

September 6, 2016

1. Information on Reassessments – James Bird, City Assessor; Gar Associates; Mr. Bob Wright, NYS Office of Real Property Tax Service

Council Members:							
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The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of JULY 2016.

					<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics				\$ 3,982.00	\$ 3,982.00
A1255-004 A013	Copies of Records				\$ 803.25	\$ 803.25
A1255-004 A013	Certificates of Marriage				\$ 840.00	\$ 840.00
A2501-006 A042	Tour Attendant				\$ 50.00	\$ 50.00
A2501-006 A042	Tour Driver/Guide				\$ 250.00	\$ 250.00
A2501-011 A044	Peddler				\$ 350.00	\$ 350.00
A2501-016 A047	Stationary Engineers				\$ 180.00	\$ 180.00
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 343.00			\$ -	\$ 343.00
A2542-000 A053	Additional Dogs				\$ 3,379.50	\$ 3,379.50
A2545-001 A054	Marriage License/NYSHD	\$ 1,890.00			\$ 630.00	\$ 2,520.00
A2550-001 A056	Loading Zone				\$ 395.00	\$ 395.00
A1255-002 A123	Commissioners of Deeds				\$ 10.00	\$ 10.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 947.59			\$ -	\$ 947.59
A2545-023 A318	Hunters Fees				\$ 55.41	\$ 55.41
A1255-003 A499	Notary Fee				\$ 34.00	\$ 34.00
A1255-005 A528	Dog Release				\$ 400.00	\$ 400.00
TA63008 A597	Marriage Performance				\$ 800.00	\$ 800.00
A1255-006-A696	Photos/passport-license				\$ 36.00	\$ 36.00
<b>TOTAL:</b>			<u>\$ 3,180.59</u>		<u>\$ 12,195.16</u>	<u>\$ 15,375.75</u>
Check #	20478	NYS Dept.of Arg. & Mkts	\$ 343.00			
Check #	20456	NYS Health Department	\$1,890.00			
Check #	ET	NYS DEC RAU	\$ 947.59			

**Agenda Item #2**

The following claims have been filed in the Office of the City Clerk during the month of July 2016.

The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

Chase, Shirley 1803 North Avenue c/o Walsh Roberts & Grace	In reference to personal injuries.
Lindaman, Cynthia Avenue	In reference to vehicle damage caused by the city 2462 LaSalle while repairing potholes.
Lauzon, Diane P.O. Box 1613 Niagara Falls, NY 14302	In reference to personal issues.
Komorowski, Thad 167 67 <sup>th</sup> Street	In reference to sewer repairs.
Leone Jr., Joseph L, As Guardian Ad Litem of Liam Swanson, an infant.	In reference to personal injuries.
Alkhatib, Nasser (Joe) 7900 Niagara Falls Boulevard	In reference to personal injuries.
Niagara Falls Water Board c/o Thomas D. Lyons, Esq. Rupp Baase Pfalzgraf Cunningham LLC	In reference to payment due for service at 3123 Highland Avenue
Griffin, Christopher R. c/o Robert H. Perk, Esq.	In reference to personal injuries.
Winter, Paul 5930 Newton Road Orchard Park, NY 14127	In reference to vehicle damage.

Cellino & Barnes  
350 Main Street  
2500 Main Place Tower  
Buffalo, NY 14202  
Client: Carol Candido

In reference to personal injuries.

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING**

Union Carbide Industrial Gases and Praxair Inc. Index No E159047/2016

Eleventh Street Properties, LLC Index No. E159134/2016

Upstate Associates Index No. E159135/2016

Blue Apple Properties, Inc. Index No. E159136/2016

NFR Gateway, LLC (Nabisco) Index No. E159137/2016

Leonard Pimm Index No. E159138/2016

Niagara Falls Redevelopment, LLC Index No. E159139/2016

Valentino, Ellen M.  
c/o Dietrich Law Firm Index No. E159015/2016

**NOTICE OF PETITION TO REVIEW TAX ASSESSMENTS FOR THE YEAR 2016**

Olin Corporation Index No. E159075/2016

**SUMMONS**

Hoffman, Virginia and Steven  
c/o Lipsitz Green Scime Cambria LLP In reference to personal injuries.

Agenda Item #3

**SUBJECT:      Roof Stabilization Project for Three (3) Roofs at  
3625 Highland Avenue  
CHANGE ORDER #1**

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons, Inc. on June 13, 2016 in the Amount of \$93,352.00.

During the course of work, conditions to Building #1 were discovered that precluded the contractor from performing the work as specified. The job conditions required installation of counter flashing on the inside masonry parapet wall and additional alterations to this project's original scope.

It is the recommendation of the undersigned that Change Order #1 be approved in the amount of \$3,919.00, bringing the new contract total to \$97,271.00.

Funding for this change order is available from previously earmarked economic development casino funds.

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

Agenda Item #4

*RE: Approval of grant through USA Niagara Development Corporation (“USAN”) for redevelopment of 401 Buffalo Avenue hotel*

Council Members:

The redevelopment of the old Fallside Hotel located at 401 Buffalo Avenue is nearing final completion and is proposed to be open in October of this year. As you know, this project is being undertaken by Merani Hospitality, Inc. At the time the project was commenced in 2010, Empire State Development Corporation and USAN committed approximately \$2,750,000 to the redevelopment project. Two Million Dollars is in the form of an Empire State Development convertible loan and \$750,000 is in the form of a grant to be provided by USAN upon completion of various benchmarks. This \$750,000 grant is to be provided to the City to hold in escrow and disbursed upon the completion of the project and verification by USAN and Empire State Development of various project expenses.

Attached hereto is a copy of the Memorandum of Understanding between USAN and the City. As this \$750,000 is being transferred to the City to hold in escrow by USAN, there is no cost here to the City.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding with USAN, provided the same is acceptable to the Corporation Counsel?

**Funding Agreement  
401 Buffalo Avenue Hotel Redevelopment Initiative**

**MOU/State Aid Funds**

**Niagara Falls, New York**

This **Funding Agreement**, made as of \_\_\_\_\_, 2016, by and between **USA Niagara Development Corporation** ("USAN"), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development ("ESD"), a public benefit corporation of the State of New York, with offices at 222 First Street, 7<sup>th</sup> Floor, Niagara Falls, New York 14303 and the **City of Niagara Falls** (the "City") a municipal corporation of the State of New York, with offices at 745 Main Street, Niagara Falls, New York 14302.

**Recitals**

- I. Pursuant to the 2009 Memorandum of Understanding ("MOU"), between USAN and the City, State Aid Funds [i.e., State Emergency Financial Assistance to Eligible Municipalities] may be used to finance economic development projects located within the USAN Development District, and
- II. USAN and the City have determined that the 401 Buffalo Avenue Hotel Redevelopment Initiative (as described hereinafter, the "Project") is within the USAN Development District and is an important project for the continued viability of the USAN Development District and will enhance and support other projects in the USAN Development District funded by the City and USAN; and

III. Merani Hospitality, Inc. ("Merani Hospitality"), the owner/developer of the Project site, accepted an Incentive Proposal ("IP") from ESD on July 14, 2010, for assistance to further advance the Project. The IP includes a \$2 million ESD convertible loan and \$750,000 in funds provided to USAN from funding received per the terms of the MOU, to be disbursed by the City via a USAN – City funding agreement. The IP was approved by ESD on June 28, 2011 and the USAN Board approved the Project funding agreement on July 19, 2011.

IV. USAN and the City have entered into this Agreement to set forth their mutual understandings with respect to the provision of the MOU/State Aid Funds for the Project; and

**Now, Therefore, USAN and the City, in consideration of the foregoing and the mutual covenants contained herein, hereby agree to the following:**

**1. The Project**

The Project can be generally described as a \$15 million hotel redevelopment project involving the acquisition and renovation of the formerly vacant Fallside Hotel and transforming it into a new, 192-room, DoubleTree by Hilton Hotel®. Located at 401 Buffalo Avenue, near the upper Niagara River, the Project includes a 178,000 square-foot nine-story tower overlooking the river. The new hotel will include 16,000 square feet of banquet facilities, with a 550-person ballroom, as well as an indoor pool, a gym, a signature

restaurant with an outdoor patio, and views of the upper rapids. The Project will help to fulfill the need for additional quality downtown lodging, contribute to the overall beautification and usability of the area and create 55 new jobs. The Project is expected to be completed by October 2016.

