESENTATIONS:

None

ADMINISTRATIVE UPDATE:

1. Update on City Website

City Administrator, Donna Owens

2. Refuse & Recycle Program – Update

Brook D'Angelo, SWEET Program Coordinator

Joe Hickman, Sales & Municipal Accounts Manager, Modern Disposal

Agenda Item #1

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 December 2015.						
A1255-001 A012	Vital Statistics			\$ 3,092.00	\$ 3,092.00	
A1255-004 A013	Copies of Records			\$ 734.00	\$ 734.00	
A1255-004 A013	Certificates of Marriage			\$ 390.00	\$ 390.00	
A2501-007 A043	Auction			\$ 150.00	\$ 150.00	
A2501-014 A046	Electrician - Active			\$ 5,375.00	\$ 5,375.00	
A2501-014 A046	Electrician - Inactive			\$ 480.00	\$ 480.00	
A2501-014 A046	Electrician - Exam Fee					
A2501-016 A047	Stationary Engineers			\$ 3,260.00	\$ 3,260.00	
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 252.00		\$ -	\$ 252.00	
A2542-000 A053	Additional Dogs			\$ 2,715.00	\$ 2,715.00	
A2545-001 A054	Marriage License/NYSHD	\$ 877.50		\$ 292.50	\$ 1,170.00	
A2501-009 A127	Helicopter			\$ 750.00	\$ 750.00	
A2545-010 A128	Petroleum - Retail			\$ 210.00	\$ 210.00	
A2545-010 A128	Petroleum - Storage			\$ 660.00	\$ 660.00	
A2545-010 A128	Petroleum - Wholesale			\$ 600.00	\$ 600.00	
A2545-021 A316	Vending			\$ 410.00	\$ 410.00	
A2545-023 A318	Hunters/NYS DEC RAU	\$ 28.34		\$ -	\$ 28.34	
A2545-023 A318	Hunters Fees			\$ 1.66	\$ 1.66	
A1255-003 A499	Notary Fee			\$ 10.00	\$ 10.00	
A1255-005 A528	Dog Release			\$ 400.00	\$ 400.00	
TA63008 A597	Marriage Performance			\$ 125.00	\$ 125.00	
A1255-006-A696	Photos/passport-license			\$ 9.00	\$ 9.00	
TOTAL:		<u>\$ 1,157.84</u>		<u>\$ 19,664.16</u>	<u>\$ 20,822.00</u>	
Check #	17280	NYS Dept.of Arg. & Mkts		\$ 252.00		
Check #	17263	NYS Health Department		\$ 877.50		
Check #	ET	NYS DEC RAU		\$ 28.34		

Agenda Item #2

SUBJECT: Bid #2015-23 Concrete

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

TO: LaFarge North America

75 Pineview Drive

Amherst, NY 14228

FOR: Concrete as described on the attached tally sheet.

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 two (2) vendors. Two (2) bids were received. After reviewing each bid we determined that LaFarge submitted the lowest overall bid as shown on the attached tally sheet (On file in the City Clerk's Office).

Funds for this expenditure are included in the DPW Construction and Repair account code A.5110.0200.0419.006.

Will the Council so approve?

Agenda Item #3

**SUBJECT: RECONSTRUCTION OF LOCKPORT STREET
MAIN STREET TO NORTH AVENUE – PIN 5757.09**

**ENGINEERING SERVICES CONTRACT SCOPE ADJUSTMENT - CHANGE ORDER # 3
- \$200,000.00**

The City Council previously approved resolutions and appropriated funding, which is federally reimbursable, for the above referenced project that was awarded to Urban Engineers of New York, PC on June 11, 2007.

Before completing the final design for this project, the construction funding was withdrawn by the NYSDOT and replaced with a reduced amount. The result is a change in design from a complete road reconstruction to a mill & overlay preservation project. This Change Order is for Additional Consultant Services related to a required change in the 'scope of work' for that new preservation project.

After preliminary design is approved additional Final Design and Construction Inspection matching monies will be added to this contract. Please note that all work is Federal eligible at 80% and State matching Marchiselli funds at 15%.

