



# City of Niagara Falls, New York

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

TO: The City Council  
FROM: Lisa A. Vitello, City Clerk  
RE: Informational Item: City Clerk's Report  
DATE: July 10, 2017

Council Members:

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of June 2017.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 4,024.00	\$ 4,024.00
A1255-004 A013	Copies of Records	\$ 591.50	\$ 591.50
A1255-004 A013	Certificates of Marriage	\$ 1,030.00	\$ 1,030.00
A1255-007 A752	Block Party	\$ 50.00	\$ 50.00
A2501-006 A042	Tour Agency	\$ 350.00	\$ 350.00
A2501-006 A042	Tour Attendant	\$ 300.00	\$ 300.00
A2501-006 A042	Tour Driver/Guide	\$ 255.00	\$ 255.00
A2501-011 A044	Peddler	\$ 1,045.00	\$ 1,045.00
A2501-016 A047	Stationary Engineers	\$ 200.00	\$ 200.00
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 469.00	\$ 469.00
A2542-000 A053	Additional Dogs	\$ 4,272.50	\$ 4,272.50
A2545-001 A054	Marriage License/NYSHD	\$ 2,317.50	\$ 3,090.00
A2550-001 A056	Loading Zone	\$ 1,400.00	\$ 1,400.00
A1255-002 A123	Commissioners of Deeds	\$ 15.00	\$ 15.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 538.48	\$ 538.48
A2545-023 A318	Hunters Fees	\$ 31.52	\$ 31.52
A1255-005 A528	Dog Release	\$ 600.00	\$ 600.00
TA63008 A597	Marriage Performance	\$ 1,675.00	\$ 1,675.00
A1255-006-A696	Photos/passport-license	\$ 9.00	\$ 9.00
<b>TOTAL:</b>		<b><u>\$ 3,324.98</u></b>	<b><u>\$ 16,621.02</u></b>
		<b><u>\$ 19,946.00</u></b>	

Check #	25367	NYS Dept.of Arg. & Mkts	\$ 469.00
Check #	25345	NYS Health Department	\$ 2,317.50
Check #	ET	NYS DEC RAU	\$ 538.48

*Lisa A. Vitello*  
Lisa A. Vitello

LAV/lgl

*R&F*  
JUL 24 2017

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NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 JUL 14 PM 12:04



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2  
CITY OF NIAGARA FALLS, NEW YORK

**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** July 17, 2017  
**RE:** **AGENDA ITEM: Federal Budget Finalization - 2017 Department of Housing and Urban Development - Community Development Block Grant, HOME and Emergency Solutions Grant Programs**

The City Council approved the draft Fiscal Year 2017 Consolidated Annual Plan in March 2017. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Solutions Program (ESG); all funded through annual United States Department of Housing and Urban Development (HUD) allocations. These budgets were created via public participation and then presented to the City Council in draft form, using an estimate from the 2016 actual budget amount, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2017 allocations were released on June 15, 2017. Cumulatively, the city's final CDBG, HOME and ESG allocation is 4.9 percent lower than the 2,862,702 budget previously presented to the community and approved by the City Council. In comparison, the difference between the 2016 draft consolidated annual plan and the final federal allocation was cumulatively + 0.1 percent, with CDBG and ESG both being reduced by less than two percent and HOME being increased by six percent.

The individual programs are affected as follows:

*Draft vs. Actual*

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2017 JUL 18 PM 1:57

Source	Draft 2017 Action Plan	HUD 2017 Final Allocation	\$ Change	%Change
CDBG	\$2,304,029	\$2,184,219	(\$119,810)	-5.2
HOME	\$356,799	\$336,222	(\$20,577)	-5.7
ESG	\$201,874	\$200,224	(\$1,650)	-0.8
TOTAL	\$2,862,702	\$2,720,665	(\$142,037)	-4.9

The Community Development Department proposes the following revisions to the 2017 Community Development Action Plan, to bring the budget estimate in line with the final allocations. The revised action plan was subject to a public comment period from July 6, 2017 to July 19, 2017, advertised in the Niagara Gazette and available at the department's website, [www.nf-cd.org](http://www.nf-cd.org). The proposed changes also reflect HUD's requirement that no more than 15 percent of CDBG funds be dedicated to public services programs and no more than 20 percent be dedicated to administrative costs.

*2017 Programmatic Changes*

Budgeted CDBG Program	\$ Change
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JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

2 cont.

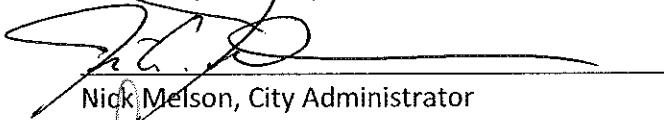
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Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council. Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?

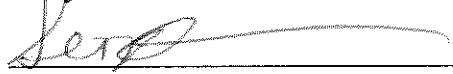
Respectfully submitted,



Paul A. Dyster, Mayor



Nick Melson, City Administrator



Seth Piccirillo, Director  
Community Development

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



# CITY OF NIAGARA FALLS

PO BOX 69, NIAGARA FALLS, NY 14302-0069  
DIVISION OF PURCHASING  
(716) 286-4370

3  
July 17, 2017

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**SUBJECT:** Bid #2017-21 Rental and Laundering of Uniforms, Bedding and Towels

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CITY CLERK'S OFFICE  
2017 JUL 18 PM 3:21

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

**TO:** Unifirst Corporation  
3999 Jeffrey Boulevard  
Buffalo, NY 14219  
Contact: Michelle Lawrence or Burke Donathan (716) 825-4252  
**FOR:** Item #'s 1 through 20 as per the attached tally sheet.

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Unifirst Corporation submitted the only bid.

Funds for this expenditure are available in various requesting Departments' Laundry and Cleaning account code .0465.000.

Will the Council so approve?

Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas A. Melson, City Administrator

  
Douglas A. Janese, Jr., Purchasing Agent

  
Daniel Morello, City Controller

JUL 24 2017

DAJ: lkh  
enc.

GRANDINETTI \_\_\_\_\_ SCOTT \_\_\_\_\_ TOMPKINS \_\_\_\_\_ TOUMA \_\_\_\_\_ WALKER \_\_\_\_\_

\*\*\*OFFICIAL TALLY SHEET\*\*\*

BID # 2017-21  
BID OPENING:

RENTAL AND LAUNDERING OF UNIFORMS, BEDDING AND TOWELS  
JUNE 27, 2017 11AM

PAGE 1 OF 2

ITEMS (20)	DESCRIPTION	UNIFIRST Corporation 3999 Jeffrey Blvd Buffalo, NY 14219 716-825-4252	XXXXXX
	Rental and weekly laundering of uniforms, bedding and towels at various locations for the City of Niagara Falls and the Niagara Falls Water Board:		
1.	Coveralls	\$0.44	
2.	Laboratory Coat – Color: Navy	\$0.22	
3.	Laboratory Coat – Color: White	\$0.22	
4.	Pants – Color: Navy	\$0.25	
5.	Pants, Denim (Jeans) – Color: Blue	\$0.30	
6.	Pants, Cotton – Color: Navy	\$0.28	
7.	Pants, Flame Retardant – Color: Navy	\$0.40	
8.	Pants, Painters – Color: White	\$0.25	
9.	Shirt – Color: Light Blue	\$0.19	
10.	Shirt, Western Cut – Color: Light Blue	\$0.22	

Continued on page 2

\*\*\*OFFICIAL TALLY SHEET\*\*\*

BID # 2017-21  
BID OPENING:

RENTAL AND LAUNDERING OF UNIFORMS, BEDDING AND TOWELS  
JUNE 27, 2017 11AM

PAGE 2 OF 2

ITEMS (20)	DESCRIPTION	UNIFIRST Corporation 3999 Jeffrey Blvd Buffalo, NY 14219 716-825-4252	XXXXXX
11.	Shirt, Cotton – Color: Navy	\$0.25	
12.	Shirt, Flame Retardant – Color: Navy	\$0.40	
13.	Shirt – Color: Navy	\$0.19	
14.	Shirt – Color: White	\$0.19	
15.	Bed Sheet, Single	NO BID	
16.	Blanket (City-Owned)	\$0.75	
17.	Pillow Case	NO BID	
18.	Towel – Bar	\$0.16	
19.	Towel – Bath	\$0.35	
20.	Laundry Bag	NO CHARGE	

Notes:



4

# CITY OF NIAGARA FALLS

PO BOX 69, NIAGARA FALLS, NY 14302-0069  
PURCHASING DEPARTMENT  
(716) 286-4370

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** July 17, 2017  
**SUBJECT:** Bid #2017-22 Tree Removal & Stumping Services II

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

**TO:** Bentley Tree Care, LLC  
P.O. Box 841  
Ripley, NY 14775  
**FOR:** Tree Removal Services at sixty-one locations throughout the city: \$ 97,936.00

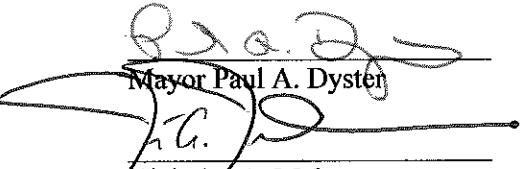
The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to twelve (12) vendors. One (1) bid was received.

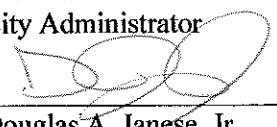
Funds for this expenditure are available in: H1515.

Will the Council so approve?

Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas A. Melson  
City Administrator

  
Douglas A. Janese, Jr.  
Purchasing Agent

Funding Approval:

  
Daniel Morello  
City Controller

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2017 JUL 18 PM 3:21

24 2017  
JUL

GRANDINETTI \_\_\_\_ SCOTT \_\_\_\_ TOMPKINS \_\_\_\_ TOUMA \_\_\_\_ WALKER \_\_\_\_

BID # 2017-22

## TREE REMOVAL AND STUMPING SERVICES II

BID OPENING:

JULY 13, 2017

11AM

## OFFICIAL TALLY SHEET

PAGE 1 OF 5

ITEMS (43)	Bentley Tree Care, LLC PO Box 841 Ripley, NY 14775	XXX	XXX
ITEM # / LOCATION / TREE			
1. 695 Chilton Avenue: 34" S Maple	2470.00		
2. 699 Chilton Avenue: 24" S Maple	1744.00		
3. 1605 Michigan Avenue: 34" S Maple	2470.00		
4. 1605 Michigan Avenue: 30" S Maple	2180.00		
5. 1605 Michigan Avenue: 17" S Maple	1235.00		
6. 1622 22 <sup>nd</sup> Street (on Michigan Avenue): 24" N Maple	1744.00		
7. 1626 Linwood Avenue: 34" S Maple	2470.00		
8. 1622 Linwood Avenue: 38" S Maple	2761.00		
9. 1329 Michigan Avenue: 24" S Maple	1744.00		
10. 1329 Michigan Avenue: 28" S Maple	2034.00		
11. 4010 Carroll Street: 38" S Maple	2761.00		
12. 1111 Roselle Avenue (on Maple Avenue): 32" S Maple	2325.00		

CONTINUED ON PAGE 2

NOTES:

BID # 2017-15  
BID OPENING:

TREE REMOVAL AND STUMPING SERVICES II  
JULY 13, 2017

OFFICIAL TALLY SHEET

PAGE 2 OF 5

ITEMS (45)	Bentley Tree Care, LLC PO Box 841 Ripley, NY 14775	XXX	XXX
13. 2027 Lockport Street: 33" S Maple	2398.00		
14. 1527 Niagara Avenue: 34" S Maple	2470.00		
15. 1336 Ashland Avenue: 36" Ash	2292.00		
16. 1330 Ashland Avenue: 28" Linden	2034.00		
17. 1720 18 <sup>th</sup> Street: 45" S Maple	3270.00		
18. 2702 Michigan Avenue: 26" S Maple	1889.00		
19. 1417-19 22 <sup>nd</sup> Street: 32" Ash	2037.00		
20. 2204 Pierce Avenue (on 22 <sup>nd</sup> Street): 34" S Maple	2470.00		
21. 2204 Pierce Avenue (on 22 <sup>nd</sup> Street): 36" S Maple	2616.00		
22. 204 57 <sup>th</sup> Street (right of): 27" Sycamore	1962.00		
23. 204 57 <sup>th</sup> Street (left of): 29" Sycamore	2107.00		
24. 200 57 <sup>th</sup> Street: 33" Sycamore	2398.00		

CONTINUED ON PAGE 3

NOTES:

BID # 2017-15  
BID OPENING:

TREE REMOVAL AND STUMPING SERVICES II  
JULY 13, 2017 11AM

OFFICIAL TALLY SHEET

PAGE 3 OF 5

29	Bentley Tree Care, LLC PO Box 841 Ripley, NY 14775	XXX	XXX
25. 194 57 <sup>th</sup> Street: 29" Sycamore	2107.00		
26. 192 57 <sup>th</sup> Street: 32" Sycamore	2325.00		
27. 197 57 <sup>th</sup> Street (right of): 30" Sycamore	2180.00		
28. 197 57 <sup>th</sup> Street (left of): 38" Sycamore	2761.00		
29. 2730 Pierce Avenue: 36" S Maple	2616.00		
30. 437 Portage Road: 36" S Maple	2616.00		
31. 504 24 <sup>th</sup> Street: < 21" Ash	950.00		
32. 506 24 <sup>th</sup> Street: < 21" Ash	950.00		
33. 508 24 <sup>th</sup> Street: < 21" Ash	950.00		
34. 511 24 <sup>th</sup> Street: < 21" Ash	950.00		
35. 513 24 <sup>th</sup> Street: < 21" Ash	950.00		
36. 515 24 <sup>th</sup> Street: < 21" Ash	950.00		

CONTINUED ON PAGE 4

NOTES:

BID # 2017-15  
BID OPENING:

TREE REMOVAL AND STUMPING SERVICES II  
JULY 13, 2017 11AM

OFFICIAL TALLY SHEET

PAGE 4 OF 5

ITEMS (43)	Bentley Tree Care, LLC PO Box 841 Ripley, NY 14775	XXX	XXX
37. 516 24 <sup>th</sup> Street: < 21" Ash	950.00		
38. 518 24 <sup>th</sup> Street: < 21" Ash	950.00		
39. 524 24 <sup>th</sup> Street: < 21" Ash	950.00		
40. 526 24 <sup>th</sup> Street: < 21" Ash	950.00		
41. 532 24 <sup>th</sup> Street: < 21" Ash	950.00		
42. 540 24 <sup>th</sup> Street: < 21" Ash	950.00		
43. 554 24 <sup>th</sup> Street: < 21" Ash	950.00		
44. 558 24 <sup>th</sup> Street: < 21" Ash	950.00		
45. 560 24 <sup>th</sup> Street: < 21" Ash	950.00		
46. 562 24 <sup>th</sup> Street: < 21" Ash	950.00		
47. 561 24 <sup>th</sup> Street: < 21" Ash	950.00		
48. 563 24 <sup>th</sup> Street: < 21" Ash	950.00		

CONTINUED ON PAGE 5

NOTES:

BID # 2017-15  
BID OPENING:

TREE REMOVAL AND STUMPING SERVICES II  
JULY 13, 2017 11AM

OFFICIAL TALLY SHEET

PAGE 5 OF 5

ITEMS (43)	Bentley Tree Care, LLC PO Box 841 Ripley, NY 14775	XXX	XXX
49. 563 24 <sup>th</sup> Street: < 21" Ash	950.00		
50. 563 24 <sup>th</sup> Street: < 21" Ash	950.00		
51. 563 24 <sup>th</sup> Street: < 21" Ash	950.00		
52. 563 24 <sup>th</sup> Street: < 21" Ash	950.00		
53. 563 24 <sup>th</sup> Street: < 21" Ash	950.00		
54. 603 24 <sup>th</sup> Street: < 21" Ash	950.00		
55. 604 24 <sup>th</sup> Street: < 21" Ash	950.00		
56. 605 24 <sup>th</sup> Street: < 21" Ash	950.00		
57. 606 24 <sup>th</sup> Street: < 21" Ash	950.00		
58. 610 24 <sup>th</sup> Street: < 21" Ash	950.00		
59. 611 24 <sup>th</sup> Street: < 21" Ash	950.00		
60. 618 24 <sup>th</sup> Street: < 21" Ash	950.00		
61. 626 24 <sup>th</sup> Street: < 21" Ash	950.00		
<b>TOTAL</b>	<b>97,936.00</b>		

NOTES:



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

July 18, 2017

The City Council  
Niagara Falls, New York

*RE: Grant money from Senator Ortt – Public Protection Initiative*

Council Members:

The Police Superintendant advises that the City will be receiving \$20,000.00 in grant money from the office of Senator Robert G. Ortt for utilization by the NFPD. Attached hereto is a copy of the Senator's letter announcing this 2017 Public Protection Initiative. The Police Superintendant advises that he will utilize these funds for purchasing various pieces of safety equipment for police officers.

