

October 3, 2016

Monday – October 3, 2016 Council Meeting

PRESENTATIONS:

1. Resident Engagement Council (REC) – 91st Street Revitalization Project
2. Congressional Black Caucus Foundation, Inc. 46th Annual Legislative Conference, Washington, D.C. – Councilman Ezra P. Scott, Jr.

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

SUBJECT: Reorganization of Billing and Collection

We are requesting that a Principal Clerk (Grade 12) position be reclassified to a Senior Billing and Collections Clerk (Grade 11.) The Principal Clerk position will be vacant due to internal transfer. The reclassification will allow the promotion of a Billing and Collections Clerk into that position ensuring a smooth transfer of duties and little disruption in workflow.

Funding is already available in the Billing and Collection Biweekly Payroll line.

Will the Council so approve?

Agenda Item #2

RE: City Council Agenda Item:

Third Street Parking Lot Ground Lease

Council Members:

Niagara Falls Urban Renewal Agency owns real property commonly known as the Third Street parking lot. The parcel is between 256 Third Street and the Jefferson Apartments, between Third Street and Second Street. The parcel has been operated by the City as a public parking lot under implicit authority from NFURA. The southerly 100' x 130' portion of the parcel is under lease by the Agency to Jefferson Apartments for parking through 2026 at rent to the Agency of \$300.00 per month.

On September 12, 2016, the NFURA board of directors approved a formal ground lease under which the City will lease from NFURA the portion of the parking lot not under lease for the Jefferson Apartments. The lease will be a formal grant of authority to allow the City to operate a public parking lot on the parcel.

The ground lease term will be 20 years, and rent will be \$1,000.00 per year. There will be one renewal term of 20 years, and the rent for the renewal term will be \$2,000.00 per year. The City will maintain the lot as a public parking lot and will collect and retain all parking fees (keeping in mind that the portion lease for Jefferson Apartments is not included and NFURA will keep that rent). The City will indemnify the Agency against any injuries occurring on the property.

The ground lease will not be assignable by the City, and the City will not be allowed to sublease the parcel. The City will be allowed to enter into parking agreements, which agreements must not create an interest in the real property. The City will be allowed to construct and operate a public parking ramp on the site during the lease term. The City will be allowed to hire an operator for the lot or ramp.

Any commercial development on the site will require NFURA approval. The site cannot be transferred to a private entity without complying with the statutory NFURA disposition procedure. Any lease of commercial space in a parking ramp will require compliance with the statutory NFURA disposition procedure.

Pursuant to §556 of the General Municipal Law, Agency real property "may be sold, leased for a term not exceeding ninety-nine years, exchanged with or otherwise disposed of, for the effectuation of any of the purposes of the urban renewal program in accordance with the urban renewal plan, to any municipal corporation...for a valuable consideration and upon such terms and conditions as shall be approved by the governing body of the municipality, without public auction or sealed bids or public notice."

This ground lease will formalize the informal arrangement currently existing at the site. The ground lease will allow the City to continue to operate the parking lot and to enter into parking agreements without having to comply with the NFURA disposition process. The lease will allow the City to build a ramp on the site if the City so determines that a ramp is appropriate to accommodate public parking needs. Leases and other arrangements which encumber the real property will require further NFURA approval and compliance with statutory NFURA disposition procedures.

Will the City Council vote:

1. To approve the ground lease by NFURA to the City pursuant to General Municipal Law §556 as described herein;
2. To approve the City entering into the ground lease as tenant upon the terms described herein. and
3. To authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #3

RE: Reorganization of Department of Public Works ("DPW")

Council Members:

The Director of DPW recommends the reclassification of an Administrative Assistant position in the Department based upon the duties and responsibilities performed by the individual in that position. These duties and responsibilities were reviewed by the Civil Service Commission.

It is requested that the position in question, Administrative Assistant-Public Property Administration (Grade 17 – Salary \$45,186.75) in the DPW be changed to Administrative Assistant-Parks and Public Works (Grade 19 – Salary \$47,075.54). This is so that the title be consistent with the duties performed. The impact of this change for the remainder of calendar year 2016 is \$508.32 (\$472.20 in bi-weekly and \$36.12 in FICA).