It is the recommendation of the undersigned that Change Order #3 be approved in the amount of \$200,000.00 increasing the total contract total to \$853,221.00. Funding is available in Code H0633.2006.0633.0449.599 and in a 2010 road reconstruction Bond Resolution.

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

Agenda Item #4

SUBJECT: NF International Railway Station & Transportation Ctr. Project

CHANGE ORDER #5

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY, on April 14, 2014 in an amount of \$22,691,000.00.

The City Council has approved Change Orders request to date in the amount of \$ 1,002,469.20 bringing the total contract amount to \$23,693,469.20.

This Change Order covers various contract changes from July 1, 2015 to January 15, 2016 and is composed of two separate scopes that have been reviewed by the City's consultant Wendel and the Engineering Department.

First, the project required various revisions to the original 'scope of work' for unanticipated and necessary work that involved structural, mechanical, signage and interior modifications. Second, there is a need to secure additional Railroad protection as required by contract to meet the anticipated Railroad construction impacts estimated till April 2016.

Funding for Change Order #5 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved by City Council and available in a Capital Project Fund HO402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of \$200,503.64 be approved; bringing the new contract total to \$23,893,972.84 sufficient funds presently exist in Code HO402.

Will the council vote to so approve?

Agenda Item #5

RE: Acceptance of grant on behalf of Niagara Falls Police Department

Council Members:

The Superintendent of Police advises that the Niagara Falls Police Department has been awarded a 2015 Stop Violence Against Women grant award for the period of time January 1, 2016 to December 31, 2016. This grant is in the amount of \$66,750.00.

Will the Council approve the acceptance of this grant and authorize the Mayor to execute any documents in order to accept the grant provided those documents are in such form as is acceptable to the Corporation Counsel?

Agenda Item #6

SUBJECT: Consultant Services Agreement for Phase IV Hyde Park Ice Facilities; Replacement of Ice Floor, Under Slab Piping & Systems and Dasher Boards for Rinks 1 & 2

CHANGE ORDER #2 - \$0.00

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo on July 21, 2014 for professional services and design related tasks in the amount of \$175,000. 00. This amount was later increased to accommodate the performance of construction inspection and various testing tasks required throughout the construction phase of the project; eventually reaching the current total of \$304,876.00.

During construction it became evident that additional unforeseen construction changes that required engineering tasks not included in the consultant's original scope of work. These additional engineering tasks are as listed:

- Design of new collar ties and bleacher screen wall associated with the GC Contract.
- The Brine Pumps and valve replacement, ammonia feed valve, control system troubleshooting, brine flow switch and controller, 60 HP Brine pump repairs, Trench Drain Work, collar tie grading work and existing underground wiring and conduit replacement for 30 hp pumps all associated with the Ice Rink Contract.

During construction, City engineering staff augmented the construction inspection to the point where existing funds remain in the consultant's C.I. portion of their contract that can be shifted from (C.I.) inspection to design, with no increase to our contract total, resulting in a (\$0.00) Change Order.

To that end please allow this zero dollar Change Order #2, request to facilitate the payment of \$13,170.00 to DiDonato Associates P.E. for additional design and mechanical engineering. Existing funding is available through the original Bond Resolution approved by City Council for this project.

Will the council vote to so approve?

Agenda Item #7

RE: School District of the City of Niagara Falls, OSC-21 (“OSC”)

Council Members:

The 2016 Budget contains an appropriation in the amount of \$10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel (“OSC”). In order to effectuate this, an appropriation agreement with the School District is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel?

Agenda Item #8

RE: AGENDA ITEM: Sale of 417 Elmwood Avenue and 2723 Lasalle Avenue– Community Development Home Ownership Auction

The Niagara Falls Community Development Department (CD) requests Niagara Falls City Council approval for the sale of 417 Elmwood Avenue and 2723 Lasalle Avenue. The Niagara Falls Planning Board unanimously recommended the sale of both parcels at its January 11, 2016 meeting.