Will the Council so approve and authorize the Mayor to execute any documents required to accept this grant?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

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NIAGARA FALLS  
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2017 JUL 19 AM 9:52

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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5, cont.

CHAIRMAN  
MENTAL HEALTH AND  
DEVELOPMENTAL DISABILITIES

COMMITTEE MEMBER  
CIVIL SERVICE AND PENSIONS  
CORPORATIONS, AUTHORITIES  
AND COMMISSIONS  
ENERGY AND TELECOMMUNICATIONS  
ENVIRONMENTAL CONSERVATION  
HIGHER EDUCATION  
LABOR  
LOCAL GOVERNMENT  
VETERANS, HOMELAND SECURITY  
AND MILITARY AFFAIRS

THE SENATE  
STATE OF NEW YORK



ROBERT G. ORTT  
SENATOR, 62<sup>ND</sup> DISTRICT

ALBANY OFFICE:  
815 LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2024  
FAX: (518) 426-6987

DISTRICT OFFICE:  
175 WALNUT STREET, SUITE 6  
LOCKPORT, NEW YORK 14094  
(716) 434-0680  
FAX: (716) 434-3297

July 11, 2017

Niagara Falls Police Department  
1925 Main Street  
Niagara Falls, NY 14305

Dear Chief DalPorto,

The Senator is pleased to announce that you will be receiving 2017 Public Protection in the amount of \$20,000. Please join us for a check presentation ceremony on August 3<sup>rd</sup> at 1:00 pm at the Lewiston Police Department, 4059 Creek Road, Youngstown, NY 14174. Please RSVP to our office at (716) 434-0680 by July 21<sup>st</sup>.

Faithfully yours,

Robert G. Ortt  
Senator, 62<sup>nd</sup> District



# 6 City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

July 18, 2017

The City Council  
Niagara Falls, New York

*RE: Reorganization of the Office of the City Clerk*

Council Members:

The City Clerk is requesting that an Account Clerk (Grade 7) position be reclassified to a Senior Clerk (Grade 10) position. The reason for this is that this employee has assumed additional duties due to a long term leave of absence of a temporary employee. While this will result in an additional salary cost of \$3,112.00 (as shown on the attached spreadsheet) inclusive of FICA, there will be no additional cost to the City because of excess dollars available in the City Clerk's Temporary Payroll Line (A.1410.0000.0130.000).

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



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2017 JUL 19 AM 9:52

CITY OF NIAGARA FALLS  
 PROPOSED REORGANIZATION OF THE CITY CLERK'S DEPARTMENT DUE TO EXTENDED LEAVE OF TEMPORARY EMPLOYEE  
 2018 BUDGET

DEPT/Cost Center	Department	Job Title	Current Grade	Current Salary	FICA	Current Salary Expense	Proposed New Title	Proposed New Grade	Proposed New Salary	FICA	Proposed New Total	Cost/Savings
A.1410.0000.0111.000	City Clerk	Account Clerk	CS-7	\$ 33,169	\$2,537	\$ 35,706	Senior Clerk	CS-10	\$ 36,059	2,759	\$38,818	\$ -
A1.315.0000												
A.1315.0000												
						\$ 35,706					\$38,818	\$ -

# UPGRADE/RECLASSIFICATION/JOB AWARD WORKSHEET

## Verification Calculation

Does employee's benefit date need to be changed? (i.e. Return from LOFA, lay-off or other reason to be off payroll)  NO /  YES

If "YES", complete Benefit Date Recalculation Worksheet

EMPLOYEE:

Kain

NEW POSITION/GRADE

GRADE 10

CURRENT GRADE/STEP:

GRADE 7, 4.1 18,2245

1. Step 2 Salary of New Pay Grade (@ employee's current longevity)\*  
minus

2. Step 1 Salary of New Pay Grade (@ employee's current longevity)\*

\*Exception: Those w/less than 5yrs. Longevity will be calculated using the 1.1 & 2.1 steps!

3. Difference

plus

4. Current Salary

5. Must make at least

NEW GRADE/STEP 10 4.1

NEW SALARY

34,059.45

32,772.16  
32,786.97

-31,919.47

817.50

+33,116.58

33,986.08

Verification Calculation by: \_\_\_\_\_



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

July 18, 2017

The City Council  
Niagara Falls, New York

*RE: Culinary Instruction*

Council Members:

The City is interested in providing summer vocational culinary training for students as part of programming on Old Falls Street. This training will be prepped and performed on Old Falls Street at a location to be worked out with the operator of the Conference Center. The provider of this vocational culinary training proposes to conduct sixteen (16) sessions on various dates to be determined during the summer of 2017. Up to forty (40) students may participate in the program at no cost to the students.

The cost of this program is \$6,500.00. Funding is available from tourism fund balance.

Will the Council so approve and authorize the Mayor to execute a contract for services provided the same is in form and content satisfactory to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

July 18, 2017

The City Council  
Niagara Falls, New York

*RE: Modification of commercial credit card agreement with M & T Bank*

Council Members:

Please recall that the City recently entered into an agreement with M & T Bank for the utilization of credit cards. That arrangement provided for a credit limit of \$40,000.00. M & T Bank has proposed to the City Controller a program modification to this agreement which will substantially increase the City's credit limit to an amount in the vicinity of \$600,000.00 which will allow the City to pay many of its various vendors from that line of credit to pay these vendors more quickly rather than issuing a check. The bank line of credit would be paid at the end of each month thereby eliminating the accrual of any interest. The advantage to the City of doing this is that M & T Bank is offering a rebate program which revolves around the annual charges paid pursuant to this program. The rebate to the City could be as high as 1.25% of the credit amount utilized which could equate to revenue to the City of between \$50,000.00 and \$65,000.00 annually.

Will the Council so approve and authorize the City Controller/Mayor to execute any agreements in order to finalize this new program?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

2017 JUL 19 AM 9:52  
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NIAGARA FALLS

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_





# 9 City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

July 18, 2017

The City Council  
Niagara Falls, New York

*RE: CHANGE ORDER #2 – Bid #2016-03 Clearing of Vacant Lots  
Additional Brush and Lot Clearing*

Council Members:

A contract for the above reference project was awarded to K.J. Smith Enterprises, Inc. in 2016 for clearing of vacant lots & related services (2-year contract).

The City now requires brush clearing on the City-owned Highland Avenue Business Park site. Quotes were solicited, and the sole response was from K.J. Smith Enterprises, Inc., in the amount of \$2,180.00

Therefore, as the City already has a contract with this vendor for clearing of lots, it is the recommendation of the undersigned that Change Order #2 to this contract for the needed work in the amount of **\$2,180.00** be approved.

Existing funding is available through Casino Funds previously approved by City Council for the Highland Avenue Business Park project.

Will the Council so approve?

Respectfully submitted,



PAUL A. DYSTER  
Mayor

Funding is in place



\_\_\_\_\_  
Daniel Morello  
City Controller

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



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RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 JUL 19 AM 9:52



# 10 City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069  
OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

July 18, 2017

The City Council  
Niagara Falls, New York

*RE: Redevelopment of City Owned Properties located at 610, 614, 616 and 624 Niagara Street and 414-428 Seventh Street (the "Premises")*

RECEIVED  
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NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 JUL 19 AM 9:53

Council Members:

In February of this year, the Department of Economic Development circulated a Request for Proposals ("RFP") to redevelop the above referenced City properties. These properties were acquired by the City as a result of various In-Rem City Tax Foreclosure proceedings with the exception of 616 Niagara Street which was acquired by the City in an arms-length transaction with the former owner. This acquisition allowed the City to assemble the "footprint" of properties offered for redevelopment. A copy of the RFP is attached hereto.

Two proposals were received by the City in response to the RFP. Both were scored pursuant to the process described in the RFP. The proposal submitted by the Montante Group scored the highest and it is therefore requested that the City Council authorize the designation of the Montante Group as the "Preferred Developer" for the parcels. Attached hereto is a copy of the proposal submitted by the Montante Group together with an amendment to that proposal.

In addition to designating the Montante Group as the preferred developer, it is requested that the City Council authorize the Mayor to negotiate with the Montante Group the terms and conditions of a sale and purchase agreement which will contain the terms of the development of the project. At such time as the terms and conditions of a sale and purchase agreement with terms of development is finalized, that proposed agreement will be presented to the City Council for review with a request for authorization for the Mayor to execute it. A review and recommendation from the Planning Board will precede such a request.

The Montante Group has requested access to the Premises so that it may conduct its due diligence in an effort to move this project along. It is requested that the Council authorize such early access and authorize the Mayor to execute an early access agreement in form and content satisfactory to the Corporation Counsel.

Will the Council approve the requests contained herein and authorize the Mayor to execute any agreements in this regard satisfactory in form and content to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Attachments

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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**City of Niagara Falls, NY**

# Request for Proposal

Multiple Properties

7<sup>th</sup> and Niagara Streets, Niagara Falls, NY



The City of Niagara Falls is seeking competitive development proposals for the area of 7<sup>th</sup> and Niagara Streets in downtown Niagara Falls, NY

## ***INVITATION FROM THE MAYOR***

On behalf of the citizens of the City of Niagara Falls, I want to thank you for taking the time to consider investing in our great city. My administration is tirelessly working to transform our city to a place where businesses want to locate and people want to live. The city is currently in the midst of \$800,000,000 in development projects- proof that Niagara Falls is indeed open for business.

A short walk from the Niagara Falls State Park and directly across the street from the Seneca Niagara Casino complex are three classic early 20<sup>th</sup> century, mixed-use buildings ripe for reuse and to meet the demands of this generation's desire for unique, dense, walkable neighborhoods. A number of nearby residential parcels with infill potential are also available for support or complementary uses.

Along a key crossroads between the Upper Niagara River and the Rainbow Bridge, this highly visible area could support a variety of residential, commercial, lodging, retail, and/or entertainment uses to contribute to the growing number of choices in downtown Niagara Falls.

My administration eagerly awaits the opportunity to work with you and your innovative team to create a transformative development in downtown Niagara Falls.



Sincerely,

---

Paul A. Dyster, Mayor

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## City of Niagara Falls – Request for Proposal Parcels at Seventh & Niagara Streets February 2017

The City of Niagara Falls is seeking competitive development proposals for any individual parcel or multiple parcels in and around the 7<sup>th</sup> and Niagara Street neighborhood in Niagara Falls, NY.

The City will accept proposals received in the Purchasing Department office at City Hall, Room 17, 745 Main Street, Niagara Falls, New York, 14302-0069 on or before 12:00PM on May 5, 2017.

All developers submitting proposals will be notified by mail on or around May 26, 2017 of the selection of the successful Developer.

A certified or bank check in the amount of \$1,000.00 payable to the City Controller of the City of Niagara Falls, NY, is required with each Proposal. This check will be returned in the event that the City does not select your proposal. If your Proposal is selected, the \$1,000.00 will be applied as a partial deposit against the purchase price.



***Downtown Context & Vision:***

Niagara Falls is a name recognized across the world. The New York State Office of Parks, Recreation, and Historic Preservation estimates almost 9,000,000 people visit Niagara Falls State Park each year. The city itself is uniquely positioned as the geographic center of a Bi-National Golden Horseshoe extending from the Greater Toronto Area through Western New York to the Finger Lakes, encompassing a population of over 8,000,000 people.

For the better part of the twentieth century, the city was an industrial powerhouse in the petro-chemical and aeronautical industries. While an industrial base remains, the city is diversifying its economy with a focus on green technology and energy, tourism and health care.

The subject properties are located in the northern portion of Niagara Falls' downtown district, in a neighborhood; generally bounded by Fourth Street, Portage road, Walnut Avenue, and Niagara Street (See Project Context Map). The area is anchored by a growing Niagara Falls Memorial Medical Center campus (over 1,100 employees), the Seneca Niagara Casino Complex (approximately 3,000 employees), the Niagara Falls Culinary Institute (steadily growing to 1,000 students/faculty) and a increasing concentration of hotels, restaurants, and attractions. This section of Niagara Falls is primed to be redeveloped as a mixed-use neighborhood with workforce-oriented and other market-rate housing and retail uses.

In 2009, through its Niagara Falls Urban Renewal Agency (NFURA), the City identified the area containing the subject properties as a “Downtown Gateway Area”, a 105-acre portion of the Core City Urban Renewal Area. Within this Gateway Area, Niagara Street is the next logical step for redevelopment investment: it serves as the main through arterial (strategically located between the Niagara Scenic Parkway and the Rainbow Bridge) for visitors to The Falls and the Seneca Niagara Casino Complex. A future extension of John Daly Boulevard to Pine Avenue, along with plans to expand access from this neighborhood to the Niagara Gorge through a removal of the northern segment of the Robert Moses Parkway—are two projects that are already in preliminary design—would even further enhance the potential for the subject properties support infill residential and mixed-use development.

***Scope of the Request for Proposals***

The specific focus of this RFP is redevelopment of city-owned properties located at 610, 614 and 624 Niagara Street, and 414-428 7<sup>th</sup> Street. Proposals for re-development of these parcels can be made individually, paired, or as a single development parcel. While proposals should include parcels fronting on Niagara Street, the boundary of any development proposal is flexible. Proposals are encouraged to reflect a size and scale that responds to a pedestrian-oriented environment and is financial feasible. NFURA, together with the City, are ready to engage with the private sector development community and open to a public-private partnership for redevelopment.

**Development Notes of Interest:*****REDC Award:***

The City Of Niagara Falls was awarded a \$750,000 grant in December of 2016 by Empire State Development to facilitate the rehabilitation of the structures named in this document. The city may act as a pass through agent to a qualified private sector developer for these grant funds.

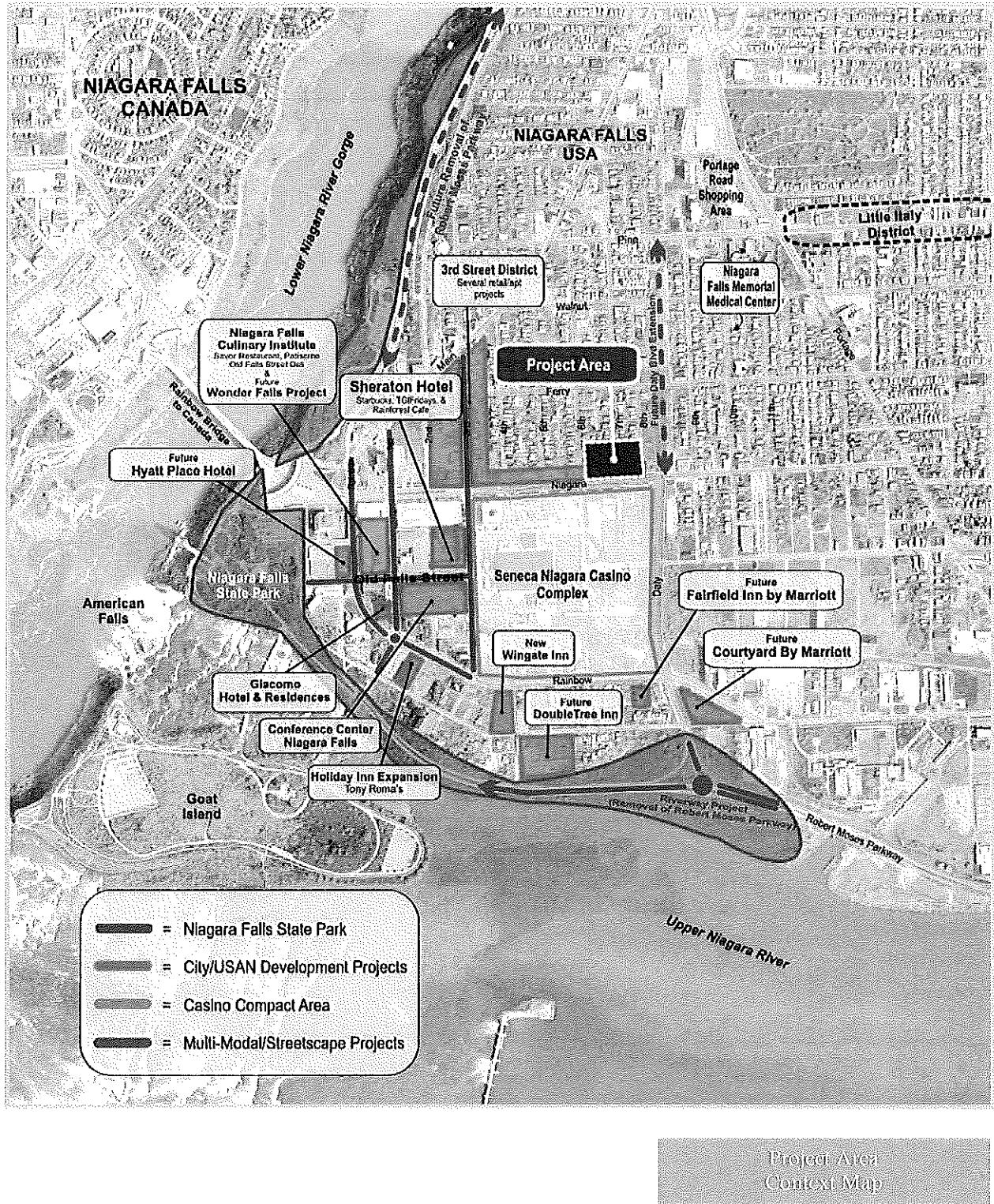
*CFA#68588: "Funds will be used to support the redevelopment of vacant land and historic buildings on a parcel at the corner of 7th and Niagara Streets in the downtown."*

***Potential Tenancy:***

Niagara University's Global Tourism Institute, which will be establishing a business incubator, has expressed interest in the site and could be one anchor in the re-development.