## **2. Project Budget**

The budget for the Project is as follows:

<b>Sources of Funds:</b>		<b>Percent:</b>
Senior Debt	\$7,065,000	47%
Company Equity	5,250,000	35%
ESD - Loan	2,000,000	13%
<b>USAN/City MOU Funds</b>	<b>750,000</b>	<b>5%</b>
<b>Total Sources of Funds</b>	<b>\$15,065,000</b>	<b>100%</b>
<hr/>		
<b>Use of Funds:</b>		
Planning/Feasibility Costs	\$15,000	0.1%
Land Acquisition	750,000	5%
Acquisition of existing assets	2,250,000	14.9%
Demolition	1,000,000	7%
Hard Costs, inc. contingency	6,000,000	40%
Machinery and Equipment	1,950,000	13%
Furniture, Fixtures and Equipment	1,950,000	13%
Soft Costs, Fees	1,200,000	7%
<b>Total Use of Funds</b>	<b>\$15,065,000</b>	<b>100%</b>
<b>TOTAL BUDGET:</b>	<b>\$15,065,000</b>	

## **3. Project Funding Agreement**

(a) USAN shall remit, or cause ESD to remit, to the City Controller, funds in the amount of \$750,000 in USAN/City MOU Funds. The City Controller shall hold such funds in escrow and release the same, to pay for bona fide approved

Project costs incurred by Merani Hospitality. The \$750,000 in USAN/City MOU Funds shall be disbursed in a lump sum payment to Merani Hospitality upon completion of the Project, following USAN/ESD verification of Project expenditures of at least \$15 million and evidence of a Certificate of Occupancy for the Project location.

- (b) Additionally, Merani Hospitality must meet all terms and conditions as required in its ESD IP including having a minimum of 25 Full-Time Permanent Employees upon project completion, before the City will disburse any USAN/City MOU funds. USAN will provide the City all required documentation as detailed in the Agreement. Expenses must be incurred on or after January 8, 2010 to be considered eligible project costs. All disbursements must be requested by December 31, 2016.
- (c) If the Project is terminated, abandoned or modified by Merani Hospitality without the consent of USAN, or if upon completion of the Project there remains any unexpended USAN/City MOU Funds, the City shall promptly remit the same to USAN.
- (d) USAN and the City agree that Merani Hospitality shall contract directly for all Project improvements and shall be solely responsible for the payment of contractors. Merani Hospitality shall be held responsible for the management of all other aspects of the Project.

**4. Other Project Conditions**

Disbursement of the MOU/State Aid Funds is subject to the following conditions: (i) satisfactory completion of any applicable environmental and historic preservation review that may be required; (ii) Merani Hospitality's compliance with USAN urban design standards, (iii) Merani Hospitality's successful completion of the application process for the above public funding sources and the commitment of all funding sources to the satisfaction of USAN; (iv) Merani Hospitality's obtaining all required permits, reviews and approvals for the Project and (v) acceptable documentation.

**5. Audit**

The City shall maintain accurate books and records concerning the MOU/State Aid Funds. USAN shall have the right to audit the books and records of the City, with respect to any aspect of the Project, for a period extending three years from the time of completion or termination of the Project.

**6. Amendments**

This Agreement may be amended only by written instrument executed by the parties hereto.

**7. Notices**

Each notice required hereunder shall be in writing and shall be deemed given upon receipt by the other party, if personally delivered or transmitted via facsimile, or three days after

dispatch by certified mail, return receipt requested. Notices shall be sent to the following addresses:

**(a) to USAN:**

USA Niagara Development Corporation

222 First Street, 7<sup>th</sup> Floor

Niagara Falls, New York 14303

Attn: President

With a copy to:

Empire State Development Corporation

633 Third Avenue

New York, New York 10017

Attn: General Counsel

**(b) to the City:**

City of Niagara Falls

745 Main Street

Niagara Falls, New York 14302-0069

Attn.: City Controller

With a copy to:

City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14302  
Attn: Corporation Counsel

**8. No Assignment**

This Agreement and the rights hereunder may not be assigned by either of the parties hereto.

**9. Governing Law**

This Agreement shall be governed and construed in accordance with the laws of New York State.

**10. Conflict of Interest**

No member director, official or employee of any party hereto has or shall have any personal interest, direct or indirect, in the Project, nor shall any such member, director, official or employee participate in any decision relating to any of the foregoing which effects his or her personal interest or the interest or any corporation, partnership or association in which he or she is directly or indirectly interested.

**11. Severability**

If any term or provision of this Agreement or the application thereof to any person or circumstances shall to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the date set forth above.

**CITY OF NIAGARA FALLS, NEW YORK**

By: \_\_\_\_\_  
Title: Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**USA NIAGARA DEVELOPMENT CORPORATION**

By: \_\_\_\_\_  
Title: President

Agenda Item #5

*RE: Agreement with Family & Children's Services of Niagara Inc.*

Council Members:

The City Administrator is recommending that the City renew its Letter of Agreement with Family & Children's Services of Niagara Inc. for referrals on an as-needed basis. The purpose of this service is to utilize it as a resource for youth identified to be at risk. Attached is a copy of the request and agreement. There is no cost to the City.

Will the Council so approve?



July 18 2016

Patricia Travis  
Niagara Falls Youth Bureau  
1785 New Road  
Niagara Falls NY, 14302

Dear Ms. Travis;

I have updated our Letter of Agreement and enclosed two originals for the signature by yourself or the appropriate staff member in your organization.

If the Letter meets with your approval, please sign and date both originals and return both to my attention at our 1522 Main St. address listed below. Upon receiving your signed originals, I'll sign both, keep one, and send one back to you for your records. If you want to change some areas of the Letter of Agreement, please contact me by telephone (285-6984) or by email at [kswann@niagarafamily.org](mailto:kswann@niagarafamily.org).

Thank you for your assistance as we work together to help those in need in Niagara County.

Sincerely,

Kelley Swann  
Vice President of Programs

Enclosure

1522 Main Street, Niagara Falls, NY 14305 (716) 285-6984, fax (716) 285-0831, [www.niagarafamily.org](http://www.niagarafamily.org)  
Lockview Plaza, 21-41 Main Street, Lockport, NY 14094 (716) 433-6019, fax (716) 433-6534



**AGREEMENT**

Between

**Family & Children's Service of Niagara, Inc.**  
1522 Main St., Niagara Falls, N.Y. 14305  
66 Meade St., North Tonawanda, N.Y. 14120  
41 Main St., Lockport N.Y. 14094

(hereinafter referred to as FACS) AND

**Niagara Falls Youth Bureau**  
1785 New Rd., Niagara Falls  
Mailing Address - P.O. Box 69, Niagara Falls, N.Y. 14302

(hereinafter referred to as NFYB)

1. FACS agrees to accept from NFYB referrals consistent with FACS admission policies, procedures, and mission.
2. NFYB agrees to accept from FACS referrals consistent with NFYB admission policies, procedures, and mission.
3. FACS and NFYB also agree to prioritize service whenever possible for emergency or high need clients, such as clients who qualify for Assisted Outpatient Treatment (AOT). Clients will be offered a choice in their services, whenever possible. In the presence of a client emergency, both parties agree to use County-wide, mental health resources; i.e. Hotline/Crisis Intervention Services or the Emergency Room at the Niagara Falls Memorial Medical Center, as appropriate.
4. FACS and NFYB acknowledge the importance of coordinated treatment planning in allowing for client movement among appropriate levels of service and in allowing for the appropriate sharing of necessary client information. Both parties will encourage each referred client to provide consent for the sharing of treatment information, as appropriate. FACS and NFYB agree to be available for specific consultation when appropriate releases have been signed by the client and to share only released information, including the required procedures for release of Protected Health Information (See #7, HIPAA).
5. If differences should arise in the determination of appropriate agency service, or in the management of a case jointly served by both agencies, it is expected that the individual workers will communicate in such a way as to resolve their differences. If resolution can not be achieved at this level, the respective supervisors will intervene. If resolution at this second level is unsuccessful, the appropriate Program Director at

FACS will work with the next highest administrative level at NFYB to resolve the issue.