CD conducted a Home Ownership Auction on May 21, 2015 for seven properties with the following stipulations:

-Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.

-Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls.

-If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.

The successful bidders for 417 Elmwood Avenue and 2723 Lasalle Avenue have met CD staff, reviewed the code enforcement violation report and created renovation plans for the respective properties. Therefore, CD requests sale approval to the following bidders:

Address: 417 Elmwood Avenue
Purchaser: Barrett Jackson
Price: \$6,300

Address: 2723 Lasalle Avenue
Purchaser: Renee Mathews
Price: \$18,000

Will Council vote to approve the sale of these properties and find that the best interest of the City shall be subserved by dispensing with a sale at public auction and authorize the Mayor to execute deeds and other related documents?



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14202-0069

January 13, 2016

NIAGARA FALLS PLANNING BOARD

APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Disposition of Property – Real Property Sale

Pursuant to action taken by the Niagara Falls Planning Board on the 13th day of January 2016 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: 2723 LaSalle Avenue

PURPOSE: Proposal to sell property to Renee Mathews as part of the first time home ownership auction

A real property disposition Recommendation to Council is approved.

JAN 13 2016

DATE: January 13, 2016


Chairman
Niagara Falls Planning Board





City of Niagara Falls, New York

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

January 13, 2016

NIAGARA FALLS PLANNING BOARD

APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Disposition of Property – Real Property Sale

Pursuant to action taken by the Niagara Falls Planning Board on the 13th day of January 2016 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: 417 Elmwood Avenue

PURPOSE: Proposal to sell property to Barrett Jackson as part of the first time home ownership auction

A real property disposition Recommendation to Council is approved.

JAN 19 2016

DATE: January 13, 2016


Tonya D. Johnson
Chairman
Niagara Falls Planning Board



Agenda Item #9

RE: Niagara Arts & Cultural Center (“NACC”)

Council Members:

The 2016 Budget contains an appropriation in the amount of \$30,000.00 for the NACC. In order to effectuate this, an appropriation agreement with the NACC is required. Funding is available from Tourism Fund Balance.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the NACC?

Agenda Item #10

RE: Niagara Falls Block Club Council ("COUNCIL")

Council Members:

The 2016 Budget contains an appropriation in the amount of \$10,000.00 for the Council. In order to effectuate this, an appropriation agreement with the Council is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the Council?

Agenda Item #11

RE: Niagara Falls Beautification Commission (“NBC”)

Council Members:

The 2016 Budget contains an appropriation in the amount of \$10,000.00 for the NBC. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism Fund Balance

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel?

Agenda Item #12

*RE: License Plate Reader Technology for Niagara Falls Police Department
("NFPD")*

Council Members:

The Superintendent of Police advises that it is necessary to renew its license plate reader technology service for a three (3) year term. The cost to do this over the three (3) year period of time is \$33,000.00. Attached hereto is a copy of the quote. The City Controller advises that these funds are available from budgeted sources.

Will the Council so approve and authorize the Mayor to execute any documents that may be required in connection with this service?



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FAX: (585) 758-0222
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Quote

Date of Quote

10/16/2015

Quote #

Q64189

Bill To	Ship To
Niagara Falls Police Department 1925 Main Street Niagara Falls NY 14305	Niagara Falls Police Department 1925 Main Street Niagara Falls NY 14305

Quote Expirati...	Terms	PO #	Sales Rep	Shipping Via	FOB
12/31/2015	NET 15		James M Foss		Brite Whse

Part Number	Description	Qty	Unit Price	Extended
-VS-LDS-2	Vigilant 'Commercial Data' Access via LEARN - Tier 2 Local/State LEA Tier 2 Commercial LPR Data access - Up to 200 Sworn. Access to all Vigilant commercially acquired national vehicle location data. Unlimited access for agency wide unlimited users of all commercial LPR data and LEARN components. Includes full use of hosted/managed LPR servers account via LEARN. Includes Vigilant's complete suite of LEARN data analytics. As per the Vigilant Solutions Software Service Agreement.	3	11,000.00	33,000.00

Total \$33,000.00

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Q64189

Agenda Item #13

RE: Niagara Community Action Program Inc.