***Historic Tax Credits:***

Niagara Street buildings are eligible for inclusion in the State/National Registers of Historic Places (NRE) – thus eligible for state/federal tax credits





## 610 Niagara

**SBL #: 159.30-1-36**

**Year Built: 1900**

Likely eligible for  
State/National Registers of  
Historic Places (potential  
tax credits)

**Total Sq ft: 5,192.**

**Apartment Units: 5**

**Commercial Units: 2**

**Number of Stories: 3**

**Story Height: 11**

**Land Size: 44' x 87'**

**Zoning: D1-B**

**(Downtown) – permits a wide range of retail, Commercial, lodging, and mixed-use development**

**Assessed Value: \$107,000**

**Within USA Niagara Development District:**

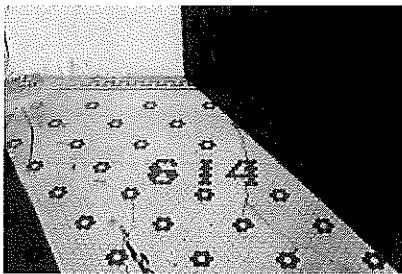
Potentially eligible for assistance (must involve mixed commercial/residential to be eligible and conform to urban design standards)

## The Properties

The building at **610 Niagara** has a floor plate of roughly 2,600 SF exclusive of an addition at the rear. It contains two retail spaces of approximately 1,200 SF each, which are now connected by an opening in the masonry wall between these spaces. The second and third stories each contain two apartments of roughly 1,000 SF each. This building could be renovated and rented as commercial spaces with apartments on the upper stories.

There is an addition at the rear of number 610, which has a floor plate of roughly 900 SF. It consists of a one story garage and two-story portion consisting of a first floor garage, with bedrooms and a porch above it.





## 614 Niagara

**SBL#:** 159.30-1-34

**Year Built:** 1900

Likely eligible for  
State/National Registers of  
Historic Places (potential tax  
credits)

**Total Sq ft:** 3,628.

**Apartment Units:** 8

**Commercial Units:** 1

**Number of Stories:** 3

**Story Height:** 11

**Land Size:** 22' x 87'

**Zoning:** D1-B

**(Downtown)** – permits a  
wide range of retail.  
Commercial, lodging, and  
mixed-use development

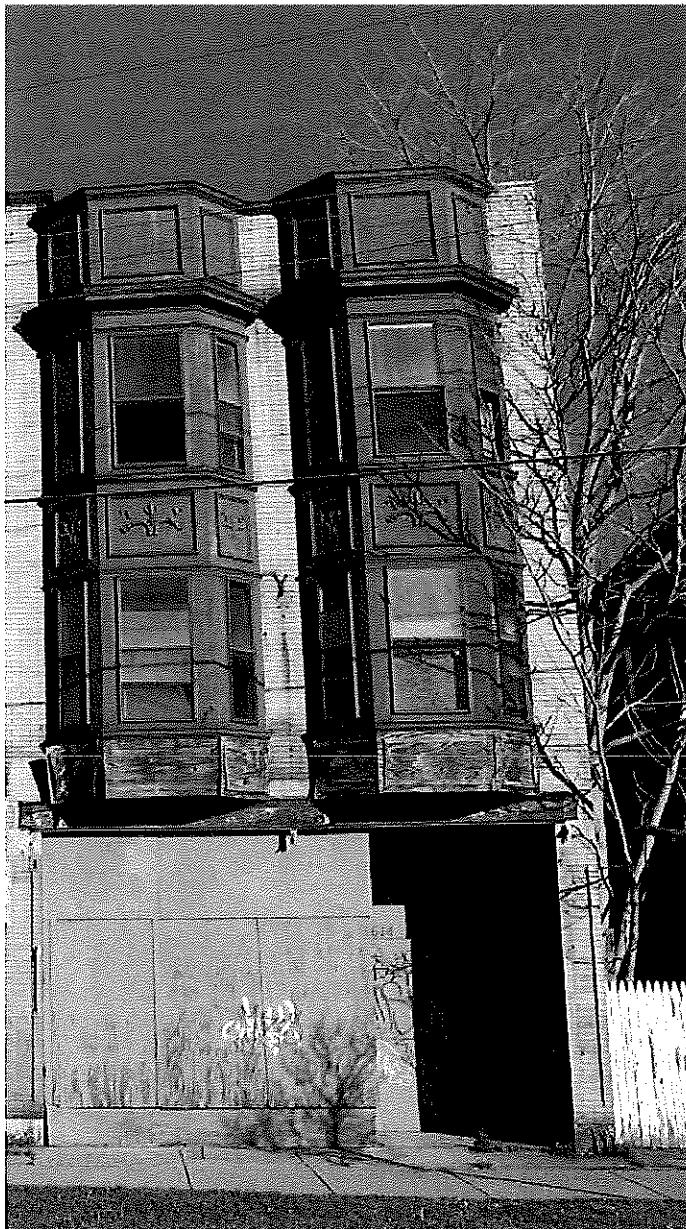
**Assessed Value:** \$42,000

**Within USA Niagara**

**Development District:**

Potentially eligible for  
assistance (must involve mixed  
commercial/ residential to be  
eligible and conform to urban  
design standards)

The building at **614 Niagara** has a floor plate of roughly 1,700 SF. It may have internal structural damage. The building has a 3-story masonry bearing wall exterior with wood frame floors and roof and a full basement.





## 624 Niagara

**SBL #: 159.30-1-32**

**Year Built: 1900**

Likely eligible for  
State/National Registers of  
Historic Places (potential  
tax credits)

**Total Sq ft: 11,088**

**Apartment Units: 8**

**Commercial Units: 2**

**Number of Stories: 3**

**Story Height: 10**

**Land Size: 44' x 87'**

**Zoning: D1-B**

(Downtown) – permits a  
wide range of retail.  
Commercial, lodging, and  
mixed-use development

**Assessed Value: \$142,000**

**Within USA Niagara  
Development District:**

Potentially eligible for  
assistance (must involve  
mixed commercial/  
residential to be eligible and  
conform to urban design  
standards)

**624 Niagara** is the largest of the three buildings. It has a floor plate of roughly 3,800 SF and contains two retail spaces of approximately 1,100 SF each that front on Niagara Street and another retail space of approximately 1,000 SF that fronts onto Seventh Street. The two spaces on Niagara St. could be developed as a single occupancy by strategically cutting openings through the central masonry-dividing wall. The third retail space had been converted to a small apartment. The second and third stories each contain four apartments of roughly 800 SF each.



**City of Niagara Falls – Request for Proposal Parcels at Seventh & Niagara Streets February 2017**

**Selected list of properties, and the zoning classification for each that are specifically available as part of this 7<sup>th</sup> and Niagara Street Area RFP:**

**Zoned D1:**

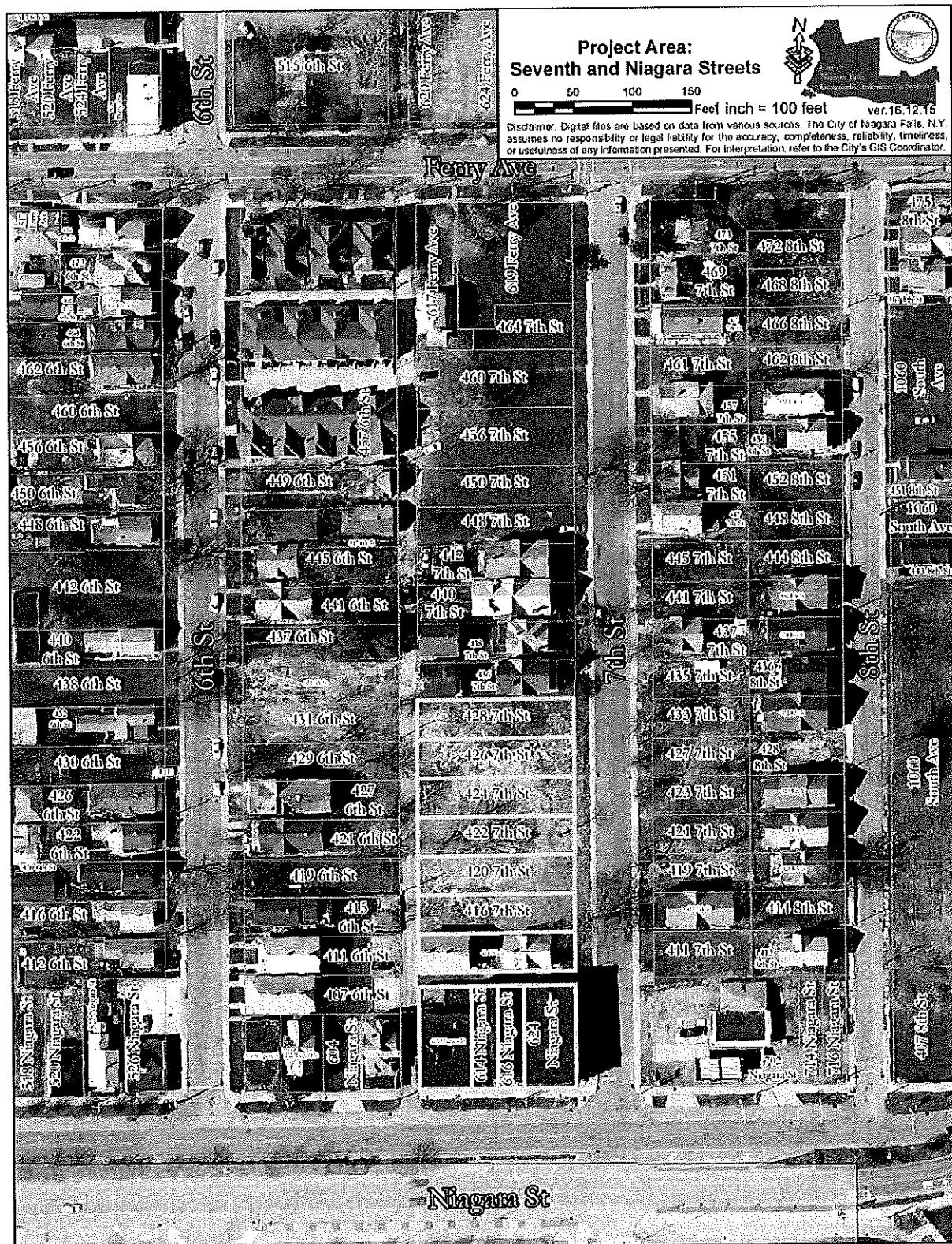
610 Niagara Street  
614 Niagara Street  
616 Niagara Street  
624 Niagara Street  
414 Seventh Street  
416 Seventh Street  
420 Seventh Street

**Zoned R3-C:**

420 Seventh Street  
422 Seventh Street  
424 Seventh Street  
426 Seventh Street  
428 Seventh Street

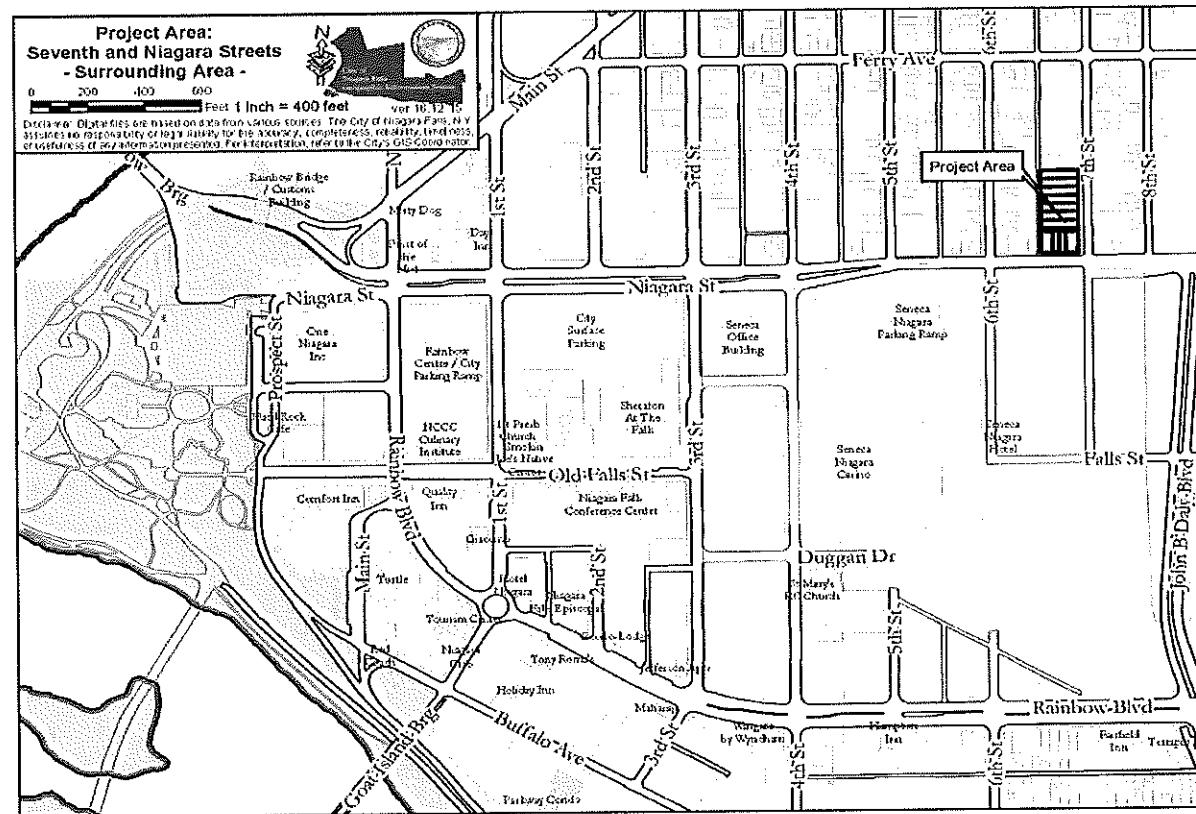
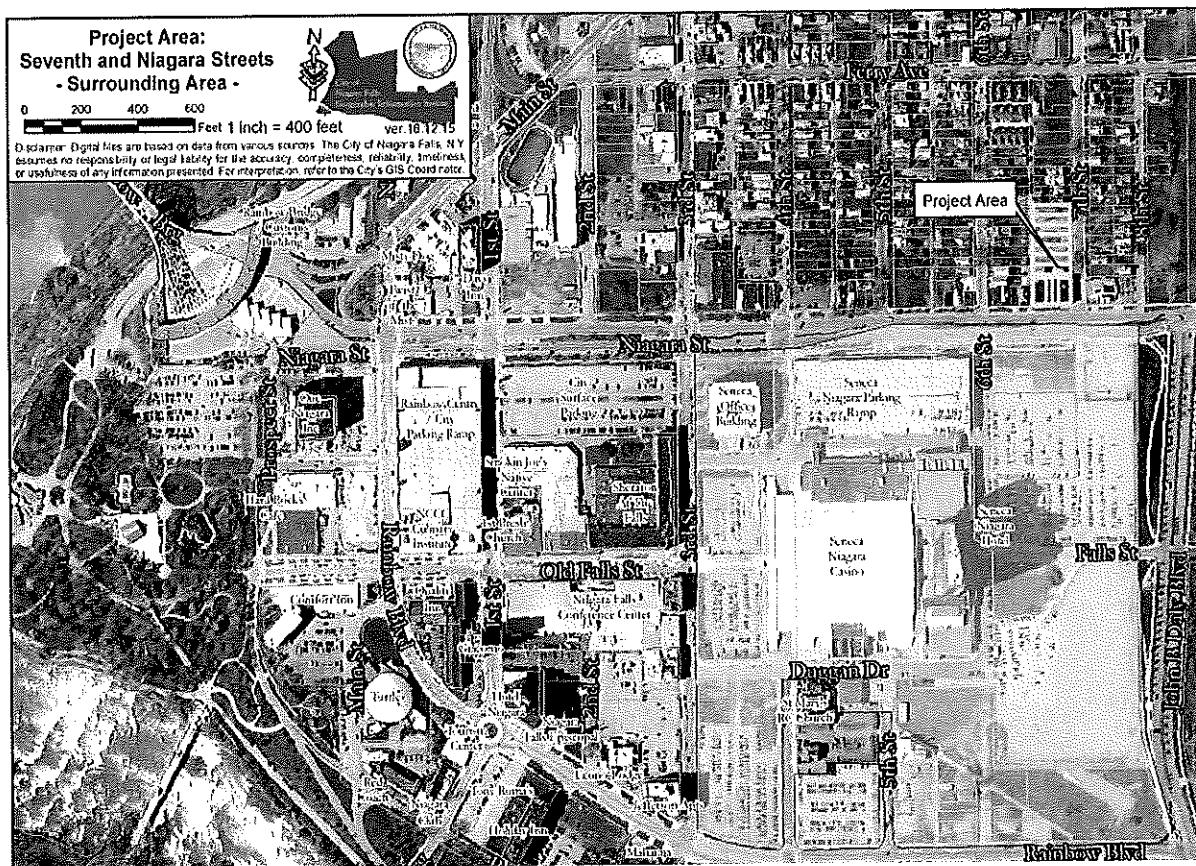
*The City of Niagara Falls is willing to entertain a larger and more comprehensive development plan for the area from a qualified developer that is in keeping with identified redevelopment goals for the area. The City would also support Zoning amendments necessary to accomplish such a planned redevelopment proposal.*