Funds available to cover the short-fall for calendar year 2016 are available in the Trades bi-weekly line in the DPW.

Will the Council so approve?

Agenda Item #4

RE: Purchase of Trees and Planting of Trees

Council Members:

The Director of the Department of Public Works (“DPW”) has identified the need to purchase 200 trees to be planted in various locations throughout the City. These trees are in varying utility friendly species. Four (4) quotes were solicited and the Director wishes to purchase these trees from the lowest proposer, Schichtel’s Nursery. The amount of money requested for this purpose is \$19,930.00. Attached is the breakdown of tree species, quantities and cost of each.

The Director is also requesting that dollars be made available for overtime wages for City DPW employees to remove dead and hazardous ash trees throughout the City. The amount requested is \$21,530.00 (\$20,000.00 in bi-weekly and \$1,530.00 in FICA).

The total amount requested by the Director of Public Works in order to purchase the trees and perform the task of removing the dead and hazardous ash trees is \$41,460.00.

Funds are available from casino revenue and should be transferred to account code H1515.2015.1515.

Will the Council so approve?

| Type | Qty. | Unit Price | Total |
|----------------------------------|------|------------|--------------------|
| Bare Root | | | |
| Malus Spring Snow 1.75' | 15 | 76.00 | 1,140.00 |
| Acer Tat. Hotwings 1.75" | 10 | 90.00 | 900.00 |
| Syringa Ivory Silk 1.75 | 15 | 92.00 | 1,380.00 |
| B + B | | | |
| Malus Red Jewel 1.75" | 10 | 109.00 | 1,090.00 |
| Malus Purple Prince 1.75" | 10 | 109.00 | 1,090.00 |
| Acer Free. Autumn Blaze 1.75" | 20 | 118.00 | 2,360.00 |
| Ulmus Commendation 1.75" | 20 | 133.00 | 2,660.00 |
| Pyrus Cal. Redspire 1.75" | 25 | 130.00 | 3,250.00 |
| Carpinus Caroliniana 1.75" | 16 | 130.00 | 2,080.00 |
| Robinia pseud. Purple Robe 1.75" | 10 | 130.00 | 1,300.00 |
| Syringa Ivory Silk 1.75" | 20 | 134.00 | 2,680.00 |
| Total Purchase | | | \$19,930.00 |

Agenda Item #5

RE: Extension of License Agreement to Occupy a Portion of Pedestrian Walkway

Council Members:

Please recall that during the City Council meeting held on June 27, 2016, the City Council approved the request of Niagara Pedicab to occupy a portion of the pedestrian walkway located on Old Falls Street for the purpose of storing inventory in the nature of bicycles. Niagara Pedicab is in full compliance with the terms of the License Agreement and this arrangement has benefited its business.

Niagara Pedicab seeks a one (1) year extension of its License Agreement from October 1, 2016 through and including September 30, 2017. Niagara Pedicab has also requested the ability to make certain cosmetic improvements on the walkway glass facing Old Falls Street and a section of the glass entrance that faces First Street. Any such cosmetic improvements would be done at the sole expense of Niagara Pedicab. A copy of the existing License Agreement is attached hereto.

The amount to be paid by Niagara Pedicab is \$100.00 per month.

Will the Council so approve and authorize the Mayor to execute an amendment to the License Agreement provided the same is in form and content satisfactory to the Corporation Counsel?

Agenda Item #6

SUBJECT: NF International Railway Station & Transportation Ctr. Project
CHANGE ORDER #7 - \$0.00

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. Change Orders request to date bring the total contract amount to \$24,546,429.83.

This Change Order is comprised of two separate portions. The first is associated with various construction changes and code requirements to the original 'scope of work' for unanticipated but necessary work.

These items are composed of Change Requests that have been reviewed and recommended by the City's consultant Wendel Engineers and the City's Engineering Department.

The second portion of this change order is to transfer unused Allowances earmarked for various tasks that came in under budget. A portion of these unused funds need to be shifted to the Rail Flagging Account in the amount of \$50,000 for additional Railroad protection as required under our work agreement with Amtrak.