6. Neither party shall be held liable for any costs, damages, or injuries to persons or property arising out of the referred individual's involvement in the other party's program of service.
7. It is expected that both NFYB and FACS will remain in compliance with all Federal, State, and Local codes, rules, regulations, acts, and laws that are applicable to their professional credentials regarding their conduct and performance, including the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Title 18 of the Codes, Rules, and Regulations of the State of New York. Regarding Title 18, FACS regularly checks Medicaid Exclusion Lists (OMIG, OIG, and FSA) for provider eligibility to provide client services funded by Medicaid billing and/or to refer clients to FACS for additional service. NFYB agrees that it is not excluded and none of its employees are excluded from participating in government programs. No provision of this Agreement violates State, Federal, or Local laws that prohibit discrimination based on race, creed, national origin, sex, blindness, or any other handicap.
8. This agreement may be cancelled by either party upon sixty (60) day written notice.
9. This agreement may be modified, amended, or supplemented in writing and signed by authorized officials of both parties.

**Niagara Falls Youth Bureau**

**Family & Children's Service  
of Niagara, Inc.**

Appropriate Official \_\_\_\_\_

Clarice McClure \_\_\_\_\_

Printed Name \_\_\_\_\_

Vice President

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Agenda Item #6

***RE: 2016 Annual Niagara Falls Blues Festival***

Council Members:

The Niagara Festival & Entertainment Group is planning to promote and undertake its Annual Blues Festival scheduled to take place on September 16, September 17, and September 18, 2016 on Old Falls Street. The City has been asked to contribute the sum of \$2,500.00 to the cost of this festival. Attached is a copy of the letter of request. Funds will be dispersed pursuant to a funding agreement prepared by the Corporation Counsel. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to sign a funding agreement approved by the Corporation Counsel?



NIAGARA FESTIVAL & ENTERTAINMENT GROUP  
(a 501c3 non-profit corporation)  
3569 Curtiss Ave  
Ransomville, New York 14131  
716-417-4364  
[www.niagarafallsbluesfest.org](http://www.niagarafallsbluesfest.org)  
[info@niagarafallsbluesfest.org](mailto:info@niagarafallsbluesfest.org)

August 8, 2016

Members of Niagara Falls City Council  
City Hall Room 202  
745 Main Street PO Box 69  
Niagara Falls, NY 14302

Dear Council Members:

Niagara Festival & Entertainment Group seeks funding in the amount of \$2,500 from the City of Niagara Falls for support of our 9<sup>th</sup> Annual Niagara Falls Blues Festival, to be held September 16, 17, & 18 on Old Falls Street. We are grateful for the City support we have received in the past as it helped us to establish the Niagara Falls Blues Festival as one of the country's premier blues festivals. Backing from the City for the 2016 Festival will allow us to further enhance our entertainment lineup and attract even more people to Niagara Falls. Our event is a great asset for the City as it aligns with the goals of bringing crowds to downtown Niagara Falls and keeps them here overnight, spending money on hotels, restaurants and entertainment after the end of the traditional "tourist season".

Niagara Festival & Entertainment Group was established in 2009 as a 501c3 non-profit corporation to operate the Niagara Falls Blues Festival. Our stated goal is to preserve the Blues, a true American art form, through community education and free music festivals. We are truly honored by recognition we've received from throughout the country for doing our best to meet and exceed those goals. We operate on an all-volunteer basis, we have no paid employees. All money we receive goes directly into production of the Blues Festival.

Thank you for your consideration of our request.

Sincerely,

Toby Rotella, President/Artistic Director  
Sherry Kushner, Financial Director/Assistant Artistic Director  
Mary Jo Zacher, Public Relations/Vendor Director

Agenda Item #7

*RE: Application to Dormitory Authority of the State of New York (“DASNY”) for grant to construct fire training tower*

Council Members:

The Fire Chief has identified the need and desirability for the City to construct its own fire training tower. The location of this fire training tower is proposed to be located on City-owned real estate lying behind and in close proximity to the Fire Administration building on Walnut.

In order to begin moving this project along, the Fire Chief is recommending that the City apply for a \$500,000 grant through the State and DASNY. There is much documentation required to submit in order to begin the grant process and continue its movement.

Will the Council so approve and authorize the Mayor and the Fire Chief to execute any agreements that may be required in order to obtain this grant of \$500,000, provided that any such documents and agreements are in a form acceptable to the Corporation Counsel?



ANDREW M. CUOMO  
Governor

**DASNY**

ALFONSO L. CARNEY, JR.  
Chair

GERRARD P. BUSHELL, Ph.D.  
President & CEO

August 3, 2016

**VIA REGULAR MAIL**

Mr. Thomas Colangelo  
Fire Chief  
City of Niagara Falls  
745 Main Street  
Niagara Falls, NY 14301

**SUBJECT:** State and Municipal Facilities Program ("SAM")  
Construction of a Fire Training Tower  
Project ID: #7681

Dear Mr. Colangelo:

As you know, City of Niagara Falls has applied for a State and Municipal Facilities Program ("SAM") grant in the amount of \$500,000 (the "Grant"). As part of the application process, the State and the Dormitory Authority of the State of New York ("DASNY") must ensure that Grant funds will be utilized in a manner that is consistent with Federal and State law.

As part of the legal review of your Grant application, DASNY will need you to complete and return the following documents. The documents and their purposes are summarized below.

**Grantee Certification**

- Certain laws prohibit the use of public funds to finance religious programs or programs that may favor one religion over another. As the issuer of the bonds that will finance the project to be funded with Grant funds, DASNY must take great care to ensure that it is in compliance with all applicable Federal and State laws and regulations.

Accordingly, please review the enclosed Grantee Certification to ensure it accurately states the purposes for which the Grant funds will be used. Please arrange for two Authorized Officers of your organization to sign the Grantee Certification.

**CORPORATE HEADQUARTERS**  
515 Broadway  
Albany, NY 12207-2964

T 518-257-3000  
F 518-257-3100

**NEW YORK CITY OFFICE**  
One Penn Plaza, 52nd Floor  
New York, NY 10119-0098

T 212-273-5000  
F 212-273-5121

**BUFFALO OFFICE**  
539 Franklin Street  
Buffalo, NY 14202-1109

T 716-884-9780  
F 716-884-9787

**DORMITORY AUTHORITY STATE OF NEW YORK**  
**WE FINANCE, BUILD AND DELIVER.**

[www.dasny.org](http://www.dasny.org)



**W-9 Form**

- The Grantee's Federal Tax ID number is required to make payment. Please be sure that the Tax ID number and Legal Organization name is accurately reflected on the W-9. If you prefer payment by wire, account information will be requested at the time of payment. No further information is needed at this time.

**Grantee Questionnaire (GQ)**

- As the trustee of public funds, DASNY needs to be certain that bond proceeds are paid only to organizations that are deemed to be responsible entities. Full and accurate responses on the GQ will help to achieve this goal. **The GQ must be completed, signed by an Authorized Officer of the Grantee, Chair of the Board (or other Authorized Officer) and each signature notarized by a Notary Public** before DASNY can process your grant application. Please be advised that the GQ will be incorporated into the Grant Disbursement Agreement (aka the "contract") and that the submission of false information on the GQ could be a violation of Federal and State Penal Laws.

**Financial Documentation**

- Please send a copy of quotes, proposals, cost estimates or any other document that will justify the overall project value. As part of DASNY's financial review of the project, we must ensure that a justifiable estimate is in place to complete the project. If the cost estimate is higher than the value of the grant DASNY will need to see evidence of the other source(s) of funding for the project. **Please see the attached checklist for use of a reference for what is needed for the financial review.**

In addition to the above, an Environmental Manager from DASNY's Office of Environmental Affairs (OEA) will be contacting you regarding the environmental review required pursuant to the State Environmental Quality Review Act (SEQRA). If another agency, such as a municipality, has previously undertaken an environmental review for this project, you will be asked to set forth the lead agency for the review and provide a copy of its SEQR determination. If DASNY is the lead agency for the review, or the project to be funded with the grant is a Type II project, OEA will work with you to complete the required documentation.