City of Niagara Falls – Request for Proposal Parcels at Seventh & Niagara Streets February 2017



*10 cont*

## City of Niagara Falls – Request for Proposal Parcels at Seventh & Niagara Streets February 2017



## Environmental/Structural Concerns

*\*As compiled by the firm of Clark Patterson Lee*

### Hazardous Materials

It is recommended that an asbestos, lead and PCB survey be executed for each of the three buildings. The age of the buildings predates asbestos and PCB containing materials, however there may have been renovations that added hazardous materials such as floor tiles and window caulk. It is likely that the roof plies and flashing contain asbestos. Lead may be present in paint on window frames and wood trim. Since the buildings have been vacant and exposed to moisture from broken windows and minor leaks, a survey for mold presence should also be done. At the last walk-through a broken 4-inch water pipe in basement of 624 was issuing a steady stream of water, creating a moist environment hospitable to mold throughout the entire building.

### Building Interiors

Interior layouts on the first floor are open with some minor support rooms in the rear of each space. Ceilings of suspended acoustic tile are falling down. 624-Niagara contains original pressed tin ceilings, which are damaged. The plaster substrate should be patched to maintain the fire barrier and reproduction panels used to replace the damaged areas. 610 will require new gypsum board ceilings to provide a code-required separation between the retail and residential occupancies. All first floor ceilings are at least twelve feet high. These spaces could be gutted, stripped down to the masonry walls and wood sub-floors and with some clean up of the brick could be suitable for tenant build-outs, highlighting the exposed vintage construction. The apartment layouts could be maintained with some minor alterations to comply with building codes. Wood stud interior walls are finished with wood lath and plaster. 610-Niagara was broken into and all metal and copper piping, radiators, and metal bathtubs removed by vandals. Holes were punched in plaster walls and ceilings and floors were heavily damaged. It will be simpler to remove and replace the plaster with drywall wherever holes exist. Where vandals did not open up the walls, plaster walls can remain. In 624, the walls have less damage and can remain in many rooms. The floor finishes will all need to be removed and replaced. Most rooms have a suspended acoustic tile ceiling below a plaster ceiling. Both have extensive damage and should be removed and replaced with drywall attached to the wood joists. Many original paneled wood doors remain and could be stripped and refinished. Wood baseboards and trim can be stripped of paint and refinished. Some original kitchen cabinets remain in both buildings and are worth saving and reusing for their vintage appeal.

## REQUIRED PROPOSAL CONTENTS

Proposals should contain specific information organized as follows:

### **1.) Cover Letter/Executive Summary**

Provide an overview of major contents of the proposal, at a minimum including:

- Overview of proposed Development team;
- Narrative summarizing the overall proposal; and
- Table summarizing proposed uses by type.

### **2.) Proposer Team**

Provide a description of the Proposer Team, with a complete organizational chart of key team members. If applicable, descriptions of team member companies (particularly proposed architectural, engineering, contracting professionals, etc.), including:

- Names, addresses, email, and telephone numbers of those individuals who may be contacted during the period of the proposal's evaluation
- Resumes of key professionals (no more than one page in length).
- List and describe past projects, including cost of development, with drawings and photos.

### **3.) Development Plan**

Provide a Development Plan that fully describes the proposed actions to be undertaken. Identify properties, building(s), and any other improvements proposed to integrate these elements with the setting surrounding the Site. The Development Plan must include the following elements:

#### a. A written description of the proposed development, including:

- An overview of the anticipated target market(s) that the development is intended to capture.
- Proposed uses in the development program, even if preliminary, specifying square footages by use or type, and any other appropriate descriptive measures.
- An explanatory statement that describes how the project's improvements and operations are consistent with objectives for downtown Niagara Falls as specified in the Niagara Falls Comprehensive Plan and in accordance with applicable regulations contained with the city's Zoning Ordinance and Urban Design Standards.

#### b. A series of graphic depictions of the proposed development, including, but not limited to:

- An overall conceptual site plan (to scale), indicating, where applicable, proposed building footprints, internal site access (internal drives, walkways, etc.) and proposed frontage improvements (sidewalks, landscaping, etc.), as well as the relationship of these site elements to components in adjoining street rights-of-way and to existing buildings/structures/site components on adjacent parcels.
- Typical, to-scale, ground-level and upper-level(s) floor plans (i.e., conceptual) indicating primary uses and gross square footages.
- Typical building elevations noting proposed architectural details and types of materials, which should demonstrate a consistency with urban design and zoning standards.

- c. A description of the proposed ownership/management structure post-construction.
- d. Project timetable, including dates for obtaining financing, closing, start, and completion of construction.

#### **4.) Financial Plan**

Each proposal must include sufficient data to evidence that the proposed (re) development and operation of the Site will be successfully accomplished by the Proposer Team and achieve the objectives of this RFP. The Financial Plan show all anticipated sources and uses of funding but in particular the Proposer's equity, amounts, and any terms and conditions of financing —if applicable.

The proposal's Financial Plan must include detailed pro-forma financial projections, with supporting calculations, for ten (10) years that includes the following information:

- An offer/bid for the parcel(s)/properties comprising the proposed Project;
- Estimated costs associated with capital improvements and investments;
- Projected operating revenues;
- Projected operating/maintenance expenses and net operating income;
- Local property tax payments;
- Debt service payments on any short-term or long-term financing for improvements; and
- Projected or targeted internal rate of return (IRR).
- Sources and amounts of financing and proposers' equity to be invested in the development and operation of the Site; and
- Evidence of financing consistent with sources and uses, including but not limited to: expressions of interest from lenders, letters of credit, and performance bonding capacity.
- A proposed Financial Plan shall not assume any form of City, State, and/or other agency funding assistance in the 10-year pro forma other than assistance that would be generally available, or prescribed in this document, from existing programs/sources for which the developer may be readily entitled or eligible to apply (e.g., Historic Tax Credits).

## SELECTION CRITERIA

The City, in its sole discretion, will evaluate the proposals on the following basis:

1. Extent that the proposal represents the *highest and best use* of the land.
2. Extent that the proposed Project is *consistent with or advances policies* in the Niagara Falls Comprehensive Plan and is in conformance with requirements of the Niagara Falls Zoning Ordinance and associated City Urban Design Standards.
3. Extent that the proposed Project yields the *highest level of public benefits* such as private taxable investment, new jobs/opportunities, highest return on the land, and external benefits to the City's setting (e.g., expansion of residential and retail choices/offerings, and/or quality of life improvements, etc.) with the least amount of public investment. (Please note: The total investment may however represent more than one developer's proposal for the site[s].)
4. Extent that the proposed development *expresses the following elements*: a) a mixed-use, pedestrian-oriented concept; b) a concept involving the integrated use of multiple parcels available under this RFP; and c) restoration/reuse of the State/National Register-eligible structures; d) creation of non-subsidized/market-rate/workforce housing.
5. The *overall quality of a proposed development plan* and the extent that the proposed Project would complement and/or enhance local community development/tourism objectives and other existing/planned development projects.
6. Extent that the proposed Project Team *demonstrates a proven record of accomplishment* in successfully completing similar urban redevelopment efforts.
7. *Expeditiousness* of the proposed date of completion for the Project (earlier completion will be favored) as well as documentation on the ability to meet the proposed timetable. (Note: Construction for any phase of a proposed Project should commence no later than April 1, 2018)
8. The *quality of the overall financial plan and positive impact* of the proposal, including:
  - a. The use of reasonable and attributable assumptions;
  - b. The level of proposed private investment;
  - c. The level of demonstrated financial capacity to realize the proposed Project, documented through sources such as, but limited to expressions of interest from lenders, letters of credit, and/or performance bonding capacity; and
  - d. Projected long-term economic benefits to the local community (e.g., property/sales/bed tax revenues, job creation, etc.).

9. Extent that the proposed Project Team, and/or individual members or member firms on the Team, *meet the requirements of NYS Office of State Comptroller* policies on procuring Responsible Vendors. Specifically in the following four major categories: a) Financial and Organizational Capacity to Undertake the Project; b) Legal Authority to do Business in New York State; c) Integrity; and d) Previous Contract or Project Performance with the City. (Should the selected developer receive grant funding through New York State.)

**Please note, given that submitted proposals may vary with regard to the number of available properties proposed for use, the City reserves the right to select more than one proposal as “preferred,” provided they do not conflict with one another (e.g., do not include multiple uses for the same property).**

**Acquisition Price.** The purchase price will be determined by a negotiation between the city and the selected proposer. The proposed sale price should be factored into financial documents provided at time of submission. Proposals that provide the highest total investment will be favored. The degree of private participation in a project is an evaluation factor.

**Environmental Conditions.** The successful Proposal(s) will assume all responsibility for all conditions on the site. The selected Developer will be authorized to perform a Phase I and Phase II environmental assessment on the Premises within ninety (90) days of the date of acceptance of the Proposal, at Developer's discretion and expense. In the event that the assessments disclose environmental conditions requiring remedial work, the Developer will have the option of performing any necessary remedial work, or of withdrawing its Proposal. In that event, the deposit shall be returned. Under no circumstances shall the City be considered responsible for remedial work.

**Subsequent Approvals and Closing Procedure.** The successful Proposal is subject to City Planning Board and City Council approvals, as may be required. In connection with the approval process, the successful Developer will be required to submit information sufficient for compliance with the requirements of NYS Environmental Conservation Law Article 8, Environmental Quality Review (SEQRA). The successful Developer would obtain Site Plan approval from the Planning Board. Any proposed zoning amendments or variances necessary for the project would also be subject to Zoning Board of Appeals and/or Planning Board and City Council approvals.

Closing and transfer of the property to the successful Developer(s) will take place when the Developer(s) has obtained all such required approvals. Closing will take place at the time of closing of the construction financing by the Development Team. Construction should start within 30 days of closing. In the event construction ceases for any unreasonable period of time, the City may deem the project abandoned and the property will revert to the City.

**The City reserves the right to reject any or all proposals and to select any one proposal at its sole discretion. The City reserves the right to negotiate with the successful Developer as to any terms contained herein.**

## Evaluation Scoring

The proposals will be evaluated and scored/ranked using a “best value” selection process, using the criteria laid out in sections 1-8, on page 16. Specifically, the Selection Committee will score each criterion according to what degree the proposal delivers the best/greatest value and (all criteria considered being referred to collectively as the “Selection Criteria”) are in the best interests of the City Of Niagara Falls. The criteria listed below are of significant concern:

The scoring committee shall score each of the criteria according to the scale below for all submittals:

- Extent that the proposal represents the highest and best use of the land and the extent that the proposed Project is consistent with or advances policies in the Niagara Falls Comprehensive Plan (20 points)
- Extent that the proposed Project yields the highest level of public benefits such as private taxable investment, new jobs/opportunities, highest return on the land, and external benefits. (20 points)
- Extent that the proposed development expresses the following elements:
  - a) a mixed-use, pedestrian-oriented concept;
  - b) a concept involving the integrated use of multiple parcels available under this RFP; and
  - c) restoration/reuse of the State/National Register-eligible structures;
  - d) creation of non-subsidized/market-rate/workforce housing. (10 points)
- The overall quality of a proposed development plan (10 points)
- Extent that the proposed Project Team demonstrates a proven record of accomplishment in successfully completing similar urban redevelopment efforts. (10 points)
- Expediituousness of the proposed date of completion for the Project (earlier completion will be favored) as well as documentation on the ability to meet the proposed timetable. (10 points)
- The quality of the overall financial plan and positive impact of the proposal (20 points)

## PROPOSAL INSTRUCTIONS

**SUBMISSION OF PROPOSALS:** RFP respondents are required to submit six copies of their proposal. The proposal must contain the information requested in the submission requirements. *Proposals must be submitted on or before 12 Noon, May 5, 2017* by mail or hand delivered. Six copies of the proposal shall be sent as directed below:

Purchasing Agent – City of Niagara Falls  
City Hall Room 17  
745 Main Street  
City of Niagara Falls, New York 14302-0069

**LATE SUBMISSIONS:** Submissions received after the date and time prescribed will not be considered.

**REVIEW:** The Selection Committee shall review all complete proposals and selection of a preferred developer will be chosen. All developers submitting proposals will be notified on or around May 26, 2017 of the selection of the successful developer.

**ACCEPTANCE OF TERMS & CONDITIONS:** Submittal of a proposal in response to this RFP constitutes acceptance by the Proposer/Developer of all terms and conditions contained herein.

**RIGHT OF REJECTION:** The City reserves the right to reject any or all proposals in whole or in part. Proposal rejection is at the sole discretion of the City and shall not incur any direct or indirect financial exposure to the City of Niagara Falls for the costs incurred unless such eligible costs are contained in the DSA as authorized by the City Council in due session authorizing such. The City reserves the right to reject any or all proposals and to select any one proposal at its sole discretion. The City reserves the right to negotiate with the successful Developer as to any terms contained herein.

The items previously described herein must be submitted by all respondents to be considered for exclusive development rights. Failure to place relevant information in the structure outlined in the RFP shall be deemed non-responsive.

**Additional information regarding the site and the proposal requirements should be obtained from the Economic Development Office. Questions should be directed to:**

**Mr. Anthony Vilardo  
Director of Business Development  
[anthony.vilardo@niagarafallsny.gov](mailto:anthony.vilardo@niagarafallsny.gov)  
716.286.4480**

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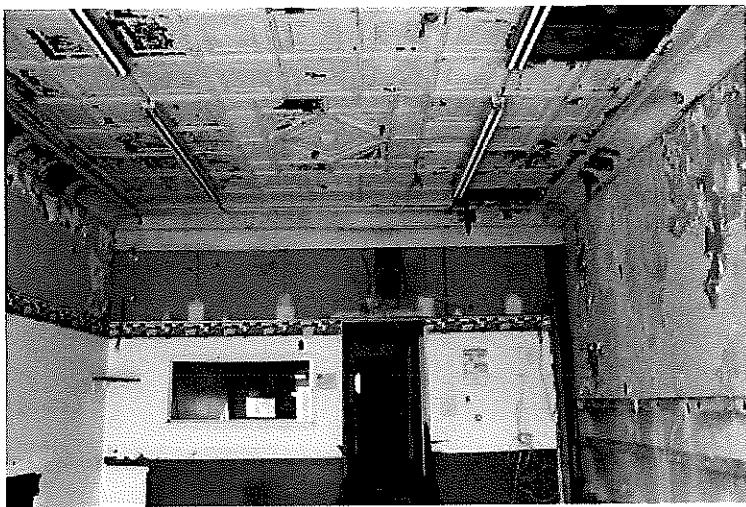
**City of Niagara Falls – Request for Proposal Parcels at Seventh & Niagara Streets February 2017**



Exterior of 624-Niagara, with bay windows on east façade.