The net resulted of Change Order #7, will be a credit in the amount of \$197,469.63 to be added to the City's contingency funding to reduce the overall contract amount.

Therefore, it is the recommendation of the undersigned that this (\$0.00) Change Order #7 be approved.

Will the Council vote to so approve?

Agenda Item #7

SUBJECT: Second Hand Dealers

Chapter 338 of the Codified Ordinances states: “338.03...City Council may grant a license to carry on the business of secondhand dealer within the City...”

The following has submitted an application for a secondhand dealer license. This application has been approved by the Niagara Falls Police Department.

Niagara Metals, LLC
4861 Packard Rd
Niagara Falls, NY 14304

Will the Council so approve?

Agenda Item #8

RE: Request for Approval to Settle and Pay Claim of Robert L. Weber

Council Members:

| | |
|------------------------|--|
| Date Claim Filed: | N/A |
| Date Action Commenced: | April 24, 2013 |
| Date(s) of Occurrence: | January 2011 through June 2012 |
| Location: | N/A |
| Nature of Claim: | Damages sustained during arrest/prosecution |
| City Driver: | N/A |
| Status of Action: | Pre-trial Stage |
| Recommendation/Reason: | Best interests of City to pay claim. |
| Amount to be Paid: | \$70,000.00 |
| Make Check Payable to: | Robert L. Weber |
| Conditions: | General Release and Stipulation of Discontinuance 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 #9

CITY COUNCIL 2017 BUDGET MEETING SCHEDULE

BY:

Council Chairman Andrew Touma

BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby schedule Budget Meetings to commence at 5:00 PM in the City Council Chambers on:

October 5, 13, 14 and 20, 2016 and;

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York, does hereby schedule Budget Amendment Meetings to commence at 5:00 PM in the City Council Chambers on:

November 7, 9 and 10

BE IT FURTHER RESOLVED, that a public hearing be held on November 1, 2016 at 6 PM Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2017 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.

RESOLUTION RELATIVE TO ADOPTING CHAPTER 343
OF THE CODIFIED ORDINANCES ENTITLED
“MOBILE FOOD VENDING”

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

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 343 of the Codified Ordinances entitled **AMobile Food Vending@** is hereby adopted to read as follows:

CHAPTER 343

| | | | |
|----------------------|---|----------------------|---|
| <u>343.01</u> | <u>Definitions</u> | <u>343.05</u> | <u>Hours of Operation Permitted</u> |
| <u>343.02</u> | <u>Permit Required</u> | <u>343.06</u> | <u>Prohibitions</u> |
| <u>343.03</u> | <u>Permit Application and</u> | <u>343.07</u> | <u>Permitted Locations</u> |
| | <u>Issuance Requirements</u> | <u>343.08</u> | <u>Compatibility with Other Laws</u> |
| <u>343.04</u> | <u>Fees and Durations of Permits</u> | <u>343.09</u> | <u>Penalties and Enforcement</u> |

343.01 Definitions

The following words and phrases shall have the meanings set forth unless the context of their use clearly indicates otherwise:

APPLICANT

Any person by or for whom an application is made under this Chapter.

CITY

The City of Niagara Falls, New York

MOBILE FOOD VEHICLE

A self-contained mobile food unit in which ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution.

MOBILE FOOD VENDOR

The owner or owner's agent of a mobile food vehicle.

PERSON

A natural person, corporation, partnership, association, joint venture, society or other organization or association of any kind, whether acting as principal, agent, employer or employee.

PROPERTY

Any goods, wares, merchandise or other article or thing of every kind or nature except newspapers.

VENDING

The selling or offering to sell food and/or beverages from a mobile food vehicle. This also shall include the selling or offering to sell goods and/or merchandise incidental to the offered food and/or beverages or bearing the name, slogan, logo or other identifying characteristics of the mobile food vehicle.

343.02 Permit Required

No person shall engage in mobile food vehicle vending without first obtaining a permit or registering or both as required by this Chapter, which permit shall at all times be displayed in a conspicuous location on one's person and on the outside of the vehicle.