For your convenience, we have enclosed a form cover letter for you to use when you return the completed documents to DASNY. **Incomplete documents will delay the processing of your Grant application.** You will be contacted during the review process if additional information is needed.



Page 3

In the meantime, please review the attached list of **Frequently Asked Questions**. This list was designed to answer many of the questions that you may have about the Grant process. **Please keep this document to use as a reference during the administration of the Grant.**

If you have questions about your Grant or about the enclosed documentation, please call the grant hotline (518) 257-3177, and a grant program administrator will get back to you shortly. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah D. Antonacci".

Sarah D. Antonacci  
Senior Grant Administrator

Enc.

Agenda Item #8

*RE: Renewal of Agreement between Unified Court System (“UCS”) and the City for court cleaning and minor repairs*

Council Members:

It is requested that the City enter into a renewal period in a five year term agreement with the USC for the USC to reimburse the City for cleaning of the Courthouse and minor repairs. The amount of reimbursement for 2016-2017 totals \$308,490. Attached hereto is a copy of the Letter of Agreement.

Will the Council so approve and authorize the Mayor to execute the annual renewal letter and budget?



STATE OF NEW YORK  
**UNIFIED COURT SYSTEM**  
**EIGHTH JUDICIAL DISTRICT**  
92 FRANKLIN STREET, Third Floor  
BUFFALO, NEW YORK 14202-3902  
(716) 845-2505  
FAX (716) 845-7500

RECEIVED  
AUG 16 2016  
LAW DEPARTMENT  
RECEIVED  
AUG 16 2016  
LAW DEPARTMENT

**LAWRENCE K. MARKS**  
Chief Administrative Judge

**MICHAEL V. COCCOMA**  
Deputy Chief Administrative Judge  
Courts outside New York City

**PAULA L. FEROLETO**  
District Administrative Judge

**ANDREW B. ISENBERG, ESQ.**  
District Executive

August 8, 2016

*Mayor Paul Dyster  
745 Main Street  
PO Box 69  
Niagara Falls, NY 14302*

*Re: Agreement between UCS and the City of Niagara Falls  
for Court Cleaning and Minor Repairs (Contract No. C300346)  
Annual Renewal Letter and Budget (Appendix B) for SFY 2016-17*

Dear Mayor Dyster:

Please be advised that pursuant to Section I of the existing contract between the Unified Court System and the City of Niagara Falls, we are hereby establishing a renewal period in the five-year term of this agreement. Said renewal period shall commence on April 1, 2016 and shall terminate on March 31, 2017. During this 2016-2017 renewal period, all terms and conditions of the above-referenced Agreement shall continue to apply, except as specified below.

The proposed budget for services to be rendered pursuant to this contract in the 2016-2017 period shall be \$308,490. Pursuant to the provisions of Chapter 686 of the Laws of 1996, as amended to date, the maximum compensation for the 2016-2017 period shall be 100% of that amount. The attached revised Appendix B, detailing the proposed budget for the renewal period, shall be incorporated into the Agreement and shall replace all prior Appendix B's. The signatures below shall confirm acceptance of this renewal by the City of Niagara Falls and by the UCS.

Accordingly, the original of this letter should be signed by an authorized representative of the City of Niagara Falls, and the corresponding acknowledgment page should be notarized. Two sets of the signed original letter together with the related documents should be returned to this office.

Thank you.

Sincerely,



Andrew B. Isenberg  
District Executive

Accepted for: The City of Niagara Falls

Accepted for: Unified Court System

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Maureen McAlary  
Director, Division of Financial Management

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Attachments

**ACKNOWLEDGMENT**

STATE OF NEW YORK      )  
                            )  
COUNTY OF              )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
before me personally came \_\_\_\_\_, to me  
personally known, who being by me duly sworn, did depose and say that s/he resides in  
\_\_\_\_\_, that s/he is the  
\_\_\_\_\_, of \_\_\_\_\_,  
the municipality described in and which executed the above instrument; and that s/he  
is authorized to execute the above instrument on behalf of said municipality.

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**DATE**

Agenda Item #9

*RE: Acceptance of Grant*

Council Members:

The City has been notified that the New York State Assembly approved a grant to the City of Niagara Falls in the amount of \$500,000 from the New York State Capital Assistance Program for use in the Buffalo Avenue streetscape project. Attached hereto is a copy of correspondence from Assemblyman Ceretto advising of this grant. This grant will be administered by the Dormitory Authority of the State of New York. It will be necessary for the City to participate in an application process.

Will the Council so approve and authorize the Mayor to execute any documents required in order to receive this provided such documents are acceptable to the Corporation Counsel?



JOHN CERETTO  
Assemblyman 145<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Energy  
Governmental Employees  
Libraries and Education Technology  
Tourism, Parks, Arts and  
Sports Development

August 3, 2016

Mayor Paul Dyster  
City Hall  
745 Main St  
Niagara Falls, NY 14301

RE: Buffalo Avenue Funding

Mayor Dyster,

On June 17, 2016 the New York State Assembly approved, via general resolution, a grant of \$500,000 from the New York State Capital Assistance Program to the City of Niagara Falls for use in the Buffalo Avenue streetscape project. These funds will be made available after a preliminary application proceeding. Congratulations on receiving the grant, and I look forward to celebrating this project with you. Enclosed find a copy of the resolution.

Sincerely,

A handwritten signature in blue ink that reads "John D. Ceretto".

John D. Ceretto  
Member of Assembly  
145<sup>th</sup> District

DISTRICT OFFICE: 800 Main Street, Suite 2C, Niagara Falls, New York 14301 • 716-282-6062, FAX: 716-282-4226  
ALBANY OFFICE: Room 639, Legislative Office Building, Albany, New York 12248 • 518-455-5204, FAX: 518-455-5694

Agenda Item #10

**SUBJECT: PORTAGE ROAD RECONSTRUCTION PROJECT  
NIAGARA STREET TO WALNUT AVENUE - R.P. # 180**

The following is the result of bids received on August 30, 2016, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
L.J. Quiglano II Inc. 2395 Lockport Rd. Sanborn NY 14132	\$842,183.24
Yarussi Construction, Inc.	\$877,700.00
Mark Cerrone, Inc.	\$927,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, L.J. Quiglano II, Inc. in the amount of \$842,183.24. Funding is available via the City's annual NYSDOT CHIPs allotment.

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

Agenda Item #11

**SUBJECT: LETTER OF AWARD FOR ENVIRONMENTAL REMEDIATION ABATEMENT AT  
3625 HIGHLAND AVENUE**

The following were the result of bids received on August 30, 2016 for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>	<b><u>ALT. 1</u></b>	<b><u>ALT. 2</u></b>	<b><u>WATER/POWER ALLOWANCE</u></b>
Mark Cerrone Inc.	\$96,000.00	\$37,300.00	\$7,600.00	\$12,735.00
2368 Maryland Ave.				
Niagara Falls NY 14305				
Regional Environmental	\$182,000.00	\$24,000.00	\$8,000.00	\$8,000.00
Demolition				
Metro Contracting &	\$216,700.00	\$72,200.00	\$10,600.00	\$4,000.00
Environmental				

It is the recommendation of the undersigned that this project be awarded to the low bidder  
Mark Cerrone, Inc. at their total bid of \$153,635.00 to include alternates #1 and #2 and the water/power allowance.

Funding for this change order is available from previously earmarked economic development casino funds.

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

Agenda Item #12

*RE: Agreement with Northeast Association Management, Inc.*

*Worker's Compensation Claims*

Council Members:

Since 2005, the City's Workers' Compensation claims have been handled by the Public Employees Risk Management Association ("PERMA"). This includes both claims existing prior to 2005 and the claims that have arisen since joining PERMA in 2005.

The pre-2005 claims have been handled through PERMA's affiliated entity Northeast Association Management, Inc. ("NEAMI") as the third party administrator for the claims. Recent changes by the Workers' Compensation Board required that the City enter into a separate agreement with NEAMI to provide this service.

This is handled on a yearly basis beginning on September 1 of each year.