View of Seneca Niagara Casino from an upper-storey residential unit



Interior of 624-Niagara, tin roof in first floor commercial unit

## GENERAL TERMS & CONDITIONS

The City makes no representations or warranties whatsoever with respect to this RFP, without limiting the foregoing, representations or warranties as to: the accuracy or completeness of any information or assumptions contained in or provided in connection with this RFP or otherwise furnished to respondents; the use or development, or potential use or development, of the Project or any portion thereof; the physical condition, environmental condition, layout, configuration, size, boundaries, access, location, systems and utilities for all land and improvements constituting the Project and for the adjacent properties; the absence or presence of hazardous substances or toxic materials in, under or upon the Project and the adjacent properties; compliance with environmental laws; tax assessments that may be made by the City, tax rates that may be established by the City and/or the amount of PILOT payable; and the suitability of the Project for any specific uses or development.

Each respondent shall make its own analysis and evaluation of the Project Site, including, without limiting the foregoing: the physical condition, environmental condition, layout, configuration, size, boundaries, access, location, systems and utilities for all land and improvements constituting the Project and for all adjacent lands; the absence or presence of hazardous substances or toxic materials in, under, or upon the Project Site and adjacent lands; compliance with environmental laws; and the suitability of the Project Site for any use or development. Each respondent shall obtain its own independent legal, accounting, engineering and technical advice on all matters relating to the Project, including, without limiting the foregoing: examination, review and verification of any information provided by or on behalf of the City; land and improvements constituting the Project Site and adjacent to the Project Site; all local laws, regulations and conditions that may affect the use and development of the Project; and all other matters that may be material.

Respondents shall not rely upon any statement or information given to respondents by the City including, without limiting the foregoing, any information contained in this RFP or made available pursuant to this RFP, or otherwise.

In the event that the selected respondent does not execute a Development Agreement for the Project, the City may, in their sole discretion, invite any of the other respondents to participate in a further competitive process to determine a new selected respondent.

In addition to those terms and conditions stated elsewhere, this RFP is subject to the following:

- a. The preferred developer must comply with all applicable federal, state and local laws and regulations.
- b. The preferred developer must accept the Project Site in "as is, where is" condition on the date of disposition.
- c. Conveyance by the City shall be governed by a Development Agreement.

- d. Demolition, removal, alteration or conversion of any existing improvement or portions thereof at the Project Site is to be performed at the sole cost and expense of the preferred developer after closing under the Development Agreement.
- e. The City will not pay for or refund any costs and expenses incurred by any respondent in responding to this RFP or subsequent selection stages or by any preferred developer following selection and/or designation.
- f. All determinations as to the completeness or compliance of any response/proposal or as to the eligibility, qualification or capability of any respondent will be within the sole and absolute discretion the City.
- g. Selection or designation of any respondent pursuant to this RFP or subsequent selection stages will not create any rights for the respondent including, without limitation, rights of enforcement, equity or reimbursement. The City shall have no obligation or liability whatsoever to any person or entity whose response/proposal is selected or designated as a result of this RFP unless and until a Development Agreement shall have been fully executed and delivered by all parties thereto and all necessary consents and approvals necessary for the City entry into such agreement have been obtained, and then all such obligations and liabilities shall be solely in accordance with the terms and conditions of such Development Agreement.
- h. A respondent may be rejected the City determine, in their exercise of sole and absolute discretion, that such respondent, any respondent partner, or member of a respondent team or any principal, partner, officer, director, affiliated person, or principal shareholder of the respondent, of any respondent partner, or of any member of a respondent team, has been convicted of, or pled guilty or nolo contendere to, a felony or crime of moral turpitude, is an "organized crime figure," under indictment or criminal investigation, or is in arrears or in default on any debt, contract, or obligation to the City or any of their respective affiliates, subsidiaries, agencies, departments or instrumentalities. Each respondent, respondent partner, and member of a respondent team and any principal, partner officer director, affiliated person, or principal shareholder of the selected respondent, respondent partner, or member of the respondent team may be required to complete a background questionnaire with respect to the foregoing, or other matters, and may be subject to investigation by the City. The City is under no legal obligation to dispose of the Project through a competitive bid process. This RFP does not constitute an offer of any nature and does not obligate the City to undertake any action or to proceed with the Project.
- i. The City will review all responses/proposals for completeness and compliance with the terms and conditions of this RFP, and may request from any and all of the developers, at any time during the selection process, additional information, material, clarification, confirmation or modification of any submitted response and/or proposal. The City may also, but is not obligated, to make requests for additional material or for clarification or modification of any submitted response and/or proposal that is incomplete or non-conforming as submitted.

- j. The submission of a response and/or proposal shall constitute the respondent's permission to the City to make such inquiries concerning the respondent and members of the respondent's team, which the City in its sole discretion, deem useful or appropriate including, without limitation, authorization to contact the respondent's bank(s) and credit references, and any other persons identified in the proposal and to obtain pertinent financial and other information. Except at the request or by the consent of the City, in its sole discretion, no respondent will be entitled to change its proposal once submitted.
- k. The City may, at any time, exclude those proposals, which in its sole discretion fail to demonstrate the necessary qualifications for development or which fail to comply with the terms and conditions of this RFP.
- l. The City reserves the right, in its sole discretion, to reject at any time any or all proposals; to withdraw the request without notice; to negotiate with one or more developers submitting proposals and/or to negotiate with respect to, and dispose of the Project (including to parties other than those responding to this request) on terms other than those set forth herein. The City reserves the right to waive compliance with and/or change any of the terms of this request and to waive any informalities or irregularities in the request process.
- m. Under no circumstances will the City pay or be liable for any costs incurred by a firm/team in responding to this RFP or subsequent stage or in connection with the transfer of the Project Site.
- n. **Responses and/or proposals shall be accepted from principals only.** No brokerage fees, finder's fees, commissions or other compensation will be payable by the City in connection with the selection of a respondent or the disposition of the Project Site. Submission of a statement of interest and/or proposal in response to this RFP or subsequent stage constitutes an undertaking by the respondent to hold harmless and indemnify and defend the City from and against any and all expenses, damages or liability (including, without limiting the foregoing, attorneys' fees and disbursements) arising out of any claim for such fees, commissions or other compensation made in connection with such respondent's response to this RFP or subsequent stage, selection or (non-selection) thereunder or execution (or non-execution) of a Development Agreement.
- o. Respondents of this RFP shall make no news/press release pertaining to this RFP or anything contained or referenced herein without prior written approval from the City. Any news release pertaining to this RFP may only be made in coordination with the City.

- o. Public access to material submitted by respondents to this RFP or subsequent stage shall be governed by the relevant provisions of the Freedom of Information Law, which constitutes Article 6 of the New York State Public Officers Law ("FOIL"), and regulations adopted pursuant thereto. If any respondent submits information, which it believes to be a trade secret, or otherwise exempt from disclosure under FOIL, it must specifically identify such information and state in writing as such along with the reasons why the information should be exempt from disclosure. Notwithstanding the foregoing, the City shall not be liable if the City releases information pursuant to FOIL which the respondent believes to be a trade secret or detrimental to its business.
- p. In the event that the City becomes aware of any material misrepresentation in the information supplied by a developer, the City shall have the right to reject at any time the response and/or proposal of the respondent, to refuse to negotiate or continue negotiations with the respondent and to take any other action, including retaining any deposit made by the respondent, as shall be deemed appropriate by the City, in their sole discretion.
- q. The selection of a preferred developer will create no legal or equitable rights in favor of the selected developer, including rights of enforcement or reimbursement. A developer's response and/or proposal for the Project Site is not assignable and only the party identified as the developer/principal in the selected developer's submission will be permitted to execute the Development Agreement.
- r. By submitting a response and/or proposal for the Project, the developer agrees to be bound by all the terms and conditions of this RFP.



# Request for Proposal: Multiple Properties at 7th & Niagara Streets

City of Niagara Falls, NY  
May 17, 2017

## Montante Group

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superior building, and clean energy



10/20/2018

Market  
View

## Executive Summary

TM Montante Development is proposing a multi-phase development project on approximately 1.02 acres at the corner of 7<sup>th</sup> Street and Niagara Street. The project encompasses 11 city-owned parcels that are currently part of a public RFP process and would be completed based on market demand.

- Phase 1 involves the adaptive reuse of all National Register-eligible structures on site into a mixed-use development that includes 16 market rate residential units, approximately 9,600 square feet of ground floor commercial space, which will be occupied by the Niagara Global Tourism Institute ("NGTI"), as well as new and secure, gated parking.
- Phase 2 would be based on market demand; however, we currently envision either the construction of up to 10 new rowhomes along 7<sup>th</sup> Street, or the construction of a 30,000 square foot mixed-use building along 7<sup>th</sup> Street with ground floor commercial space and market rate residential apartments on the upper floors.

TM Montante Development feels that this redevelopment proposal represents the highest and best use for the parcels included in the RFP. It is grounded in existing market conditions, advances the Comprehensive Plan for the City of Niagara Falls, and is anchored by the NGTI. TM Montante Development has signed a letter of intent for all 9,600 square feet of Phase 1 commercial space with NGTI, an affiliate of Niagara University. Pat Whalen, former COO of the Buffalo Niagara Medical Campus ("BNMC") and current Director of NGTI, played a central role in shaping the BNMC into an economic development engine for the City of Buffalo. We firmly believe that under his leadership, NGTI will have a similarly transformative impact on Niagara Falls.

Further, based on TM Montante Development's extensive experience redeveloping urban properties, which includes the transformative Gates Circle Redevelopment Project and the Planing Mill adaptive reuse project in Downtown Buffalo, we feel that we are the ideal partner to work with Niagara Falls to deliver an excellent project that serves as a catalyst for investment along Niagara Street and adds to the growing momentum in Downtown Niagara Falls.

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## Proposed Uses

Phase 1: Mixed-use Historic Conversion			
TYPE	USE	NOTES	SQUARE FEET
Commercial Office Space	NGTI Offices	<ul style="list-style-type: none"> <li>Offices</li> <li>Conference Rooms</li> <li>Classroom Space</li> <li>Commercial Kitchen Access</li> </ul>	3,500 sf
Co-working Incubator Space	Co-working Tier 1	<ul style="list-style-type: none"> <li>Open work space</li> <li>Access to Shared Amenities</li> </ul>	1,600 sf
	Co-working Tier 2	<ul style="list-style-type: none"> <li>Semi-private work space</li> <li>Full Access to Shared Amenities</li> </ul>	1,500 sf
	Co-working Tier 3	<ul style="list-style-type: none"> <li>Private offices for startups</li> <li>Access to Shared Amenities</li> </ul>	1,500 sf
	Shared Amenities	<ul style="list-style-type: none"> <li>Shared Conference Rooms</li> <li>Shared Reception</li> <li>Shared Event Space</li> <li>Kitchen/ Breakroom,</li> <li>Print and IT Service</li> </ul>	1,500 sf
	Common Space		350 sf
Residential Apartments	One-bedroom	<ul style="list-style-type: none"> <li>12 total units</li> <li>Between 800 and 950 square feet</li> </ul>	10,300 sf
	Two-bedroom	<ul style="list-style-type: none"> <li>4 total units</li> <li>1,200 square feet each</li> </ul>	4,800 sf
	Common Space		1,500 sf
<b>Total Phase 1</b>			<b>26,550 sf</b>
Potential Phase 2: Concept A – Residential Townhomes			
Residential Row Houses	Two and Three-bedroom townhomes	<ul style="list-style-type: none"> <li>Up to 10 total units</li> <li>About 2,000 sf each over three stories</li> <li>Secure parking</li> </ul>	30,000 sf
Potential Phase 2: Concept B – Mixed-use Building			
Mixed-use Building	NGTI Commercial Space	<ul style="list-style-type: none"> <li>Undetermined mix</li> </ul>	10,000 sf
	One and Two-bedroom Apartments	<ul style="list-style-type: none"> <li>Up to 20 total units</li> <li>About 1,000 sf each</li> <li>Secure parking</li> </ul>	20,000 sf
<b>Total Phase 2</b>			<b>30,000 sf</b>

