

Monday – December 12, 2016 Council Meeting

PRESENTATIONS:

1. Niagara River Greenway Commission – Overview of Commission
Jeanne A. Leccese, Executive Director
Mr. Richard Soluri, Vice Chairman

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of November 2016. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Bradfield, Kristin
1260 88th Street
c/o Steve Boyd, Esq.

In reference to personal injuries from a motor vehicle accident.

Molano, Janniece
417 9th Street
c/o Law Offices of James Morris
6556 East Quaker Street, Suite A
Orchard Park, NY 14127

In reference to personal injuries from a raised metal plate adjacent to sewer drain

Rifenbark, Christopher
9037 Zito Drive, Apt. 5

In reference to personal injuries.

Tantillo, Frank
829 87th Street

In reference to vehicle damage caused by manhole cover on milled street.

Smielecki, Robert
95 Bradwood Rd.
West Seneca, NY 14224

In reference to vehicle damage caused by a pothole.

Butry, Peter
445 66th St.

In reference to vehicle damage caused by a large tree branch that fell from a City tree.

NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING

Ralph A. Guetta et al
c/o James C. Roscetti, Esq.
730 Main Street

Index No. E159869/2016

SUMMONS

Douglas, Rose F. and Norton J.
691 Chilton Ave.
c/o David P. Feldman, Esq
& Robert Ross Fogg, Esq.

Index No. E159946/2016

Agenda Item #2

*RE: Continuation of Advertising Agreement for Hyde Park Golf Course
(the "Agreement")*

Council Members:

On October 1, 2012 the City Council approved a request to allow a licensee to sell advertising signage at the Hyde Park Gold Course on the tee boxes for a three (3) year period of time in exchange for a payment to the City in the amount of \$4,000.00. This Agreement was subsequently amended in June of 2013 to include a sign board near the Club House at Hyde Park Golf Course. The fee to be paid to the City by the licensee for this additional sign board is a fee equal to 25% of the gross amount received by the licensee each year or from time-to-time depending on the licensee's agreement with an advertiser. This resulted in a fee of \$1,500.00 paid to the City.

The basic Agreement contains a three (3) year renewal provision on the same terms with a cost of living adjustment ("COLA"). The Director of the Department of Public Works is recommending an extension. It is therefore requested that the Agreement, as amended, be extended for the golf season of 2016, 2017 and 2018, to expire in November 2018. The base amount to be paid by licensee to the City with the COLA increase is \$4,157.57. The fee to be paid by the licensee for the additional sign board will be the same as it presently is, which is 25% of the gross revenues received by the licensee each year, or from time-to-time from an advertiser. The total amount of \$4,157.57 will be paid by the licensee to the City upon execution of this agreement.

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

Agenda Item #3

SUBJECT: Buyout of Leased Vehicles

Council Members:

The City Purchasing Division is recommending the buyout of five (5) vehicles currently on a month-to-month lease to the City by Enterprise Fleet Management. The original term of the leases expired July 2014.

There are three (3) 2011 Dodge Nitros currently in use by the Engineering Department and two (2) 2011 Ford Escapes in use by Community Development and DPW.

The total current amount to buyout these vehicles is \$9,568.91. Casino funding is available to effectuate the buyout and will be replenished by the proceeds of our current surplus asset auction.

Will the Council so approve?

Agenda Item #4

RE: City Council Agenda Item:

Sale of 324 Niagara Street for \$10,000.00

Council Members:

324 Niagara Street housed the former Press Box restaurant. The property is a three story commercial building on the north side of Niagara Street, with a tavern/restaurant on the ground floor and apartments on the second and third floor. The parcel has approximately 22 feet of frontage by 99 feet deep and is identified as SBL No. 159.37-1-15.

The City acquired the property in December, 2015 through the in rem process. An RFP was issued by the City.

The property is proposed to be sold to Savarino Companies, LLC, Buffalove Development, LLC and Community Beer Works for \$10,000.00. The conveyance will be to an entity established by the purchasers.

The proposed purchasers submitted a proposal outlining a very rapid development timeline for the site, with up to \$1.5 Million in investment and a targeted opening date of July 4, 2017. The sale was approved by the Planning Board on November 30, 2016. A copy of the Planning Board recommendation is attached hereto.

While an RFP was issued, this does not qualify as sale at public auction. Therefore, the Council should find pursuant to City Charter §59 that "the best interest of the city shall be subserved by dispensing with a sale at public auction, and the same shall be so decided by a majority vote of the Council."