Council Members:

The 2016 Budget contains an appropriation in the amount of \$27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2016. This will require that the City enter into a Funding Agreement with this entity.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement in form satisfactory to the Corporation Counsel?

Agenda Item #14

RE: Niagara Military Affairs Council (“NIMAC”)

Council Members:

The 2016 Budget contains an appropriation in the amount of \$2,500.00 for the NIMAC. In order to effectuate this, a funding agreement with NIMAC is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

Agenda Item #15

RE: Approval of In Rem Auction Bids from December 14, 2015

Council Members:

Attached is the list of bids (on file in the City Clerk's Office) from the December 14, 2015 auction.

With respect to Schedule A properties, Ward 04, Pro 1192; Ward 04, Pro 1193; Ward 05, Pro 4110; Ward 09, Pro 2711; Ward 09, Pro 3014; Ward 10, Pro 0160; Ward 10, Pro 1451; Ward 10, Pro 1456; Ward 10, Pro 1457 and Ward 12, Pro 1576, we recommend approval of the bids subject to payment of any delinquent taxes on other properties within 30 days. If the taxes are not paid by that time the bids are rejected and deposits and auctioneer fees forfeited pursuant to the Terms of Sale.

With respect to Schedule A properties, Ward 05, Pro 1607; Ward 09, Pro 2797; Ward 12, Pro 1576 and Ward 12, Pro 4332, the bidders have outstanding housing inspection violations and we recommend that the bids be rejected and the deposit forfeited in accordance with the Terms of Sale.

With regard to Schedule A, we recommend that the bids for Ward 05, Pro 1698; Ward 09, Pro 0325 and Ward 14, Pro 6806 be rejected and the bid deposit and auctioneer's fee returned to the bidder.

With the exception of the above, we recommend that the bids for Schedule A properties be approved. The bids for Schedules B and C properties do not require Council approval and are submitted for your information. (Ward 13, Pro 3405 and Ward 14, Pro 3308 are being rejected and the deposit forfeited. Ward 12, Pro 3859 is being rejected and the deposit and auctioneer's fee refunded.)

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

Agenda Item #16

RE: Extinguishment of 1987 easement

Council Members:

In 1987, in connection with the construction of the old Parking Ramp 1, the Niagara Falls Urban Renewal Agency (“NFURA”) granted to the City an easement on the “service road” that is located between the ramp (now parking lot) and the hotel. The easement also includes a strip of land on the west side of Third Street along the sidewalk in front of the hotel (now the Sheraton). A copy of the easement is attached for your reference.

The City is in the process of selling a portion of the service road to the owner of the Sheraton for construction of an indoor water park. The City is also in the process of dedicating the remaining portion of the property covered by the easement as a public right-of-way.

The easement parcel was later conveyed to the City by the NFURA. The easement may have been extinguished on the conveyance by the legal doctrine of “merger”, which holds that when a benefitted party obtains title to an easement parcel, the easement is extinguished.

In order to be clear that there are no remaining rights held by the City or the public over the parcel to be conveyed to the owner of the Sheraton, the Purchaser, in the contract of sale, has required that the easement be extinguished formally. The NFURA will be asked to take similar action at its next meeting.

In any event, it is appropriate for the City Council to acknowledge formally that the easement is extinguished. Will the City Council vote to extinguish the 1987 easement and authorize the Mayor to execute any documents necessary to effectuate the same?