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**Montante**  
CONSTRUCTION

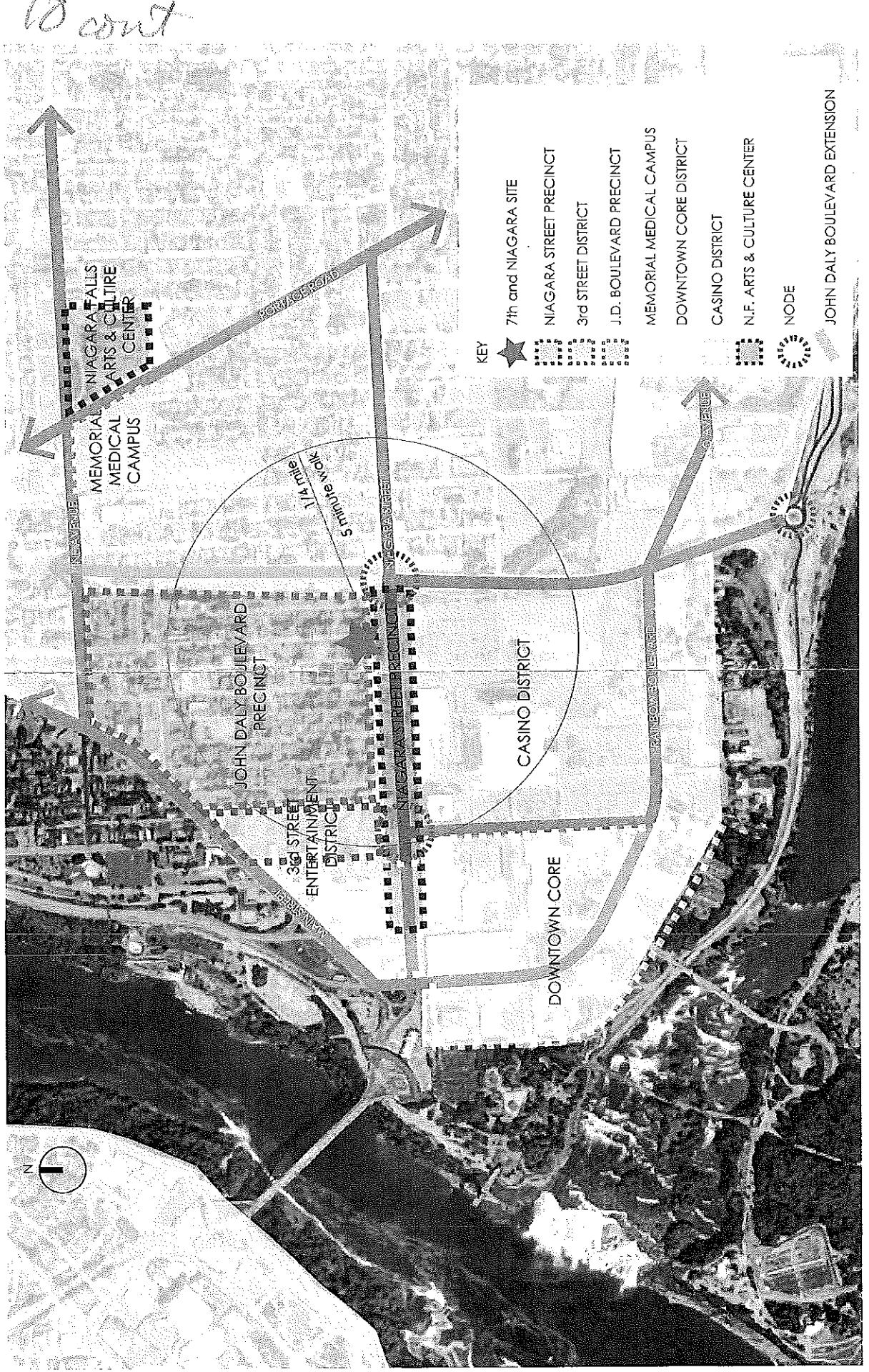


**Montante**  
DEVELOPMENT

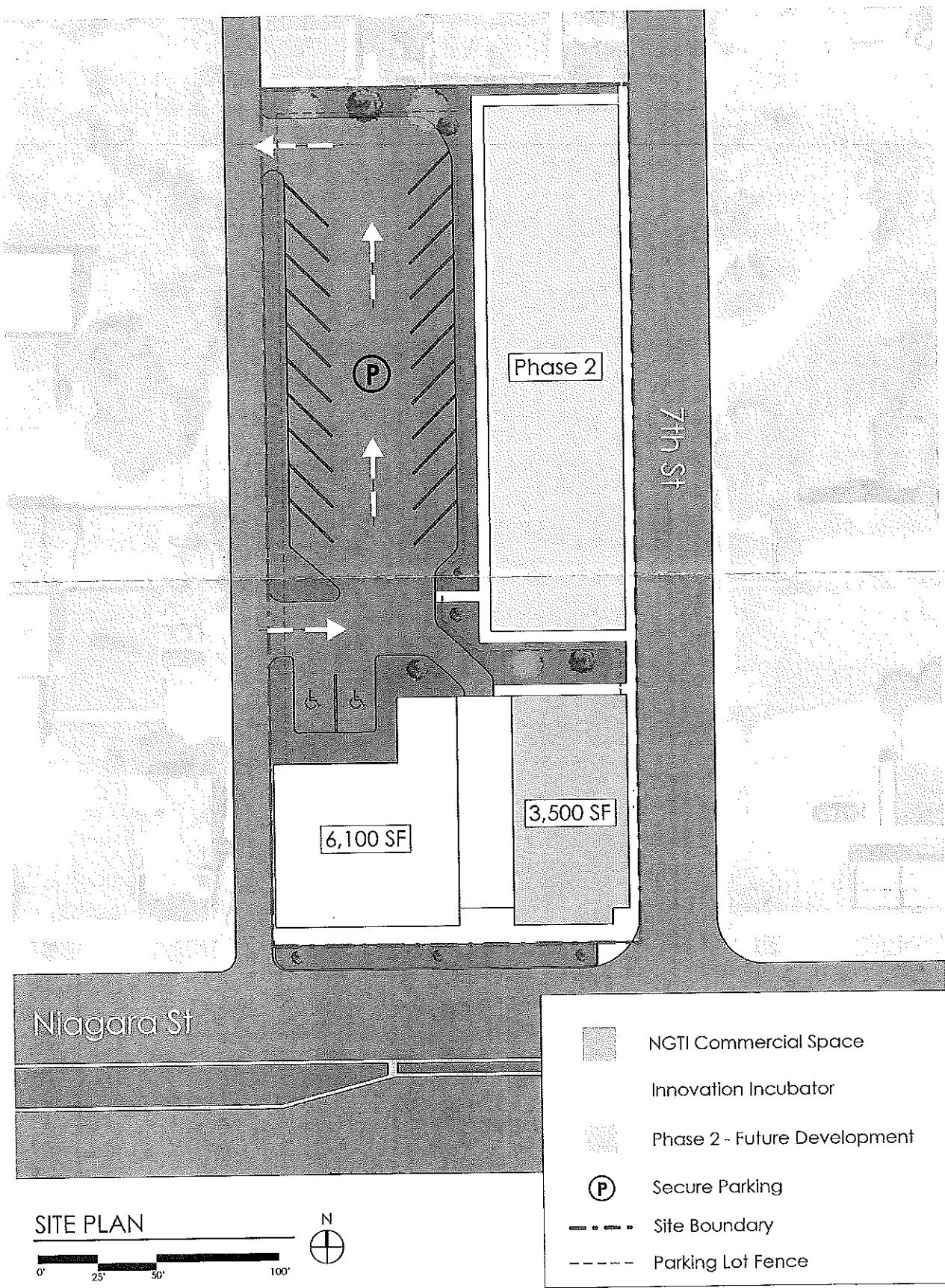


**Montante**

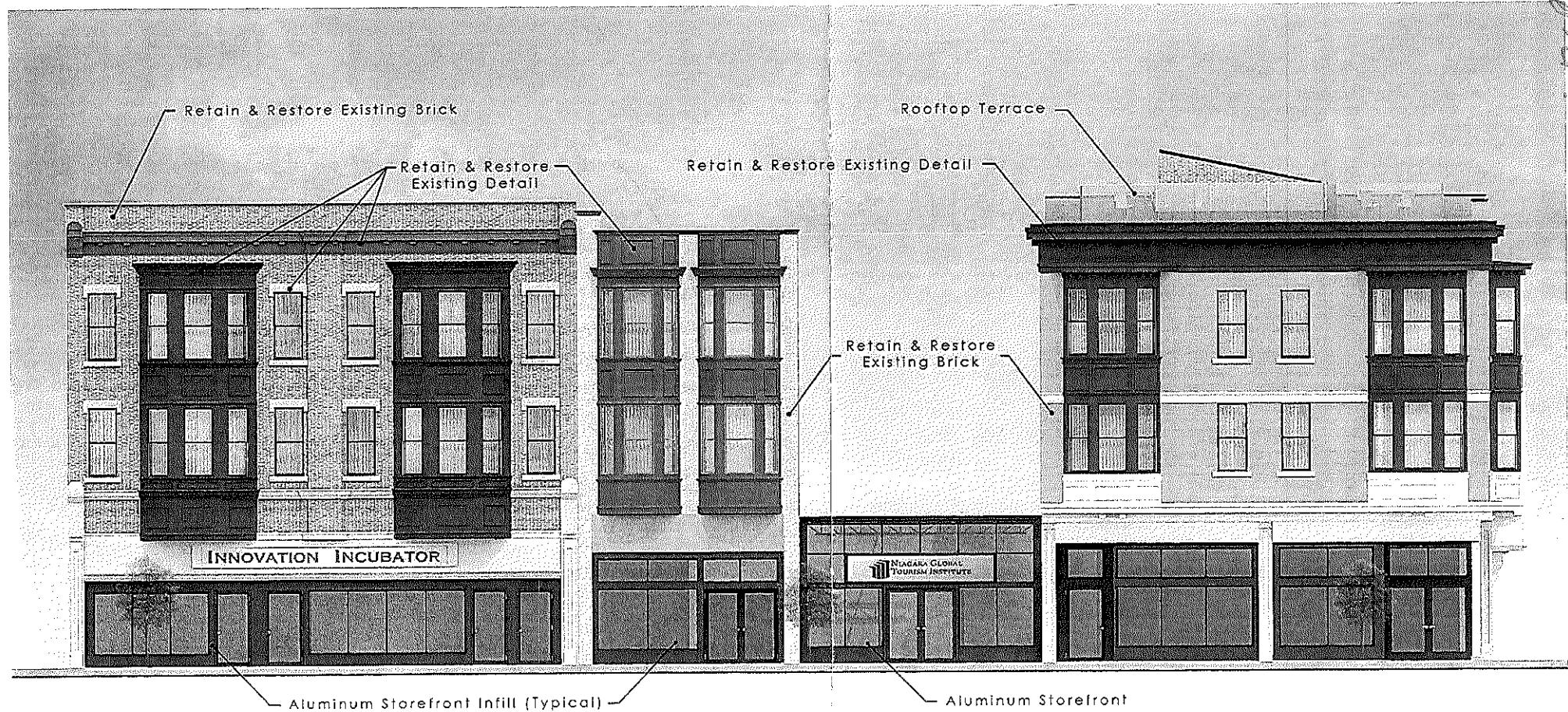
# COMPREHENSIVE PLAN FOR THE CITY OF NIAGARA FALLS



# SITE PLAN



## NIAGARA STREET ELEVATION



## NIAGARA STREET AERIAL PERSPECTIVE



10/04/2017

## Phase 1 Financial Plan

TM Montante Development has estimated that the acquisition and rehabilitation of the properties as proposed for Phase 1 of the Project will total approximately \$5.1 million (See Exhibit C for a detailed summary of development and construction costs) and has identified the following as long-term sources and uses of funds that will complete the project.

### Sources of Funds - Long Term

Bank Financing	\$2,540,000
Estimated Tax Credit Investor Contributions	1,372,000
ESD Grant	750,000
Sponsor Equity - Contributed Fees	240,000
Sponsor Equity - Contributed Capital	180,000
<b>TOTAL SOURCES</b>	<b>\$5,082,000</b>

### Uses of Funds

Property Acquisition	\$0
Development and Construction (Hard and Soft Costs)	\$5,082,000
<b>TOTAL USES</b>	<b>\$5,082,000</b>

TM Montante believes that the adaptive reuse concept proposed for Phase 1 of the Project represents the highest and best use for the existing buildings along Niagara Street. Reactivating these vacant properties will have a transformative impact on Downtown Niagara Falls.

The redevelopment proposal, however, carries a considerable amount of market risk and generates only a modest rate of return. Based on our project pro forma (See Exhibit D), Phase 1 would result in an 8.5% rate of return. This projection factors in a \$750,000 grant from Empire State Development, historic tax credits, and several tax abatements available through both the City of Niagara Falls and the Niagara County IDA.

To further alleviate risk and ensure a successful project, TM Montante Development proposes to pay \$0 for the acquisition of the properties and plans to pursue additional incentives. This will minimize the amount of short-term capital required, while increasing the projected rate of return to one that is more consistent with current market returns of 10%-12%.

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TM Montante Development will be contributing significant up-front capital to get Phase 1 of the project constructed. Ultimately, the majority of this short-term capital will be taken out by the ESD grant and tax credit investor equity. TM Montante Development will also be contributing personnel and overhead costs and deferred development fees to advance this project that, as mentioned above, carries a considerable amount of risk and will generate a modest rate of return. Further, TM Montante Development will provide guarantees on all loans – construction, permanent, and bridge – needed to complete Phase 1 of the Project.

## LAND ACQUISITION

TM Montante Development is proposing to pay \$0 for the acquisition of the land. The simple justification for this is that the Project carries a considerable amount of risk and only generates a modest return. Eliminating acquisition costs alleviates some risk and allows TM Montante Development to redirect those funds into the Project as short-term capital to help serve as a bridge to ESD grant funds and tax credit investor equity.

## ESD GRANT FUNDING

TM Montante Development will work with the City of Niagara Falls to utilize a \$750,000 grant awarded by Empire State Development in December of 2016. This is a source of capital in the long-term financial plan and is factored into the project pro forma.

## TAX ABATEMENTS

TM Montante Development will apply for sales tax and mortgage recording tax abatements from the Niagara County Industrial Development Agency, based on the Project's qualification as a market rate residential project, as well as real property tax abatements through the City of Niagara Falls' 485-a Program. These tax abatements are reflected in the proposed project pro forma.

## HISTORIC TAX CREDITS

Because these buildings are eligible for nomination to the National Register of Historic Places, the company will work with Preservation Studios to access state and federal historic tax credits. These additional sources of public funds are factored into the project pro forma. TM Montante Development will be working with a tax credit investor to monetize these credits, allowing them

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to be used as capital in the short-term. See Exhibit F for a tax credit investment commitment letter.

## EVIDENCE OF FINANCING

TM Montante Development has the financial capability and credit-worthiness to execute on a project of this complexity. We have included statements from financial institutions attesting to this in Exhibit E.

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**TM Montante Development LLC**  
**7th and Niagara Streets**  
**Development and Construction Costs**

	<u>Sq Ft/ Acres</u>	<u>Rate</u>	<u>Amount</u>
<b>Land / Building Acquisition Cost</b>			
11 parcels: 610 - 624 Niagara; 414 - 428 7th	1.02	\$	-
<b>TOTAL LAND / BUILDING ACQUISITION COST</b>	<b>1.02</b>	<b>\$</b>	<b>-</b>
<b>Construction Costs</b>			
Residential	15,100	\$ 140	2,114,000
NGTI	9,600	\$ 140	1,344,000
Common Areas	1,850	\$ 140	259,000
	26,550		3,717,000
Demo and Abatement			152,350
Sitework			61,550
Sales Tax		8.00%	-
Contingency - Construction Overage		5.00%	196,545
<b>TOTAL CONSTRUCTION COSTS</b>	<b>26,550</b>	<b>\$ 155</b>	<b>4,127,445</b>
<b>Soft Costs</b>			
Architectural & Engineering		4.00%	165,000
Operating Costs / DPE			50,000
Permits / Fees / Reports / Misc			20,000
HTC Consultant Fees			37,000
IDA Fees & Counsel			77,000
ESD Fees & Counsel			15,000
Mortgage Recording Tax			-
Commitment Fee - Construction Loan			27,000
Closing Costs / Legal - Construction Loan and HTC Investor			100,000
Construction Interest Reserve			162,000
Commitment Fee - Permanent Loan			13,000
Closing Costs / Legal - Permanent Loan			15,000
Contingency - Soft Costs		5.00%	34,050
<b>TOTAL SOFT COSTS</b>			<b>715,050</b>
<b>Subtotal Land, Construction, Soft and Loan Costs</b>			<b>4,842,495</b>
Developer Fee			240,000
<b>TOTAL PROJECT COSTS</b>	<b>26,550</b>	<b>\$ 191</b>	<b>5,082,495</b>
<b>Sources of Capital - Long Term</b>			
Bank Financing			2,540,000
Estimated Tax Credit Investor Contributions			1,372,274
ESD Grant			750,000
Sponsor Equity - Contributed Fees			240,000
Sponsor Equity - Contributed Capital			180,221
<b>TOTAL SOURCES</b>			<b>5,082,495</b>

**TM Montante Development LLC  
7th and Niagara Streets  
Cash Flow Analysis**

Revenue	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Gross Rents - Residential	217,440	221,789	226,225	230,749	235,364	240,071	244,873	249,770	254,766	259,861
Gross Rents - NGTI	96,000	97,920	99,878	101,876	103,913	105,992	108,112	110,274	112,479	114,729
Other Revenue (fees, pets, etc.)	800	816	832	849	866	883	901	919	937	956
Vacancy	(15,712)	(16,026)	(16,347)	(16,674)	(17,007)	(17,347)	(17,694)	(18,048)	(18,409)	(18,777)
<b>TOTAL REVENUE</b>	<b>298,528</b>	<b>304,499</b>	<b>310,589</b>	<b>316,800</b>	<b>323,136</b>	<b>329,599</b>	<b>336,191</b>	<b>342,915</b>	<b>349,773</b>	<b>356,769</b>
<b>Expenses</b>										
Operating Expenses	44,779	45,675	46,588	47,520	48,470	49,440	50,429	51,437	52,466	53,515
Real Estate Taxes	14,440	14,440	14,440	14,440	14,440	14,440	14,440	14,440	14,440	14,430
<b>TOTAL EXPENSES</b>	<b>59,219</b>	<b>60,115</b>	<b>61,028</b>	<b>61,960</b>	<b>62,910</b>	<b>63,880</b>	<b>64,869</b>	<b>65,877</b>	<b>69,906</b>	<b>117,945</b>
<b>Net Operating Income (Cash Flow)</b>	<b>239,309</b>	<b>244,384</b>	<b>249,560</b>	<b>254,840</b>	<b>260,226</b>	<b>265,719</b>	<b>271,322</b>	<b>277,038</b>	<b>257,867</b>	<b>238,823</b>
<b>Debt Service Coverage Ratio</b>	<b>1.28</b>	<b>1.31</b>	<b>1.33</b>	<b>1.36</b>	<b>1.39</b>	<b>1.42</b>	<b>1.45</b>	<b>1.48</b>	<b>1.38</b>	<b>1.28</b>
Less: Tax Credit Investor Priority Return	(16,474)	(16,474)	(16,474)	(16,474)	(16,474)	(16,474)	(16,474)	(16,474)	(16,474)	(16,474)
Less: Syndication Put						(171,606)				
<b>Net Cash Flow Before Debt Service</b>	<b>222,835</b>	<b>227,910</b>	<b>233,086</b>	<b>238,366</b>	<b>243,752</b>	<b>277,639</b>	<b>254,848</b>	<b>260,563</b>	<b>241,393</b>	<b>222,349</b>
Less: Interest Expense	(138,485)	(135,738)	(132,837)	(129,772)	(126,534)	(123,113)	(119,500)	(115,683)	(111,650)	(107,390)
Less: Principal Repayment	(48,689)	(51,436)	(54,337)	(57,402)	(60,640)	(64,060)	(67,674)	(71,491)	(75,524)	(79,784)
<b>Distributable Cash Flow</b>	<b>35,661</b>	<b>40,736</b>	<b>45,912</b>	<b>51,192</b>	<b>56,578</b>	<b>(109,535)</b>	<b>67,674</b>	<b>73,390</b>	<b>54,219</b>	<b>35,175</b>
<b>Cumulative Dist. Cash Flow</b>	<b>35,661</b>	<b>76,397</b>	<b>122,309</b>	<b>173,501</b>	<b>230,079</b>	<b>120,544</b>	<b>188,218</b>	<b>261,608</b>	<b>315,827</b>	<b>351,002</b>



AMENDMENT TO  
REQUEST FOR PROPOSAL:  
MULTIPLE PROPERTIES at  
7<sup>th</sup> and NIAGARA STREETS

City of Niagara Falls, NY

June 7, 2017

Montante  
DEVELOPERS

10 cont.

June 7, 2017

Purchasing Agent – City of Niagara Falls  
Attn: Anthony Vilardo  
745 Main Street, City Hall Room 17  
Niagara Falls, New York, 14302-0069

Re: Amendment to Request for Proposal: Multiple Properties at 7<sup>th</sup> and Niagara Streets

Dear Mr. Vilardo,

TM Montante Development would like to emphasize the excitement and enthusiasm we have for this project, and acknowledge that we recognize and respect the position the City of Niagara Falls is in at this point of the selection process. Choosing the right developer for this project will not only impact the future of this site, but will also effectively set the stage for the future of the Niagara Street Corridor. We hope that through this RFP process the City of Niagara Falls is able to realize the highest and best use for this site, and that it will strengthen and benefit the Niagara Street corridor over the long-term.