343.03 Permit Application and Issuance Requirements

A. An application for a yearly permit or a renewal permit under this Chapter shall contain the following:

- (1) The name, home address and local address, if any, of the applicant and any other individual who will be performing any on-site work as part of the mobile food vending operation for applicant (hereinafter "employee").
- (2) A valid driver's license or non-driver identification card issued by the State of New York.
- (3) The name and address of the person, if any, by whom the applicant is employed and for whom or through whom orders are to be solicited, cleared, filled or delivered.
- (4) A description of the business or activity in which the applicant intends to engage and of the nature of any property or services involved.
- (5) A list of crimes for which the applicant and all employees have been arrested or convicted, including the dates and places. Additionally, a local records criminal background check must be obtained from the Niagara Falls Police Department (at applicant's cost) and submitted herewith.

(6) A statement as to the period of time during which the applicant intends to engage in the business or activity regulated under this Chapter.

(7) Proof that the applicant, or his or her employer or principal, is registered for sales tax purposes, if the business or activity to be conducted is subject to sales or use tax. A copy of the applicable sales tax certificate is required. Additionally, proof of compliance with federal, state, county and local requirements, including any required permits from the Department of Health, shall be submitted.

(8) A description of any motor vehicle that will be used as a mobile food vehicle, include the name of manufacturer, year, type of vehicle, vehicle identification number, registration plate number, title holder and name of the person other than the title holder to whom the vehicle is registered, if any.

(9) The location(s) where a mobile food vending operation is to be conducted, if known.

(10) Any additional information deemed necessary by the City Clerk, the Niagara Falls Fire Department and/or Niagara Falls Police Department.

(11) General liability and product liability insurance coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate naming the City of Niagara Falls as additionally insured.

(12) The application shall be accompanied by the payment of any and all fees required pursuant to this Chapter.

B. The application shall be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

C. If mobile food vending is to be conducted on private property, the written consent of the property owner, if other than the applicant, shall be filed with the application or shall be prominently displayed on the mobile food vending vehicle.

D. The City Clerk shall forward a copy of the application to the Niagara Falls Police Department. The Police Department shall, to the extent possible, determine whether or not the applicant and/or employees have accurately reported convictions and is otherwise a person of good moral character and reputation. The Police Department shall then report the results of their investigation, together with a recommendation whether to approve or disapprove the application, to the City Clerk.

E. After receipt of report from the Police Department, the City Clerk shall issue the permit requested unless the applicant and/or employee is a registered sex offender, or has been convicted of a felony at any time or a misdemeanor within five (5) years prior to the application, and has not been granted relief from civil disabilities, or otherwise is found not to be a person of good moral character and reputation.

F. Event Permit Applications shall be made in the same manner set forth for yearly annual permits herein and shall additionally state the event for which the application is sought, the location of the event, and the anticipated dates and hours of operation. The application requirements set forth in

Section 343.03(A) are waived if the applicant provides proof of a valid annual mobile food vendor permit issued by a municipality located in either Niagara County, New York or Erie County, New York and pays the applicable fee set forth in Section 343.04(A).

343.04 Fees and Durations of Permits

A. The following fees shall be paid to the City Clerk with an application for a permit:

| <u>Type of Permit</u> | <u>Fee</u> |
|---|-------------------|
| <u>Initial Applications (yearly, per vehicle)</u> | <u>\$ 200.00*</u> |
| <u>Renewal Applications (yearly, per vehicle)</u> | <u>\$ 200.00*</u> |
| <u>Event Applications (per vehicle)</u> | <u>\$ 50.00*</u> |
| <u>Each Employee Permit (yearly)</u> | <u>\$ 35.00</u> |
| <u>Each Employee Permit (event)</u> | <u>\$ 15.00</u> |

* Includes the issuance of a Permit for the Applicant only

B. Yearly permits issued pursuant to this Chapter shall automatically expire one (1) year after the date of issuance. A yearly permit that is renewed prior to its' date of expiration or within thirty (30) days after its' date of expiration may be renewed by completion of a renewal application and payment of the renewal application permit fee. Event permits shall expire at the conclusion of the event for which they have been issued, and in any event no later than one week from the start of the event for which they have been issued. Permits issued under this Chapter shall not be transferable.