It is now time to enter into a renewal agreement with NEAMI for the September 2016 to September 2017 year. The claims will continue to be handled on the same basis and it is recommended that the Council authorize the Mayor to execute an agreement with NEAMI in a form acceptable to the Corporation Counsel.

Will the Council so approve?

Agenda Item #13

*RE: Order on Consent with Department of Environmental Conservation (“DEC”)*

Council Members:

The DEC inspected City real estate located north of Porter Road off New Road (the “Premises”) and found several violations of the State of New York Environmental Conservation law. Those violations consisted primarily of sweeper dirt stored on the Premises as well as various types of regulated solid waste. This solid waste consisted primarily of land clearing debris, yard waste, construction and demolition debris, etc. much of which was deposited at the Premises by unknown third parties over a 15 to 20 year period of time.

Since the DEC notified the City of these violations, the City has taken steps to make certain that there is no disposal of regulated solid waste at the Premises, immediately limited access to the Premises in order to prevent any further illegal dumping and has commenced the cleanup of the Premises by in-house DPW employees. As per the Order on Consent, a complete clean up of the Premises must be accomplished by July 15, 2017 with monthly progress reports submitted to the DEC.

Finally, the DEC is imposing a fine on the City in the amount of \$10,000. Seven Thousand Five Hundred Dollars of this is suspended pending the final clean up of the Premises and full compliance with the Order on Consent with the City paying \$2,500 to the DEC as part of this Order on Consent. Attached hereto is a copy of this Order on Consent along with a Schedule of Compliance.

Funding is available to pay this amount.

Will the Council so approve and authorize the Mayor to execute any documents required by the DEC to finalize this matter provided they are in form acceptable to the Corporation Counsel?

New York State  
Department of Environmental Conservation

**Order On Consent/Stipulation**  
**New York State Environmental Conservation Law**

Consent Order Number LER9-16-006666

I, City of Niagara Falls/Department of Public Works of (street and number): 1785 New Road of (Town/Village/City and State): Niagara Falls, NY 14304 hereby agree to pay to the Department of Environmental Conservation of the State of New York the sum of \$10,000.00 (\$2500.00 payable, \$7,500.00 suspended upon completion of schedule A tasks) dollars and agree to strictly comply with the conditions on Schedule A which is attached here to and made a part hereof, by reason of my act consisting of: 1. Knowingly allowed street sweeper dirt, to wit: street silt and rubbish, in to be deposited and stored on soil exposing the solid waste to the environment. 2. Knowingly allowed the disposal of solid waste at an unauthorized facility. 3. Knowingly operated a solid waste management facility without approval. Site of deposit and disposal: an open area north of Porter road at New road in Niagara Falls, NY, the same being a violation of Section 71-2703(2)(b)(i) of the State of New York's Environmental Conservation Law and/or Section 360-1.5(a)(1),(2) and 360-1.7(a)(1)(i) of the State of New York's Rules and Regulations, 6 NYCRR, said act committed in (name of Town/Village/City) City of Niagara Falls, County of Niagara, State of New York on and prior to 04/22/2016. In so stipulating, I waive my right to a hearing in this matter.

Respondent's Signature*	Respondent's Title (If Corporation)
Printed Name:	Printed Mailing Address

Dated: 10/12/2016 Location (name of town/village/city) NY

\*NOTE: If consent order/stipulation is against a corporation, the respondent must be an official, authorized, corporate representative.  
This order/stipulation has been reviewed by:

Lt. James R Schultz  
Print Name and Title of DLE Official \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_

**Location is in or near a Potential Environmental Justice Area (check one)** Yes  No

WHEREAS:

City of Niagara Falls/Department of Public Works (Respondent), having violated Section 71-2703(2)(b)(i) of the State of New York's Environmental Conservation Law and/or Section 360-1.5(a)(1),(2) and 360-1.7(a)(1)(i) of the State of New York's Rules and Regulations, 6 NYCRR, at the time and in the manner stated above, and having waived the right to a hearing on the violation(s) and having offered to pay the sum of: \$10,000.00 (\$2500.00 payable, \$7,500.00 suspended upon completion of schedule A tasks) dollars by reason of said violation, and after due consideration having been had thereon it appearing that this order will be advantageous to the State, now therefore

IT IS HEREBY ORDERED, pursuant to the provisions of the Environmental Conservation Law, that the offered sum shall be paid to the Department of Environmental Conservation as a penalty for the violation described above and Respondent shall comply with the terms of the attached Schedule A by reason of such violation.

Date: 10/12/2016 (month, day)

Signed: \_\_\_\_\_  
Regional Director, for the Commissioner

Location: Reg 9 HQ, 270 Michigan Ave, Buffalo NY

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Law Enforcement, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2999  
P: (716) 851-7050 | F: (716) 851-7053  
[www.dec.ny.gov](http://www.dec.ny.gov)

August 23, 2016

Mr. John Caso  
City of Niagara Falls DPW  
1785 New Road  
Niagara Falls, New York 14304

Dear Mr. Caso:

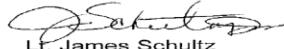
**ORDER ON CONSENT**  
**LER9-16-006666**

Enclosed is the Order on Consent for settlement for violation of 71-2703(2)(b)(i), knowingly, intentionally and unlawfully allow the disposal of solid waste at an unauthorized facility, committed in the City of Niagara Falls, County of Niagara, New York, on April 22, 2016.

Please sign the Order, place title and date in the areas highlighted and return the original signed Order with a check or money order in the amount Two Thousand Five Hundred Dollars (\$2500.00), payable to **Commissioner of NYSDEC**, to our office by September 7, 2016. Please mail the signed Order and payment to the following address:

NYSDEC, Division of Law Enforcement,  
Attn: Lt. James Schultz  
270 Michigan Avenue  
Buffalo, New York 14203-2915

Sincerely,



Lt. James Schultz  
Supervising Environmental Conservation Officer



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Materials Management, Region 9  
270 Michigan Avenue, Buffalo, NY 14203-2915  
P: (716) 851-7220 | F: (716) 851-7226  
[www.dec.ny.gov](http://www.dec.ny.gov)

**Consent Order Number: LER9-16-006666**

**Respondent's Name** City of Niagara Falls/Department of Public Works

**Schedule A of Order on Consent/Stipulation to Settle Violation of the New York Environmental Conservation Law.**

The above referenced Respondent shall:

**Schedule of Compliance**

1. Immediately cease disposal of regulated solid waste, including but not limited to street sweeping debris, construction and demolition (C&D) debris, land clearing debris, and yard waste, on the property bordered on the north by 2555 New Road and on the south by Porter Road in Niagara Falls, NY.
2. Immediately limit access to the above referenced property to prevent further illegal dumping of regulated solid waste.
3. On or before July 15, 2017, complete the removal of all regulated solid waste, including but not limited to land clearing debris, street sweepings, municipal solid waste, electronic waste, yard waste, and C&D debris, from the above referenced property and transfer all regulated solid waste to a Part 360 authorized disposal facility.
4. On a monthly basis, a written progress report including, but not limited to, photographs of the site, copies of solid waste disposal receipts, a description of the type and quantity of waste removed during that time period, and a summary of the efforts utilized to limit site access, shall be submitted to:

Attn: Regional Materials Management Engineer  
Division of Materials Management  
270 Michigan Ave  
Buffalo, NY 14203

5. On or before July 31, 2017, submit a final written certification report confirming that the work required above has been fully completed. The submission shall include, but not be limited to, photographs of the site, and copies of the solid waste disposal receipts and a description of the type and quantity of the waste removed during the final reporting period.



Agenda Item #14

*RE:* Request for Approval to Settle and Pay Claim of Forestview Church of God  
601 88<sup>th</sup> Street, Niagara Falls, New York

Council Members:

Date Claim Filed:	November 24, 2015
Date Action Commenced:	N/A
Date of Occurrence:	November 22, 2015
Location:	601 88 <sup>th</sup> Street, Niagara Falls, New York
Nature of Claim:	Damage to vehicle from fallen tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$3,915.49
Make Check Payable to:	Forestview Church of God
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 #15

RE: Request for Approval to Settle and Pay Claim of Amanda Nikalova

Council Members:

Date Claim Filed:	June 27, 2008
Date Action Commenced:	September 24, 2008
Date(s) of Occurrence:	April 22, 2008
Location:	Old Falls Street
Nature of Claim:	Injuries sustained in an accident on City right-of-way
City Driver:	N/A
Status of Action:	Pre-trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$65,000.00
Make Check Payable to:	Amanda Nikalova and Viola, Cummings & Lindsay, LLP
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 #16

*RE: Title Issue – 304 70<sup>th</sup> Street*

Council Members:

The City was recently approached by the owner of the above referenced property regarding a title issue as to ownership of the southerly 15' of the premises.