We respectfully submit the following amended proposal to address the concerns raised regarding our original response to this RFP.

#### **ECONOMIC DEVELOPMENT POTENTIAL**

We feel strongly that our overall proposal represents the highest and best use for this site long-term. By allocating a significant amount of ground floor commercial space to Niagara Global Tourism Institute ("NGTI"), NGTI will be given an opportunity to evolve and grow into an operation that can have a transformative impact on the tourism economy of Niagara Falls.

The mission of NGTI is to transform Niagara Falls from a visitor attraction to an international tourist destination by focusing on collaborative partnerships between the public and private sector. It is our belief that NGTI, under the leadership of Pat Whalen, will be able to make a more meaningful impact on the growth of Niagara Falls by re-locating to 7<sup>th</sup> and Niagara Streets in a space that is tailored to their current and future needs. Furthermore, NGTI's co-working and incubator space will foster new businesses within the Downtown Core, creating opportunities for young companies to deepen their relationships with both the public and private sector in Niagara Falls, and ideally positioning Niagara Falls as the logical choice for the location of their operations as they move out of the incubator space to continue their growth.

Ultimately, the diversification of the economic base through this incubator space – which brings with it new job opportunities and new demand for both residential and commercial space – will encourage additional private-sector development along Niagara Street, and drive new demand for the type of ground floor commercial and retail users that the City of Niagara Falls values as a component of their comprehensive plan.

TM Montante does see tremendous potential for vibrant and successful retail offerings along Niagara Street *in the long-term*, and we feel that appropriately setting the stage for such retail offerings by first bringing residential and commercial density – which in turn will drive retail demand – is crucial to the long-term success of the Niagara Street Corridor.

## RETAIL RISK IN THE SHORT TERM

In the short-term, TM Montante Development feels that incorporating retail offerings into the project at 7<sup>th</sup> and Niagara Streets will create additional project risk, and importantly may discourage a vibrant and successful retail corridor over the long-term. Based on the current lack of pedestrian traffic in and around the site, we feel it is likely that any retail operations introduced to this neighborhood in the near term would fail, creating a situation whereby the project would contain one or more vacant storefronts. It is for this reason that we would favor incorporating additional *commercial* tenants into the project (instead of retail), such as professional services firms or non-profit entities. Because such tenants do not rely on pedestrian traffic or significant residential and commercial density for their success, we see this type of user as the most viable in the short-term.

All of that said, we feel strongly that in time retail operations will thrive on Niagara Street, aided by a new influx of jobs and residents to Niagara Falls, and specifically to the Niagara Street Corridor. TM Montante Development would very much like to be part of the blossoming of the retail component of the Niagara Street Corridor, and we are very open to the possibility of converting ground floor commercial space to retail at the appropriate time.

## AMENDMENT TO PHASE 1 PROPOSAL

In response to the concerns expressed by the City of Niagara Falls to further diversify the allocation of ground floor commercial space, this amendment to our original proposal offers a tactful and prudent compromise, which will contribute to the desired vibrancy at the street level, while also mitigating the risk to the developer that would be imposed by adding speculative retail space. To that end, we are now proposing a mix of NGTI office space, co-working incubator space, additional commercial space, and food service. Please refer to Exhibit 'A' for an updated project rendering, as well as an amended ground floor plan and site plan.

We amend our original proposal as follows:

- TM Montante Development, through our partnership with NGTI, is prepared to dedicate approximately 750 square feet of space at the corner of Niagara and 7<sup>th</sup> Streets to develop a food service component in the form of a café and coffee shop. By locating the coffee shop at this highly visible corner, it would serve as a beacon to tourists and other visitors to Niagara Falls. In addition to serving the general public through a dedicated storefront, the coffee shop would also serve NGTI and the tenants of the co-working and incubator space directly. This coffee shop operator would sub-lease space from NGTI, and would collaborate with NGTI on food service and catering for the many events to be hosted in the adjacent atrium space.
- In addition, we are prepared to allocate approximately 1,500 sq. ft. of space at the ground floor of 610 Niagara Street to be reserved for a dedicated commercial tenant, independent of NGTI. TM Montante Development feels that bringing in an additional commercial tenant could strengthen this project, and we will actively start searching for an additional tenant immediately once we are awarded this project. TM Montante Development will commit to conducting this search for a minimum of 12 months. If we are unsuccessful in finding a credit-worthy commercial tenant that is consistent with the vision for this project in that time frame, it would be our intent to dedicate this space to NGTI as described in our original proposal.

*Don*

## **EMPIRE STATE DEVELOPMENT GRANT TERMS**

TM Montante Development is open to moving forward with a phased dispersal of the ESD grant. Based on the significant amount of risk that this project carries in the short-term, as well as the uncertainty surrounding the market for historic tax credits, we will agree to a 90%/10% split, which would provide \$675k of the ESD grant to Phase 1 and \$75k to Phase 2. In our view, the success of the overall project hinges on the success of Phase 1, and therefore the significant majority of the ESD funds should be allocated to Phase 1 to ensure that the overall project has the highest likelihood of success.

We feel that this amended proposal fully addresses the concerns raised about our original proposal by the City of Niagara Falls and we look forward to continuing an active dialogue about this project if there are additional comments or questions.

Thank you for your ongoing consideration.

Sincerely,



Christian Campos  
President, TM Montante Development

EXHIBIT A  
NIAGARA STREET RENDERING

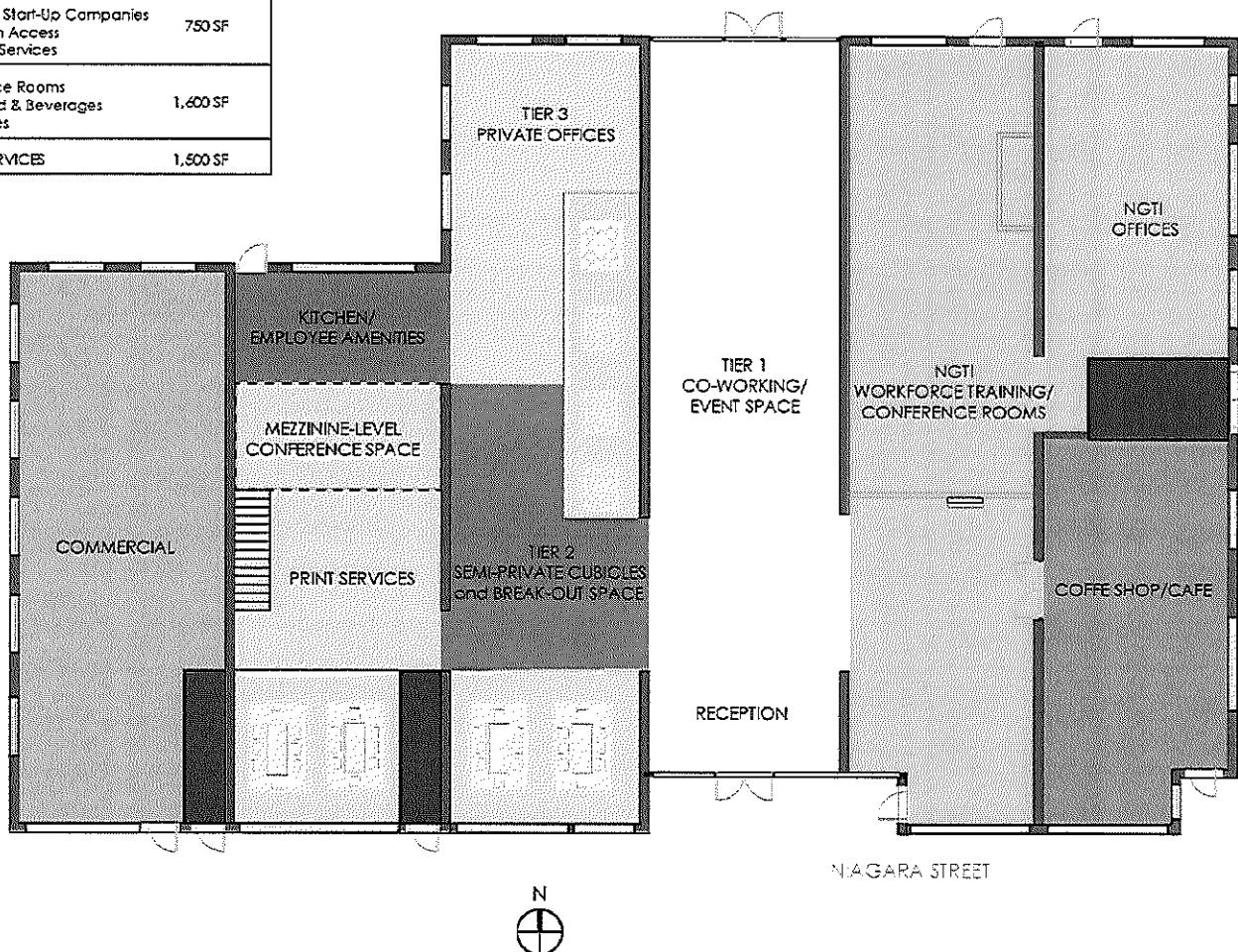


PROGRAMMING NOTES:		
NGTI OFFICES	Offices & Conference Rooms Access to Event Space Commercial Kitchen Access	2,750 SF
COFFEE SHOP/CAFE	AFFILIATED NGTI	750 SF
CO-WORKING TIER 1	Open Work Space Conference Room Access Access to Shared Services Event Space	1,600 SF
CO-WORKING TIER 2	Semi-Private Work Space Conference Room Access Access to Shared Services	750 SF
CO-WORKING TIER 3	Private Offices for Start-Up Companies Conference Room Access Access to Shared Services	750 SF
SHARED AMENITIES	Shared Conference Rooms Kitchen/ Free Food & Beverages Print and IT Services	1,600 SF
COMMERCIAL	PROFESSIONAL SERVICES	1,500 SF

KEY

	NGTI OFFICES	2,750 SF
	COFFEE SHOP/CAFE	750 SF
	CO-WORKING TIER 1	1,600 SF
	CO-WORKING TIER 2	750 SF
	CO-WORKING TIER 3	750 SF
	SHARED CONFERENCE ROOMS	
	SHARED PRINT SERVICES	
	SHARED KITCHEN/AMENITIES	
	COMMERCIAL	1,500 SF

EXHIBIT A  
GROUND FLOOR SPACE PLAN



10 West

EXHIBIT A  
SITE PLAN



11

CITY OF NIAGARA FALLS  
NEW YORK

July 13, 2017

**TO:** City Council

**FROM:** Mayor Paul A. Dyster

**SUBJECT:** Restroom Renovations at the Stone Comfort Building  
Hyde Park Ice Rink  
CHANGE ORDER #1 (General Contract)

A contract for the above referenced project was awarded to Walter S. Johnson Building Co. Inc., 6638 Mooradian Drive, Niagara Falls, NY, on March 6, 2017 in an amount of \$131,770.00.

During the course of work, the project required various additional work items that were unanticipated to accommodate the new occupied spaces.

Therefore, it is the recommendation of the undersigned that **Change Order #1** in the amount of \$4,478.00 be approved by City Council.

Sufficient funds presently exist through the NYS Consolidated Funding Application (CFA) Grant and Greenway Funds.

Will the council vote to so approve?



Mayor Paul A Dyster

  
for  
Nicholas Melson, City Administrator

  
for  
John Gerlach P.E., City Engineer

Funding Approval:

  
for  
Daniel Morello, City Controller  
Council Meeting: July 24, 2017

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

2017 JUL 19 AM 10:38  
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CITY CLERK'S OFFICE

12

City of Niagara Falls  
New York

July 18, 2017

To: City Council

From: Mayor Paul Dyster

**SUBJECT: LETTER OF AWARD for Access Gate Repairs  
at 3625 Highland Avenue Business Park**

The following was the result of quotes solicited for the above reference project.

**CONTRACTOR**

Fox Fence Inc.  
2637 Lockport Rd.  
Niagara Falls, N.Y. 14305

**BASE BID**

\$3,840.80

It is the recommendation of the undersigned that this project be awarded to the lowest responsible bidder Fox Fence Inc. at the bid price \$3,840.80. Funding from the City's Economic Department has been earmarked for this project from Casino Funds.

Additionally, partial reimbursement from a New York State Grant will offset some of the cost associated with this project.

Will the Council vote to approve?

Respectfully submitted,



Mayor Paul A. Dyster

Nicholas Melson, City Administrator



John Gerlach P.E., City Engineer

Funding Approval:



Daniel Morello, City Controller

City Council Meeting: July 24, 2017

JUL 24 2017

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

13

CITY OF NIAGARA FALLS  
NEW YORK

July 19, 2017

TO: City Council  
FROM: Mayor Paul A. Dyster  
SUBJECT: LETTER OF AWARD FOR INSTALLATION OF NEW MECHANICAL/HVAC SYSTEMS AT  
3625 HIGHLAND AVENUE BUILDINGS #1 AND #3

The following were the result of bids received on July 18, 2017 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT#1</u>
J.R. Swanson Plumbing Co. Inc. 413 103 <sup>rd</sup> Street Niagara Falls NY 14304	\$134,510.00	\$14,900.00
H.W. Bryk & Sons, Inc.	\$304,000.00	\$33,124.00

It is the recommendation of the undersigned that this project be awarded to the low bidder  
J.R. Swanson Plumbing Co. Inc. at their base bid of \$134,510.00 plus Alternate #1 for a total of \$149,410.00.

Funding for this project will be from Tribal Revenue. Additionally, partial reimbursement from a New  
York State Grant will offset some of the costs associated with this project.

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

Respectfully submitted,



Mayor Paul A. Dyster



Nicholas Melson, City Administrator



John Gerlach, P.E., City Engineer

Funding Approval:



Daniel Morello, City Controller  
Council Meeting: July 24, 2017

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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2017 JUL 19 AM 10:39



# 14 City of Niagara Falls, New York

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

DATE: July 18, 2017  
TO: The City Council  
FROM: Lisa A. Vitello  
SUBJECT: Commissioner of Deeds

2017 JUL 19 AM 5:55 PM  
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NIAGARA FALLS, NY

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2017 to September 30, 2019.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Eric Barlow	NFFD
Jeff Benjamin	NFFD
Shaun Bielec	NFPD
Carlton Cain	NFPD
Kimberly Carter	Engineering
Patrick Ciccarelli	Code Enforcement
Latricia Herbert	City Clerk's Office
Daniel Jones	NFPD
Kevin Maluchnik	NFPD
James Reynolds	NFPD
Ezra P. Scott Jr.	City Council
Owen Steed	NFPD
Paul Warmington	NFPD
Douglas Goodnick	241 84 <sup>th</sup> St., Niagara Falls, NY 14304
Andrea M. Hilliard	3924 Macklem Ave., Niagara Falls, NY 14305
William Kennedy II	1834 Ontario Ave., Niagara Falls, NY 14305
Caralie Raymond	8421 Munson Ave., Niagara Falls, NY 14304
Victoria Shank	1839 Niagara Ave., Niagara Falls, NY 14305
Diane M. Ward	151 Buffalo Ave., #1011, Niagara Falls, NY 14303

Respectfully submitted,

*Lisa A. Vitello*  
Lisa A. Vitello  
LAV/cs

JUL 24 2017

GRANDINETTI \_\_\_\_\_ SCOTT \_\_\_\_\_ TOMPKINS \_\_\_\_\_ TOUMA \_\_\_\_\_ WALKER \_\_\_\_\_



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15



# City of Niagara Falls, New York

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

July 18, 2017

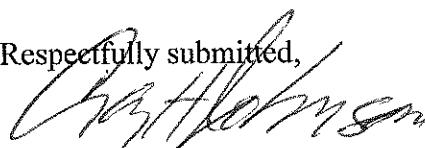
The City Council  
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Niagara Mohawk Power Corporation d/b/a National Grid, 175 East Old Country Road, Hicksville, NY 11801

Council Members:

Date Claim Filed:	February 27, 2017
Date Action Commenced:	N/A
Date of Occurrence:	November 28, 2016
Location:	in front of 500 block of 78 <sup>th</sup> Street
Nature of Claim:	Front end loader hit a metal plate and damaged a telephone pole.
City Driver:	David Robertson
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim as City is responsible for damages.
Amount to be Paid:	\$13,122.99
Make Check Payable to:	Niagara Mohawk D/B/A National Grid
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?

Respectfully submitted,  
  
 CRAIG H. JOHNSON  
 Corporation Counsel

JUL 24 2017

Grandinetti  Scott  Tompkins  Touma  Walker



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2017 JUL 19 AM 9:52

16

RESOLUTION 2017-

**RESOLUTION RELATIVE TO AMENDING CHAPTER 302  
OF THE CODIFIED ORDINANCES ENTITLED  
“AMBULANCE ORDINANCE”**

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

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NIAGARA FALLS, NEW YORK  
07 JUL 19 AM 9:53

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 302 of the Codified Ordinances entitled “Ambulance Ordinance” is hereby amended to read as follows:

302.01 DEFINITIONS.

• • •

(b) “Ambulance Service/Provider”

• • •

(g) “Health Officer” means the Niagara County Health Officer or his designated representative.