0002071-xx 252

007448

RECEIVED

* REAL ESTATE

JUL 24 1987

TRANSFERTAX

NIAGARA

COUNTY

11 193 25.00 CHECK
600000 07-24-87 15:0

014052

THIS INDEMNITY, made in Niagara Falls, New York, on July 23, 1987 by the NIAGARA FALLS URAMA RENTAL AGENCY, a public benefit corporation (which, together with any successor public body or officer hereinafter designated by and pursuant to law, is hereinafter called "Agency"), created and established by Chapter 914 of the Laws of New York, 1964, and having its office at City Hall, 745 Main Street, in the City of Niagara Falls, State of New York, and the CITY OF NIAGARA FALLS, NEW YORK, a municipal corporation duly organized and existing under the Laws of the State of New York (hereinafter called City) having its office at City Hall, 745 Main Street, Niagara Falls, New York,

WHEREAS, the Agency represents and warrants that it is the owner in fee simple, free and clear of all encumbrances, of a certain parcel or parcels of land and has constructed and still maintains a roadway, sidewalk, and service areas over said parcel or parcels adjacent to the premises known as the Niagara Hilton Hotel (hereinafter referred to as "Hotel") which roadway extends from Third Street to Rainbow Boulevard North along the northerly side of the said Hotel, and sidewalk extends the length of the hotel on its eastern side, and a service area road extends from the roadway southerly along the west line of the said Hotel, and

WHEREAS, it is intended that within the next several months the Agency will convey title in fee to the aforesaid parcels of land, including the described amenities, to the City for public use,

NOW, THEREFORE, IT IS MUTUALLY AGREED, AS FOLLOWS:

1. That the Agency hereby gives and grants to the CITY

WITNESS AND SIGNED
REPRESENTATIVE OF LAW
AND PUBLIC OFFICER
NIAGARA FALLS, N.Y.
1987

of NIAGARA FALLS, NEW YORK and to its successors and assigns, for use of the public, the full and free right in common with the Agency and the successors and assigns of the Agency at all times hereafter, to enter upon the aforesaid roadway, service areas, and sidewalks and to walk upon, drive, ride, pass and repass over the same.

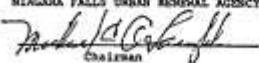
2. That the duration of this grant shall be only until such time as the aforesaid roadway and service areas are dedicated to the public use in accordance with the Urban Renewal Plan.

Dated: July 28, 1987

Niagara Falls, N.Y.

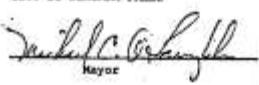
NIAGARA FALLS URBAN RENEWAL AGENCY

By:


John C. Gaffill
Chairman

CITY OF NIAGARA FALLS

By:


John C. Gaffill
Mayor

RECORDED
1-28-87
WALTER G. STONE
CLERK
CITY OF NIAGARA FALLS

WALTER G. STONE
CLERK
CITY OF NIAGARA FALLS
1987



State of New York
County of Niagara

On the 23rd day of July, 1937, in the year one thousand nine hundred and eighty-seven, before me personally came Michael C. O'Laughlin, as we know, who by me being first duly sworn, did depose and say that he resides in Niagara Falls, New York; that he is the Chairman of the Niagara Falls Urban Renewal Agency, the agency described in and which executed the above instrument; that he has been duly authorized to execute same in its name; that he knows the seal of said Agency; that the seal so affixed is the seal of said Agency and that it was affixed by authority of said agency, and that he signed his name by like authority.

Notary Public

State of New York
County of Niagara

On the 25 day of July, 1987, in the year one thousand nine hundred and eighty-seven, before me personally came Michael C. O'Laughlin, to me known, who by me being first duly sworn, did depose and say that he resides in the City of Niagara Falls, New York; that he is the Mayor of the City of Niagara Falls, New York, the Municipal Corporation described in and which executed the above instrument; that he knew the seal of said Municipal Corporation; that the seal affixed to said instrument is such corporate seal that it was so affixed by authority of the City Council of said Municipal Corporation; and that he signed his name thereto by like authority.
STATE OF NEW YORK
Suffolk County
County Clerk
Michael C. O'Laughlin
Mayor
City of Niagara Falls
New York
July 25, 1987

STATE OF NEW YORK
COUNTY OF NEW YORK
Received on the 19th day of
July A.D. 1974
2-34, when P.M. in the
2071 of Decade
P.D. 162
Payment & Date
John G. Dyer

MR. J. J. MCGOWAN
ATTORNEY AT LAW
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