After research it was determined that this portion of the property had been foreclosed by the City in an In-Rem proceeding that commenced in 1960 and the property was sold at an auction to Thomas Poulos in 1963.

It appears that although Mr. Poulos deeded the property to a third party, the deed from the City to Mr. Poulos was never recorded and this issue did not become apparent until recently. The property has been maintained since 1963 by the successors to Mr. Poulos.

Based on the research and the fact that the City did sell the property in 1963, it is requested that the Council authorize the Mayor to execute a deed to the current owner of the premises, Ms. Andrea Willmott to clear the title to the property.

Will the Council so approve?

Agenda Item #17

SUBJECT: Second Hand Dealers

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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 Coin & Collectables  
509 Third St  
Niagara Falls, NY 14301

Will the Council so approve?

RESOLUTION RELATIVE TO ADOPTING CHAPTER 710  
OF THE CODIFIED ORDINANCES ENTITLED  
"USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR LEASED  
BY THE CITY OF NIAGARA FALLS"

Council Chairman Andrew Touma  
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 710 of the Codified Ordinances entitled "USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR LEASED BY THE CITY OF NIAGARA FALLS" is hereby adopted to read as follows:

CHAPTER 710

USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES UPON REAL PROPERTY OWNED OR  
LEASED BY THE CITY OF NIAGARA FALLS

710.01 Declaration of Intent

710.05 Posting of Signs

710.02 Definitions

710.06 Violations and Penalties

710.03 Prohibition

710.07 Effect on Other Laws

710.04 Exceptions

710.08 Severability

710.01 Declaration of Intent

The Niagara Falls City Council finds that the use of tobacco, nicotine or other like substances on real property owned or leased by the City should be prohibited in order to:

- (A) Protect the public health, safety and general welfare by eliminating exposure to secondhand smoke and residue produced as a result of the use of tobacco, nicotine and other like substances.
- (B) Acknowledge the need of nonsmokers, especially children, to breathe smoke-free air; recognizing the danger to public health which secondhand smoke causes.
- (C) Recognize that the need to breathe air free of the disease-causing toxins in secondhand smoke should have priority over the desire and convenience of smoking on real property owned or leased by the City.

- (D) Recognize the right and benefit to municipal residents and visitors to be free from unwelcome secondhand smoke and residue from tobacco, nicotine and other like substances while on real property owned or leased by the City.
- (E) Encourage the cessation of tobacco, nicotine and other like substances use by all persons to promote longevity and reduce disease and its cost to society.

#### 710.02 Definitions

As used in this Chapter, “use of tobacco, nicotine or other like substances” or “tobacco, nicotine or other like substances use” shall mean and include, but not be limited to, the burning of a lighted cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape pen, any cartridge or other component of the device or related product or any other matter of substance which contains tobacco, nicotine or other like products, and chewing, holding in the mouth, and/or expectorating of chewing tobacco, nicotine or other like products, or any other matter or substance which contains tobacco, nicotine or other like substances.

#### 710.03 Prohibition

Use of tobacco, nicotine or other like substances shall be prohibited upon all real property owned or leased by the City of Niagara Falls, and within all City-owned vehicles, except as provided in Section 4 of this Chapter.

#### 710.04 Exceptions

The provisions of this Chapter shall not apply to:

- (A) A privately owned moving motor vehicle which is not engaged in City service and which is in the process of exiting or entering real property owned or leased by the City of Niagara Falls.
- (B) Areas in City parks and recreation areas reserved for private parties not open to the general public.

#### 710.05 Posting of Signs

“TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES USE IS PROHIBITED”, or “NO USE OF TOBACCO, NICOTINE OR OTHER LIKE SUBSTANCES” signs, using international symbols (where possible) shall be prominently and conspicuously posted upon the entrance to all real property where tobacco use is regulated by this Chapter. Said signs shall be protected from tampering, damage, removal or concealment.

**710.06 Violations and Penalties**

- (A) Tobacco, nicotine and other like substances use shall be unlawful in any area where said use is prohibited by the provisions of this Chapter.**
- (B) Any person who violates any provision of this Chapter shall be guilty of a violation, punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) and up to fifteen (15) days in jail.**

**710.07 Effect on Other Laws**

**This Chapter shall not be interpreted nor construed to permit tobacco use where it is otherwise restricted by other applicable laws including, but not limited to, the New York State Indoor Clean Air Act.**

**710.08 Severability**

**If any section, subsection, sentence, clause, phrase or other portion of this Chapter is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this Chapter, which shall remain in full force and effect.**

Bold and Underlining indicate **Additions**.

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

Agenda Item #19

RESOLUTION No. 2016-

BY:

Council Chairman Andrew Touma

**RELATIVE TO RESIDENT PARKING RATES IN DOWNTOWN CITY OF NIAGARA FALLS**

**WHEREAS**, during the City Council meeting held on May 31, 2016, the City Council established rates for parking on certain streets in the City of Niagara Falls and also established rates for parking in the three (3) City owned parking lots and parking ramp in the downtown area of the City of Niagara Falls; and

**WHEREAS**, this City Council believes that residents of the City of Niagara Falls should be able to park in the three (3) City owned parking lots and the parking ramp in the downtown area at a reduced rate when attending events and/or visiting locations in the downtown area rather than pay established per diem rates; and

**WHEREAS**, this City Council believes that a \$25.00 annual fee to be paid by a resident of the City of Niagara Falls for the first passenger vehicle or SUV registered at that resident's home address and a \$15.00 annual fee for each second, third and fourth passenger vehicle or SUV registered at that resident's home address in order to park in the three (3) City owned lots and the parking ramp located in downtown Niagara Falls when attending events and/or visiting locations in the downtown area is fair and reasonable (the "Residency Swipe Card").

**NOW, THEREFORE, BE IT RESOLVED**, that commencing on September 7, 2016, residents of the City of Niagara Falls may purchase from the Director of the Department of Public Works or his designee a Resident Swipe Card which will be in effect for a one year period of time from the date of purchase which will enable that resident (or his or her designee) to park his or her passenger vehicle or SUV in the three (3) City owned parking lots located at the corner of Third Street and Niagara Street or Third Street or First Street and Rainbow or the City parking ramp for a \$25.00 annual fee for the first passenger vehicle or SUV registered at that resident's home address and a \$15.00 annual fee for each second, third and fourth passenger vehicle or SUV registered at that resident's home address. Resident Swipe Cards are not available for purchase for more than a total of four passenger vehicles or SUVs registered at each resident's home address.

**AND BE IT FURTHER RESOLVED** that a Resident Swipe Card is issued to a specific passenger vehicle or SUV registered at a resident's home address in the City of Niagara Falls and may be utilized by any person designated by the resident to operate such passenger vehicle or SUV registered at a resident's home address.

**AND BE IT FURTHER RESOLVED** that such Resident Swipe Card may be utilized by a resident purchaser (or his or her designee) only when that resident purchaser (or his or her designee) is attending events and/or visiting various locations downtown and may not be utilized by a resident purchaser (or his or her designee) if such resident purchaser is employed at a business located in the downtown area and is reporting to his or her job rather than attending an event and/or visiting a location in the downtown area.

**AND BE IT FURTHER RESOLVED** that the Resident Swipe Card may be utilized any day of the week, at any time of day, inclusive of Saturday, Sunday and holidays, without restriction and that Residents who purchased Resident Swipe Cards between July 12, 2016 and September 6, 2016 may also be permitted to utilize the Resident Swipe Card they purchased any day of the week, at any time of day, inclusive of Saturday, Sunday and holidays, without restriction.

**AND BE IT FURTHER RESOLVED** that each Resident Swipe Card is assigned to a specific passenger vehicle or SUV and may not be transferred or utilized for a vehicle other than the one it is assigned to.