C. A permit issued pursuant to this Chapter may be revoked if, following its issuance, the Police Department determines that the applicant was convicted for any crime not reported in the application or is otherwise not a person of good moral character and reputation. A permit may also be revoked for any violation of this Chapter committed after its issuance.

343.05 Hours of Operation Permitted

Mobile food vehicle vending shall not be conducted before 9:00 a.m. or after 9:00 p.m. on a residential property or in a right-of-way adjacent to a residential property and shall not be conducted before 9:00 a.m. or after 3:00 a.m. on a non-residential property or in a right of way adjacent to a non-residential property.

343.06 Prohibitions

A. It shall be unlawful to conduct business from a mobile food vehicle within a public right-of-way or on private property within the City without having first obtained a valid mobile food vendor permit for each mobile food vehicle, and having said permit displayed prominently on each such vehicle.

B. It shall be unlawful for a mobile food vendor to conduct business in a location within the public right of way other than those set forth in Section 343.07 herein.

C. Within non-residential zoning districts, it shall be unlawful for a mobile food vendor to conduct business at a single location within a public right-of-way for a duration exceeding five (5) hours. Within residential zoning districts, it shall be unlawful for a mobile food vendor to conduct business

within a public right-of-way except for mobile food vehicles that operate for less than twenty (20) minutes at a single location or that operate within an area where a block party is being conducted.

D. At all times, mobile food vendors and vehicles shall abide by the New York State Transportation Law and all applicable federal, state and local Parking, Vehicle and Traffic Laws, Ordinances, Rules and Regulations.

E. All signage associated with a mobile food vendor must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle. Applicant and all employees must wear and prominently display their permits at all times.

F. All mobile food vendors must provide trash receptacles of sufficient capacity to contain all trash and waste generated in association with the business of the mobile food vendor. All waste and trash shall be placed in the trash receptacles. All trash, waste, litter and debris shall be removed from the site of the vending operation at the end of each such operation. Failure to abide by this section shall be considered a violation of this Chapter.

G. It shall be unlawful to discharge liquid waste, fats, oils or grease on the land. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.

H. Mobile food vendors shall not conduct operation from any site that contains a gasoline service.

I. Each mobile food vehicle shall be inspected annually by the appropriate City personnel for fire-safety code compliance and compliance with all state and local vehicle and traffic laws and ordinances.

J. All required permits shall be posted conspicuously on the mobile food vehicle.

K. Each mobile food vehicle shall be registered as a commercial vehicle with the New York State Department of Motor Vehicles, must be properly inspected and carry appropriate vehicle insurance as required by New York State law.

L. When parked on a public or private right-of-way, products shall not be dispensed from the street side of the mobile food vehicle.

M. A mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.

N. When parked on a public or private right-of-way, a mobile food vehicle shall not be parked within thirty (30) feet of an intersection with another public or private right-of-way boundary.

O. No person shall use private real property for any activity requiring a permit under this Chapter without the written consent of the owner.

P. No person or mobile food vehicle regulated by this Chapter shall hawk or cry property, offers, contracts or services upon any location in the City, or use any loudspeaker, horn or other sound making device other than for the dissemination of music or words historically or customarily associated with the operation of that mobile food vehicle.

Q. Each and every mobile food vehicle shall carry at all times a "measuring wheel" with a measuring capacity of no less than 150 feet as a condition of licensure. Failure of any mobile food vehicle to carry such a measuring wheel or abide by any of the proximity distance restrictions included in this Chapter shall constitute a violation of this Chapter.

R. It shall be a violation of this Chapter for any mobile food vendor to operate within 500 feet of the boundary line of any fair, festival, special event or civil event that is licensed or sanctioned by the City of Niagara Falls, except where such vendor has obtained permission from the organizer of said special event.

S. Mobile food vendors invited to participate in a City-sponsored event shall not be required to obtain a permit pursuant to this section.