Will the Council vote to find that the best interest of the city shall be subserved by dispensing with a sale at public auction, to approve the sale presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?



City of Niagara Falls, New York

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

November 30th, 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 Office on the 30th day of November 2016 your request is hereby granted.

NAME OF OWNER: Proposal Thomas O'Donnell

ADDRESS OF ACTION: 324 Niagara Street

PURPOSE: Disposition of Real Property to 324 Niagara Street Landlord LLC

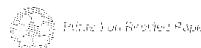
DATE: November 30th, 2016

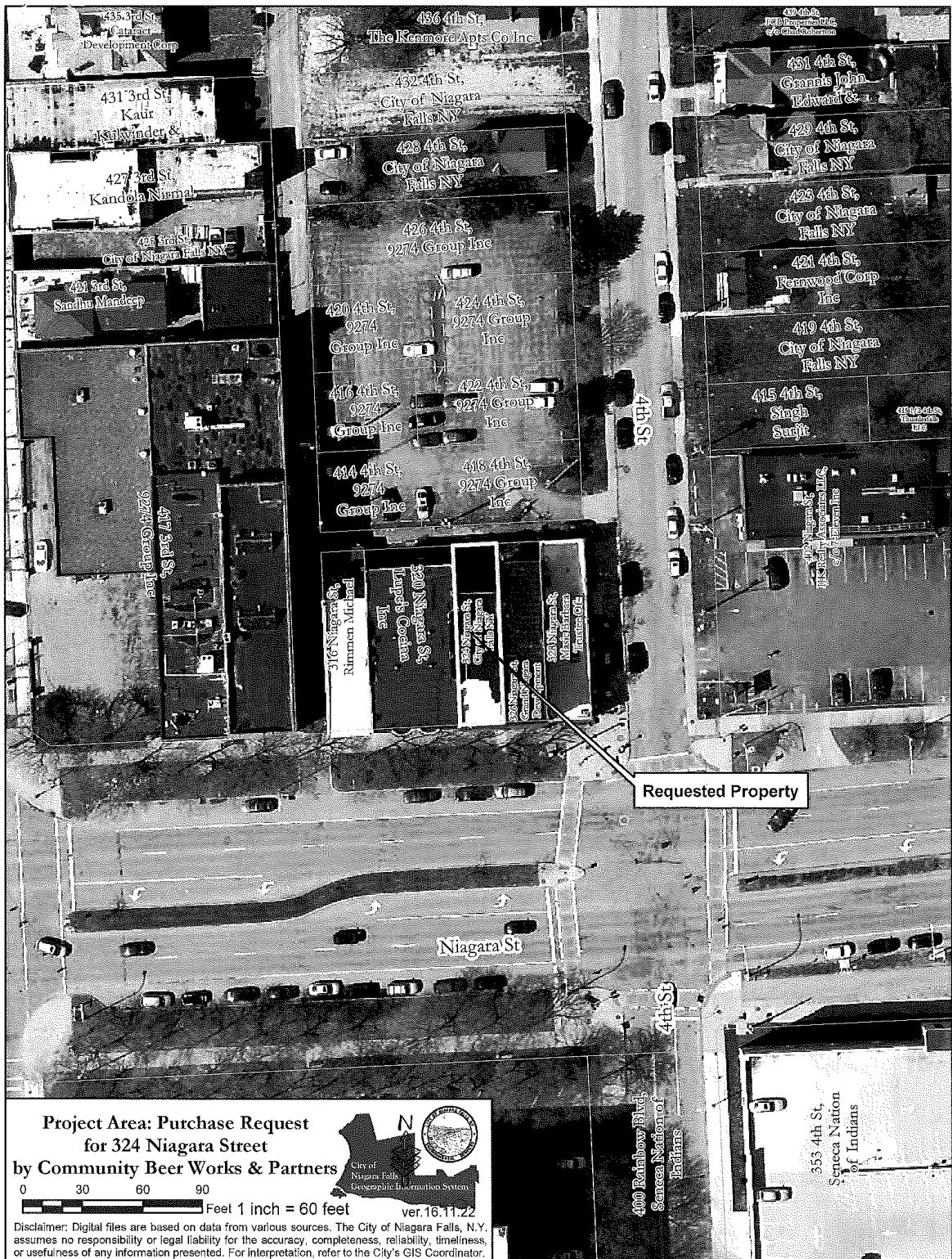


Tony M. Palmer, Chairman
Niagara Falls Planning Board

2016 DEC-1 AM 11:45

CITY CLERK'S OFFICE
NIAGARA FALLS
CITY OF
RECEIVED





Agenda Item #5

RE: Additional Funding for consulting engineers Clark Patterson Lee (“CPL”)

Council Members:

There is approximately \$20,000.00 remaining in the funding for engineering services for CPL which was previously approved. There is now a need for two (2) additional projects to be undertaken by CPL and it is anticipated that an additional \$40,000.00 will be required for this purpose. The projects are identified as an environmental assessment of the 1364 Center Avenue building, otherwise known as the Community Center, as well as the design of an emergency generator at the Department of Public Works.