**AND BE IT FURTHER RESOLVED** that in addition to the annual fee for each Resident Swipe Card, the resident purchaser is required to pay a \$10.00 security deposit for each Resident Swipe Card issued to him or her, which security deposit will be refunded to the resident purchaser at such time as the Resident Swipe Card is surrendered to the Director of the Department of Public Works.

**AND BE IT FURTHER RESOLVED** that such Resident Swipe Card must be displayed upon entering or exiting the three (3) City owned parking lots or parking ramp when that resident (or his or her designee) is parking in the City owned parking lots or parking ramp in downtown Niagara Falls.

**AND BE IT FURTHER RESOLVED** that the Director of the Department of Public Works or his designee will determine the criteria required to establish residency as well as the protocol required to be followed by the resident purchaser (or his or her designee) in the utilization of the Resident Swipe Card.

***Request to the Government of Canada to Allocate More Canada Border Services Agency Agents at the Buffalo and Fort Erie Public Bridge Authority and to Effectively Manage it***

BY:

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

**WHEREAS**, Canada welcomes approximately 30 million American visitors each year and many of them enter our country at one of Niagara's four bridges located at Fort Erie, Niagara Falls and Niagara-on-the-Lake; and

**WHEREAS**, for some time, it has been apparent that there has been an inadequate allocation of Canada Border Services Agency officers manning the points of entry into Canada at the Peace Bridge, Rainbow Bridge, Queenston-Lewiston Bridge and the Whirlpool Bridge; and

**WHEREAS**, this has resulted in the back-up of both passenger and commercial vehicles attempting to cross these bridges into Canada for as much as one and a half hours during June, July and early August and, on occasion, such delays have been experienced on busy weekends at other times during the year; and

**WHEREAS**, sitting in long lines of slow-moving traffic awaiting Customs clearance on hot summer days discourages visitors from attempting to come to Canada, hampers the movement of goods in both directions, negatively affects commercial enterprises on both sides of the border, clogs local streets and major highways and degrades the environment; and

**WHEREAS**, the continuation of this situation in which the local economies of communities on both sides of the border, the safety of our residents and workers at the bridge, the effective movement of commercial shipments and proper management of our border crossings are all at the mercy of the Canada Border Services Agency (CBSA) is intolerable; and

**WHEREAS**, the value of goods crossing at the Peace Bridge alone each year totals more than \$40 billion; and

**WHEREAS**, examples of too few lanes for clearing traffic at the various bridges along the Niagara border abound; and

**WHEREAS**, statements by representatives of the CBSA that it is meeting established standards to move traffic, that it adequately monitors traffic patterns, or that unavoidable traffic surges cause delays are not reflective of the actual situations that are occurring at the border crossings and do not respond to the concern that potentially millions of dollars are being lost in cross-border tourism and in the manufacturing sector due to the wait times at our Niagara borders; and

**WHEREAS**, those responsible for managing the Niagara bridges, the Buffalo-Fort Erie Public Bridge Authority and the Niagara Falls Bridge Commission, have been in the business for decades of predicting traffic flows and the need for human resources to meet those traffic flows, for both passenger and commercial vehicles; and

**WHEREAS**, these bridge authorities have made repeated pleas to the CBSA for the allocation of additional human resources (customs officers) at these major border crossings, without success to date, and

**WHEREAS**, this is a matter of national importance that affects the economy of both Canada and the United States, the safety of Canadians and Americans alike; Canada's relationship with the United States, its greatest friend and trading partner; and, indeed, Canada's image; and

**WHEREAS**, this issue is of critical importance for the federal government to address now with the hopes of attracting even more visitors from around the world in celebration of Canada's 150<sup>th</sup> Anniversary next year and with the intention of assuring manufacturers that Canada prides itself on its reputation as a trading nation and will take all measures necessary to facilitate the movement of goods across our border with the United States; and

**WHEREAS**, the Mayors who represent the communities along both sides of the Niagara River and the Chair of the Niagara Region, have corresponded with The Honourable Ralph Goodale, Minister of Public Safety and Community Preparedness for Canada, to apprise him of the economically damaging, unsafe and unacceptable situation that persists in the Niagara border crossings between Canada and the United States; and

**WHEREAS**, this situation that can no longer be ignored and is one that our communities should no longer be expected to endure;

**NOW THEREFORE BE IT RESOLVED** that the Federal Government of Canada act immediately to allocate the necessary human resources (Customs officers) to the international bridges along the Niagara River at Fort Erie, Niagara Falls and Niagara-on-the-Lake to ensure the safe and timely movement of people and goods across our border with the United States; and

**BE IT FURTHER RESOLVED** that the Niagara Falls City Council supports the development of a strategy in conjunction with other border communities to attain the objective of securing the necessary allocation of customs officers at the Niagara border crossings; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to The Right Honourable Justin Trudeau, Prime Minister of Canada; The Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness; The Honourable Marc Garneau, Minister of Transport; The Honourable Chrystia Freeland, Minister of International Trade; The Honourable Bardish Chagger, Minister of Small Business and Tourism; The Honourable Kathleen Wynne, Premier of Ontario; The Honourable Eleanor McMahon, Minister of Tourism, Culture and Sport; The Honourable Brad Duguid, Minister of Economic Development and Growth; The Honourable Steven Del Duca, Minister of Transportation; Senator Charles E. Schumer; Senator Kirsten Gillibrand; Congressman Brian Higgins; Linda Lizotte-MacPherson, CBSA President; Ron Rienas, General Manager, Buffalo-Fort Erie Public Bridge Authority; Lew Holloway, General Manager, Niagara Falls Bridge Commission; Mayor Byron Brown, City of Buffalo, NY; Mayor Jim Diodati, City of Niagara Falls, ON; Mayor Paul Dyster, City of Niagara Falls, NY; Lord Mayor Patrick Dart, Town of Niagara-on-the-Lake, ON; Mayor Terry Collesano, Village of Lewiston, NY; Regional Chair, Alan Caslin; Chris Bittle, MP (St. Catharines); Vance Badawey, MP (Niagara Centre); Rob Nicholson, MP (Niagara Falls); Dean Allison, MP (Niagara West); Wayne Gates, MPP (Niagara Falls); Tim Hudak, MPP (Niagara West); The Honourable James Bradley, MPP (St. Catharines); Cindy Forster, MPP (Welland).

Agenda Item #21

RESOLUTION No. 2016-

RELATIVE TO HUMAN RIGHTS COMMISSION

BY:

Council Chairman Andrew Touma

Council Member Ezra P. Scott, Jr.

Council Member Kenny Tompkins

Council Member Charles Walker

**WHEREAS**, the City of Niagara Falls, New York created the Human Relations Commission by Resolution by the City Council dated July 30, 1964; and

**WHEREAS**, said Resolution was amended by further Resolution of the City Council dated July 5, 1967, thereby establishing the composition of said Commission at twenty-nine (29) members, and said Resolution was further amended by City Council Resolution dated July 30, 1970 renaming said Commission the Human Rights Commission, and said Resolution was further amended by Resolution dated February 2, 1976 decreasing the membership of said Commission from twenty-nine (29) members to eighteen (18) members, and further amended by Resolution dated February 14, 1977 granting the power of appointment to the City Council; and

**WHEREAS**, it is in the best interests of the said Commission and the City of Niagara Falls, New York to decrease the number of members of said Commission in order that the Commission may effectively transact its business.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that said previous Resolutions are hereby amended to decrease the membership of said Commission from eighteen (18) members to eleven (11) members; and

**BE IT FURTHER RESOLVED**, that since the terms of all present members of the Commission have expired, their membership on the Commission is hereby terminated effective immediately and they are thanked for their service on the Commission; and

**BE IT FURTHER RESOLVED**, that the term of members of the Commission be continued at three (3) years expiring on December 31<sup>st</sup>; and

**BE IT FURTHER RESOLVED**, that since all members are being appointed by separate resolution, that the initial terms be staggered so that four members expire on December 31, 2017, four members expire on December 31, 2018 and three members expire on December 31, 2019; and

**BE IT FURTHER RESOLVED**, that this resolution will take effect immediately.

RESOLUTION 2016-

RESOLUTION RELATIVE TO AMENDING CHAPTER 337  
OF THE CODIFIED ORDINANCES ENTITLED  
"COLLATERAL LOAN BROKERS A/K/A PAWNBROKERS"

Council Chairman Andrew Touma

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 337 of the Codified Ordinances entitled "Collateral Loan Brokers A/K/A Pawnbrokers" is hereby amended by amending Section 337.24, replacing the existing Section 337.25 with a new Section 337.25 and amending Sections 337.26, 337.27 and 337.28 to read as follows:

337.24 PROHIBITED ACTS; HOURS OF BUSINESS.

A. It shall be unlawful for any collateral loan broker or person in the employ of a collateral loan broker to sell, dispose of, destroy, alter or remove from such broker's premises any goods, chattels, wears or merchandise until the expiration of 21 calendar days after the acquisition by such broker of any such goods, chattels, wears or merchandise.