343.07 Permitted Locations

A. Subject to the prohibition contained in Section 343.07(D) herein, mobile food vendors may only conduct business on public property or within the public right of way at the following locations and only where there is adequate space to park a mobile food vehicle safely and legally:

Niagara Street

Main Street within 1 block of Third Street

Whirlpool within 1 block of Main Street

2nd Street between Ferry Avenue and Niagara Street

3rd Street between Wendel Way and Niagara Street

Old Main Street within 1 block of Rainbow Boulevard

The East Side of Hyde Park Boulevard between LaSalle Ave. and Independence Avenue.

Adjacent to any City owned park land provided such location shall not abut a residential parcel

Within the defined parking areas of any City owned park or parking lot, provided any applicable fee for parking is paid.

Within a residential area for less than twenty (20) minutes at a single location or within an area where a block party is being conducted.

B. In the event the Niagara Falls Police Department determines that the operation of a mobile food vendor interferes with the operation of a street, sidewalk, right of way, City owned park or parking lot, the mobile food vendor shall move the mobile food vehicle upon request.

C. Mobile food vendors may only conduct business on private property on or at any private commercial lot provided the mobile food vendor has first obtained the written permission of the owner and there is adequate space to park the mobile food vehicle safely and legally.

D. It shall be unlawful for a mobile food vehicle vendor to park, stand, or operate in a location which is adjacent to or within a one hundred and fifty (150) foot radius of the primary entrance of any building or section of a building comprising a licensed food establishment, excluding any patio, awning or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the mobile food vendor has obtained the written consent of the proprietor of the adjacent licensed food establishment(s).

343.08 Compatibility with Other Laws

This Chapter is intended to replace and supersede the requirements of Chapter 341 of the Codified Ordinances with respect to the regulation and permitting of mobile food vending only. To the extent that any provision of this Chapter is in conflict with a provision of Chapter 341 with respect to mobile food vending, this Chapter shall control.

343.09 Penalties and Enforcement

A. Any person who violates any provision of this Chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250 or by imprisonment for a period not to exceed fifteen (15) days, or both.

B. The Superintendent of Police, or his designee, may suspend, rescind, confiscate and/or revoke any permit issued under this Chapter for good cause or in the event of any emergency requiring the same.

C. This Chapter shall be enforced by the Police Department, the Fire Department and the Code Enforcement Department of the City of Niagara Falls, New York.

Bold and Underlining indicate **Additions**.

Bold and Brackets indicate [Deletions].

Agenda Item #11

RELATIVE TO AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, TO FULLY FUND THE LOCAL SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE PROJECT COSTS, AND APPROPRIATING FUNDS THEREFOR.

BY:

Council Chairman Andrew Touma
Council Member Kristen Grandinetti
Council Member Ezra P. Scott, Jr.
Council Member Kenneth M. Tompkins
Council Member Charles Walker

WHEREAS, a Project, for the Reconstruction of Lockport Street, from Main Street to Seneca Avenue, in the City of Niagara Falls, Niagara County, PIN 5757.09 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI), Construction and Construction Inspection phases of the project PIN 5757.09.

NOW, THEREFORE, the City Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the City Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Construction and Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$104,000 is hereby appropriated and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Construction and Construction Inspection phases exceeds the amount appropriated above, the City of Niagara Falls shall convene its City Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

RELATIVE TO

WAIVER OF RENTAL FEES FOR NIAGARA CHARTER SCHOOL – “STOP BULLYING WALK” EVENT AT HYDE PARK CENTENNIAL PAVILION

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER KRISTEN GRANDINETTI

COUNCIL MEMBER EZRA SCOTT, JR.

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

WHEREAS, Niagara Charter School has celebrated Bully Prevention Month for the past five years; and

WHEREAS, Niagara Charter School hosted a “STOP BULLYING WALK” Event on Saturday, September 24, 2016 starting at Robbins Road, ending at Hyde Park Centennial Pavilion.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby retroactively waive fees of \$105.00 for Niagara Charter School “STOP BULLYING WALK” event in celebration of Bully Prevention Month – October.