It is therefore requested that an additional \$40,000.00 be made available for this purpose. Funding is available from casino revenues.

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

Agenda Item #6

RE: Acceptance of Division of Criminal Justice Services (“DCJS”) grant

Council Members:

The Superintendent of Police advises that the City has been awarded a grant in the amount of \$66,750.00 pursuant to the Federal fiscal year 2016 STOP Violence Against Women grant program. The grant period for this final year of the three (3) year award is January 1, 2017 to December 31, 2017.

Attached hereto is a copy of a communication from DCJS in this regard. These grant dollars fund the NFPD Domestic Violence Advocate on staff.

Will the Council approve acceptance of this grant and authorize the Mayor to execute any documents required to obtain the grant provided the same are in form and content acceptable to the Corporation Counsel?



**Division of Criminal
Justice Services**

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

December 2, 2016

The Honorable Paul Dyster
Mayor, City of Niagara Falls
745 Main St.
P.O. Box 69
Niagara Falls, NY 14302

Re: Contract No.: C652096
Eliminate Violence Against Women

Dear Mayor Dyster:

I am pleased to advise you that Niagara Falls, City of has been awarded \$66,750 for the Federal Fiscal Year 2016 STOP Violence Against Women (VAWA) grant program. The grant period for this final year of the three year award is January 1, 2017 to December 31, 2017.

A DCJS VAWA Program Representative assigned to your project will contact you in the very near future to discuss any document changes or updates necessary to finalize this award. The program representative will also assist you to ensure that the appropriate documentation and reports are maintained in order to be in compliance with the federal funding requirements.

Congratulations on your award. The Division of Criminal Justice Services is looking forward to working with you on this important initiative during the coming year. Should you have any questions or need additional information, please contact William Schaefer, DCJS VAWA Program Manager at (518) 485-7909 or Bill.Schaefer@dcjs.ny.gov.

Thank you for the work you do to help prevent violence against women.

Very truly yours,

Michael C. Green
Executive Deputy Commissioner

MCG:wms:tmv

Agenda Item #7

RE: Purchase of new swift water rescue equipment for NFFD

Council Members:

The fire chief is recommending that the City purchase new swift water rescue equipment for use by the NFFD. He advises that the current equipment is approaching the end of its useful life. The department is often called upon to assist in swift water rescues near the Falls and having the best and most updated equipment available is important to all concerned. The sum of \$10,000.00 is requested for this purpose.

Funding is available from casino revenues.

Will the Council so approve?

Agenda Item #8

Grant Acceptance: State and Municipal Facilities Program (SAM) Grant (\$75,000)

Highland Community Park

The City of Niagara Falls is being awarded \$75,000 competitive New York State Dormitory Authority State and Municipal Facilities Program (SAM) grant for the Highland Community Park Project.

Per SAM grant program guidelines, the City of Niagara Falls, via the Community Development Department, will coordinate a public participation process, then plan and execute a park/public garden project in 2017. The City Council will have the opportunity to review and act on any subsequent construction or purchased project components.

As a condition of the grant, the City of Niagara Falls must officially accept the award via legislative action.

Will the Council allow the Mayor to officially accept this grant and authorize necessary agreements?

Agenda Item #9

SUBJ: AGENDA ITEM: Locally-Adjusted Homestead & Non-Homestead Proportions

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2017 tax levy:

City of Niagara Falls

Homestead 52.81316

Non-Homestead 47.18684

This calculation represents a 10% shift to the homestead class

Will the Council so approve?

Agenda Item #10

RE: Request for Approval to Settle and Pay Claim of Paul Winter
5930 Newton Road, Orchard Park, New York 14127

Council Members:

Date Claim Filed:	July 29, 2016
Date Action Commenced:	N/A
Date of Occurrence:	May 14, 2016
Location:	Near Intersection of 1 st Street and Niagara Street
Nature of Claim:	Automobile damage sustained in collision with City vehicle
City Driver:	Micah Carey
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$3,397.27
Make Check Payable to:	Paul Winter
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?