B. When requested to do so by the appropriate law enforcement agency in connection with a law enforcement investigation, it shall be unlawful for any collateral loan broker or person in the employ of a collateral loan broker to sell, dispose of, destroy, alter or remove from such broker's premises any goods, chattels, wears or merchandise until the expiration of 30 calendar days from the date of the request. Upon the written request of the law enforcement agency, the property shall be held for up to two (2) additional 30 day periods.

[A] C. No collateral loan broker or person in the employ of a collateral loan broker shall receive or purchase any goods, chattels, wares or merchandise from, or make any loan or advance or permit to be loaned or advanced to any child, actually or apparently under the age of eighteen years, any money

or in any manner directly or indirectly receive any goods, chattels, wares or merchandise from any such child in pledge for loans made or to be made to it or to any other person or otherwise howsoever. It shall be no defense to a violation of this section, that in the transaction the child acted as the agent or representative of another, or that the broker or his agent dealt with such child as the agent or representative of another.

[B] D. No collateral loan broker shall employ any clerk or other person under the age of eighteen years to take in any pledge, nor shall the said broker or his agents receive any goods by way of pawn or pledge before 8:00 a.m. or after 6:00 p.m. on weekdays, except Saturday, and then only between the hours of 8:00 a.m. and 12:00 midnight, nor shall any business be transacted by collateral loan brokers on any Sunday or holiday includes New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans's Day, Thanksgiving Day and Christmas Day.

337.25 RELEASE OF STOLEN PROPERTY.

A. A collateral loan broker shall release to an appropriate law enforcement agency any item in the collateral loan broker's possession if:

(1) The item is established to be stolen; and  
(2) The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency; and

(3) The stolen property report describes the item by one (1) or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial number, specific damage, a statement of facts that show the item is one-of-a-kind or a unique engraving; and

(4) The collateral loan broker is given a receipt for the item released.

B. When the appropriate law enforcement agency no longer needs an item for evidence, it shall be returned to the owner.

[337.24] 337.26 CONTINUING EDUCATION REQUIREMENT

• • •

[337.25] 337.27 VIOLATIONS OF THIS ORDINANCE

• • •

[337.26] 337.28 SIGN REQUIRED

• • •

Bold and Underlining indicate **Additions**.

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

Agenda Item #23

RESOLUTION No. 2016

**RELATIVE TO**

**THE REQUEST TO AMEND SECTION 1.3 OF THE CITY CHARTER OF 1985, IN  
PROPER FORM PURSUANT TO SECTION 3.11 OF THE CITY CHARTER OF 1985**

BY

**COUNCIL MEMBER KENNY TOMPKINS**

**THIS ITEM HAS BEEN PULLED**

RESOLUTION No. 2016

**RELATIVE TO APPOINTMENTS TO THE HUMAN RIGHTS COMMISSION**

BY:

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

**BE IT RESOLVED**, that the following individuals are hereby appointed to the City of Niagara Falls Human Rights Commission, effective immediately, for the term expiring on the date which appears opposite their name:

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Saladin Q. Allah 2113 10 <sup>th</sup> Street #1 Niagara Falls, NY 14305	12/31/2017
Brian Archie, Sr. 2816 20 <sup>th</sup> Street Niagara Falls, NY 14305	12/31/2017
Bob Belton 2951 21 <sup>st</sup> Street Niagara Falls, NY 14305	12/31/2017
Allen Booker 151 Buffalo Avenue Niagara Falls, NY 14303	12/31/2017
Angela Bray 3050 Orleans Avenue Niagara Falls, NY 14303	12/31/2018

Charles Learn  
69 Deuro Drive  
Niagara Falls, NY 14304

12/31/2018

Ida Massaro  
435 79<sup>th</sup> Street  
Niagara Falls, NY 14304

12/31/2018

Denise Mejia  
1921 Tenth Street  
Niagara Falls, NY 14305

12/31/2018

Nicholas A. Pelosino, Jr.  
800 Main Street – Suite 4C  
Niagara Falls, NY 14301

12/31/2019

John K. Spanbauer  
1056 North Military Road  
Niagara Falls, NY 14304

12/31/2019

Colleen H. Todd  
3074 Macklem Avenue  
Niagara Falls, NY 14305

12/31/2019

Agenda Item #25

RESOLUTION No. 2016

**RELATIVE TO**

**WAIVER OF RENTAL FEES FOR WILLING WORKERS PICNIC**

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER KRISTEN GRANDINETTI

COUNCIL MEMBER EZRA SCOTT, JR.

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

**WHEREAS**, the Niagara Falls City Council wishes to do its part to foster the community bonds that are strengthened by the Willing Workers Senior Group of Mount Erie Baptist Church.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York, that this City Council does hereby waive the fee for rental of the Oasis at Hyde Park for the picnic that took place on August 9, 2016.

RESOLUTION No. 2016

**RELATIVE TO REAPPOINTMENT TO THE  
ASSESSMENT REVIEW BOARD**

BY:

Council Chairman Andrew Touma

Council Member Kristen Grandinetti

Council Member Ezra Scott, Jr.

Council Member Kenny Tompkins

Council Member Charles Walker

**BE IT RESOLVED**, that the following individual is hereby reappointed to the City of Niagara Falls Assessment Review Board, effective September 30, 2016, for the term expiring on the date which appears opposite his name:

REAPPOINTMENT:

Mr. J. Gary DiLaura

7605 West Rivershore Drive

Niagara Falls, NY 14304

TERM EXPIRES:

9/30/2021

RESOLUTION No. 2016-

IN SUPPORT OF A PETITION FOR AN INTEGRATED AND SUSTAINABLE  
PUBLIC TRANSPORTATION SYSTEM

BY:

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

**WHEREAS**, this City Council has been made aware of the existence of a petition that supports the development of an integrated and sustainable public transportation system; and

**WHEREAS**, growing numbers of Americans, notably young adults and baby boomers approaching retirement, prefer to locate in regions that have efficient multimodal mobility systems, including the option to live free of car dependency; and

**WHEREAS**, transit moves people safely and cost effectively to work, shopping and recreation without scarring our waterfront, park land and downtown streetscapes with acres of parking; and

**WHEREAS**, many households in the City of Niagara Falls do not own vehicles and rapid transit expands mobility options for all socioeconomic groups, including those who rely on public transportation to get to suburban jobs, shopping, healthcare, educational institutions and all other personal needs; and

**WHEREAS**, investments in light rail and bus rapid transit are transforming cities across North America and stimulating commercial and residential development along the improved transit lines; and

**WHEREAS**, automobiles in New York state collectively emit 70 million metric tons of CO<sub>2</sub> per year, more than carbon emissions from industrial, residential or commercial sources.

**NOW, THEREFORE**, This City Council does hereby join in the petition for an integrated and sustainable public transportation system; and

**BE IT RESOLVED** that this City Council calls upon the Niagara Frontier Transit Authority and our business and community leaders to take action to provide more comprehensive and sustainable public transportation service for the Buffalo-Niagara region and specifically for the City of Niagara Falls and, in particular include, (1) Extensions of metro rail along the highest demand corridors with (2) intermodal connectivity to air and inner city rail and (3) establishment of long-term sustainable transit funding; and

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to the Niagara Frontier Transportation Authority, Assemblyman John Cerretto and Senator Rob Ortt.