(h) “License Officer” means the Fire Chief of the City of Niagara Falls, New York.

(i) “Medical Emergency Technician” means:

(1) An individual certified by the Department of Health of the State of New York for a period of three years as being qualified in all phases of medical emergency technology including, but not limited to, communications, first aid, equipment maintenance, emergency room techniques and procedures, patient handling and positioning, and knowledge of procedures and equipment used for obstetrical, respiratory and cardiac emergencies who has passed an examination in the regular and advanced American Red Cross first aid courses or has had equivalent training as may be prescribed from time to time by the Commissioner of Health of the State of New York and has satisfactorily completed a State approved course in medical emergency technology of not less than 36 hours.

(2) Renewal of certification shall require satisfactory completion of a refresher course once every three years. Attendance at the first class and in addition five three-hour sessions of a New York State approved course in emergency medical care technology or attendance at 18 hours of such courses approved by the Department of Health of the State of New York shall be deemed fulfillment of this requirement.]

(g) “License Officer” means the Fire Chief of the City of Niagara Falls, New York or his/her designee.

JUL 24 2017  
Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

16 cont

(h) "Emergency Medical Technician" (EMT) means: A person who responds to emergency calls, performs certain medical procedures and transports patients to hospital in accordance with protocols and guidelines established by physician medical directors. They may work in an ambulance service. EMTs are trained to assess a patient's condition, and to perform such emergency medical procedures as are needed to maintain a patient airway with adequate breathing and cardiovascular circulation until the patient can be transferred to an appropriate destination for advanced medical care. Interventions include cardiopulmonary resuscitation, defibrillation, control of severe external bleeding, shock prevention, body immobilization to prevent spinal damage, and splinting of bone fractures. EMTs are trained in BLS, or basic life support. They must take an initial New York State EMT certification class by a certified course sponsor. Certification is good for three (3) years; prior to the expiration to keep their certification, the EMT must take a refresher class and pass the New York State EMT certification exam again to keep their certification.

(i) "Emergency Medical Technician-Intermediate" (EMT-I) means: A mid-level provider of pre-hospital emergency medical services in the United States. The EMT-1 is not intended to deliver definitive medical care, but rather to augment pre-hospital critical care and provide rapid on-scene treatment. EMT-Intermediate is most commonly employed in ambulance services, working in conjunction with EMT-Basics and EMT-Paramedics. The EMT-Intermediate is typically authorized to provide more advanced medical treatment than the EMT-Basic and is typically authorized to provide advanced life support. The minimal psychomotor scope of practice at the national level for an advanced EMT includes all EMT level skills, basic airway management and the insertion of supraglottic airways, suctioning of an already intubated patient, patient assessment, and several pharmacological interventions beyond the EMT level. They must take an initial New York State EMT certification class by a certified course sponsor and pass the class and New York State certification exam for EMT. They must also attend an Intermediate Certification class by a certified course sponsor, passing the class and the New York State certification exam. The certification is good for three (3) years. Prior to the expiration of their certification, the EMT Intermediates need to take an EMT-Intermediate refresher course and pass the New York State certification exam again to keep their certification.

(j) "Paramedic" means: A healthcare professional who works in emergency medical situations. Paramedics provide advanced levels of care for medical emergencies and trauma. The majority of Paramedics are based in the field in ambulances, emergency response vehicles, or in specialist mobile units. Paramedics provide out-of-hospital treatment and some diagnostic services. They must take an initial New York State Paramedic certification class by a certified course sponsor. Certification is good for three (3) years. Prior to the expiration of their certification, the Paramedic needs to take a Paramedic refresher course and pass the New York State certification exam again to keep their certification. The scope of practice includes performing semi-automated external defibrillation, interpretation of 4-lead or 12-lead ECG's depending on the area, administration of symptom relief medications for a variety of emergency medical conditions (these include but are not limited to oxygen, epinephrine, glucagon, ASA (aspirin and nitroglycerine), performing trauma immobilization (including cervical immobilization), and other fundamental basic medical care. Primary Care Paramedics may also receive additional training in order to perform certain skills that are normally in the scope of practice of Advanced Care Paramedics. This is regulated both provincially (by statute) and locally (by the Medical Director), and ordinarily entails an aspect of medical oversight by a specific body or group of physicians. This is often referred to as Medical Control, or a role played by a base hospital. They must take an initial New York State EMT certification class by a certified course sponsor and pass the class and New York State certification exam for EMT. They must also attend a Paramedic Certification class by a certified course sponsor, passing the class and the New York State certification EMT-P exam. The certification is good for three (3) years. Prior to the expiration of their certification, they need to take an EMT-P refresher course and pass the New York State exam to keep their certification.

16 cont.

### 302.02 LICENSE REQUIRED

...

[**(b) No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys, or any public way or place of Niagara Falls, New York unless it shall have in attendance on each call a minimum of a driver at least 18 years of age and one medical emergency technician at least 18 years of age.]**

**(b) No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys, or any public way or place of Niagara Falls, New York unless it shall have in attendance on each call a minimum of a one Emergency Medical Technician that will be the driver, and one Emergency Medical Technician will be the attendant for a BLS (basic life support) response. For an ALS (advance life support) response each unit will have one emergency medical technician that will be the driver and one Paramedic that will be the attendant. Each must be a least 18 years of age.**

...

### 302.03 APPLICATION FOR AMBULANCE LICENSE

...

**(c) Each such application shall be accompanied by a license fee of [\$25.00] two hundred dollars( \$200.00) for each ambulance to be operated.**

Body here

### [302.04 STANDARDS FOR AMBULANCE LICENSE

**(a) A license hereunder shall not be issued unless the License Officer determines that the ambulance service is or will be staffed and equipped in accordance with the requirements of this section; provided, however, that, where an existing ambulance service does not meet said requirements, the License Officer may modify the applicability of such requirements with respect to equipment and training of personnel for periods of time specified in the license.**

**(b) Requirements: Each ambulance service holding a license pursuant to Section 302.03 hereof, shall:**

**(1) Submit, in a form prescribed by the License Officer, a semiannual report including calls received and service performed, number and types of vehicles operated and listings of all personnel employed.**

**(2) Provide each ambulance with the following items of equipment or their equivalent:**

Communication Equipment  
Rear door permitting free access to interior for loading  
stretchers, wheel-litters or other patient-carrying devices  
Level floor at least 12" longer than a patient-carrying device  
Headroom of at least 39" from floor to center point of ceiling  
Attached seat suitably situated for attendance on patient en route

Hand light powered from vehicle (trouble light)  
Flashlight (explosion proof)  
Tool kit, pinch bar, lug wrench, auto jacks (2)  
Battery jumper cables  
Cot or bench  
Folding stretcher  
Short (4") & Long (61/2') back boards with three 2" straps  
Folding stair chair

16 Cont.

Seat belts on all seats	Emesis basin
Recording tachmeter	Pillows (3)
Siren	Bed linen, 2 sets
Flashing red roof light	Blankets, wool
Fire extinguisher, 10 lb. dry powder or ABC type	Hinged Keller-Blake half ring
2 padded boards, 4½' x 3")	(Thomas type) leg splint with stockinette
2 padded boards, 3' x 3")	3 or 4 ply, ½" thick
2 padded boards, 15" x 3")	
Portable oxygen cylinder (medical D size) with single stage regulator, a mask and other proper attachments	12 triangular bandages
A QM, EE or Y oxygen cylinder with regulator, flow meter, two outlets, masks and other proper attachments	12" x 12" sterile pads
Transparent bag-mask, capable of being attached to oxygen (ambulance or other)	Universal dressing, 10" x 38" (2)
Portable aspirator (Hand, foot or motor powered) with catheters, small and regular sizes	Elastic bandage, 3"
Mouth-to-mouth 2-way resuscitation airways, adult, child and infant sizes	1 doz. tongue blades
Oropharyngeal airways, small and regular	Safety pins, large
Bandages, 1", 2", 3" (Kling type), 12 of each	Bandage scissors
	Towels (4)
	Rubber or plastic gloves, small and large
	Umbilical tape, sterile
	Sterile sanitary pads
	12 pkg. sterile gauze pads
	2" x 2", 4" x 4"
	1" and 3" adhesive tape

It is advisable to have sufficient fracture equipment to avoid disturbance of patient upon delivery to hospital.

(3) Have in attendance on each call a minimum of a driver at least 18 years of age and one medical emergency technician at least 18 years of age.

(4) Maintain in good working order in each ambulance a means and treatment of sick, injured or disabled persons.

(5) Maintain each ambulance and its equipment in a clean and sanitary condition and, when an ambulance has been utilized to transport a patient known to the owner of the ambulance service or his agents to have a communicable disease other than the common cold, cleanse the vehicle with a disinfectant before transporting the next case.

(6) Permit designated representatives of the License Officer and the Niagara County Health Officer to conduct periodic inspections of vehicles, procedures, materials, staff, equipment and facilities.

(7) Comply with all applicable laws, federal, state and local, relating to health, sanitation and safety.

(c) Each licensed ambulance, its equipment and all records relating to its maintenance and operation as such, shall be open to inspection by the Health Officer and/or the Fire Chief or their designated representatives during usual hours of operation.

(d) Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of this Ordinance as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the License Officer and a finding of conformance with all the requirements of this Ordinance as upon original licensing. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this Ordinance as upon original licensing.

16 Oct  
(e) No official entry made upon a license may be defaced, removed or obliterated.]

302.04 STANDARDS FOR AMBULANCE LICENSE.

(a) A license hereunder shall not be issued unless the License Officer determines that the ambulance service is (or will be) staffed and equipped in accordance with the requirements of this section; provided, however, that where an existing ambulance service does not meet said requirements, the License Officer may modify the applicability of such requirements with respect to equipment and training of personnel for periods of time specified in the license.

(b) Requirements: Each Ambulance Service/Provider holding a license pursuant to Section 302.03 hereof, shall:

(1) Submit (in a form prescribed by the License Officer) an annual report of the number and types of vehicles operated, and listings of all personnel employed.

(2) Be equipped with the following:

(a) Patient transfer equipment consisting of:

(i) wheeled ambulance cot capable of supporting the patients in the Fowlers position;

(ii) a device capable of carrying a second recumbent patient;

(iii) a device enabling ambulance personnel to carry a sitting patient over stairways and through narrow spaces where a rigid litter cannot be used. This requirement may be satisfied by use of one combination device capable of both operations;

(iv) all litters and cots used to transport patients shall be secured using crash resistant fasteners. The ambulance shall be equipped with securing devices such that two patient carrying devices can be simultaneously secured; and

(v) ambulance cots and other patient carrying devices shall be equipped with at least two, two-inch wide web straps with fasteners to secure the patient to the device and the cot.

(b) Airway, ventilation, oxygen and suction equipment consisting of:

(i) a manually operated self-refilling adult-size bag valve mask ventilation device capable of operating with oxygen enrichment, and clear adult-size masks and air cushions;

(ii) four (4) oro-pharyngeal airways in adult sizes;

(iii) portable oxygen with a minimum 350 liter capacity (medical "D" size) with pressure gauge, regulator and flow meter and one spare cylinder, medical "D" size or larger. The oxygen cylinders must contain a minimum pressure of 1000 pounds/in<sup>2</sup>;

(iv) an in-ambulance oxygen system with a minimum 1200 liter capacity (two medical "E" size) with yoke(s), or CDC fitting, pressure gauges, regulators, and flow meters capable of delivering oxygen to two patients at two different flow rates of up to 15 liters per minute simultaneously.

(v) four (4) of each size, non-rebreather oxygen masks, and four (4) nasal cannulae;

(vi) portable suction equipment capable, according to the manufacturer's specifications, of producing a vacuum of over 300 millimeters of mercury when the suction tube is clamped. This will meet the 800.24(b) (7) requirement if equipped to operate off the ambulance electrical system;

(vii) installed adjustable suction capable of producing a vacuum of over 300 millimeters of mercury when tube is clamped; and

(viii) two (2) plastic Yankauer-type wide bore pharyngeal tips individually wrapped.

(c) Immobilization equipment consisting of:

(i) one (1) full size (at least 72 inches long and 16 inches wide) backboard with necessary straps capable of immobilizing the spine of a recumbent patient;

16 cont.

(ii) one (1) half-length spinal immobilization device with necessary straps capable of immobilizing the spine of a sitting patient;  
(iii) one (1) traction splinting device for the lower extremity; and  
(iv) two (2) of each of the following size padded boards, with padding at least 3/8 inches thick:

- 4 1/2 feet by 3 inches or equivalent device
- 3 feet by 3 inches or equivalent device
- 15 inches by 3 inches or equivalent device

(v) one (1) set of rigid extrication collars capable of limiting movement of the cervical spine. The set shall include large, medium and small adult-size rigid extrication collars which permit access to the patient's anterior neck; and  
(vi) a device or devices capable of immobilizing the head of a patient who is secured to a long backboard.

(d) Bandage and dressing supplies consisting of:

- (i) twenty-four (24) sterile gauze pads 4 inches by 4 inches;
- (ii) three (3) rolls adhesive tape in two or more sizes;
- (iii) ten rolls of conforming gauze bandages in two or more sizes;
- (iv) two sterile universal dressings approximately 10 inches by 30 inches;
- (v) ten large sterile dressings 5 inch by 9 inches minimum;
- (vi) one pair bandage shears;
- (vii) two sterile bed-size burn sheets;
- (viii) six triangular bandages;
- (ix) one liter of sterile saline in plastic container(s) within manufacturer's expiration date
- (x) roll of plastic or aluminum foil or equivalent sterile occlusive dressing.

(e) Emergency childbirth supplies in a kit, consisting of the following sterile supplies:

- (i) disposable gloves;
- (ii) scissors or scalpel;
- (iii) umbilical clamps or tape;
- (iv) bulb syringe;
- (v) drapes; and
- (vi) one (1) individually wrapped sanitary napkin.

(f) Miscellaneous and special equipment in clean and sanitary condition consisting of:

- (i) linen and pillow on wheeled ambulance cot and spare pillow, two (2)sheets, two (2) pillow cases, and two (2) blankets;
- (ii) four (4) cloth towels;
- (iii) one (1) box facial tissues;
- (iv) two (2) emesis containers;
- (v) one (1) adult size blood pressure cuff with gauge;
- (vi) stethoscope;
- (vii) carrying case for essential emergency care equipment and supplies;
- (viii) four (4) chemical cold packs;
- (ix) one (1) male urinal;
- (x) one (1) bed pan;
- (xi) two (2) sets masks and goggles or equivalent;
- (xii) two (2) pairs disposable rubber or plastic gloves;
- (xiii) one (1) liquid glucose or equivalent;
- (xiv) six (6) sanitary napkins individually wrapped; and
- (xv) one (1) penlight or flashlight.

16 cont.

(g) Safety equipment consisting of:  
(i) six (6) flares or three U.S. Department of Transportation approved reflective road triangles;  
(ii) one (1) battery lantern in operable condition; and  
(iii) one (1) Underwriters' Laboratory rated five-pound ABC chemical fire extinguisher or any extinguisher having a rating of 10BC.

(h) Pediatric equipment consisting of:  
(i) pediatric bag valve mask, equipped with oxygen reservoir system;  
(ii) clear face masks in newborn, infant and child sizes, inflatable rim (or mask with minimal under-mask volume) to fit above;  
(iii) two (2) each nasal cannula, and two each oxygen masks including non-rebreather in the pediatric size;  
(iv) two (2) each oro-pharyngeal newborn, infant and child size airways;  
(v) sterile suction catheters, two each in sizes 5, 8 and 10 french;  
(vi) two (2) sterile DeLee type suction catheters #10 or modified suction traps, or two (2) small bulb syringes;  
(vii) one (1) sterile single use disposable oxygen humidification setup;  
(viii) child and infant size blood pressure cuffs with gauge(s);  
(ix) one (1) rigid extrication collar in pediatric size;  
(x) one (1) pediatric stethoscope (interchangeable type acceptable);  
(xi) one (1) commercially prepared infant swaddler.

(3) All Medic/Supervisor Emergency Vehicles (Fly Cars) used by the current Ambulance service shall be equipped with:

(a) emergency care equipment consisting of:  
(i) twelve (12) sterile 4 inch x 4 inch gauze pads;  
(ii) adhesive tape, three (3) rolls, assorted sizes;  
(iii) six (6) rolls conforming gauge bandage, assorted sizes;  
(iv) two (2) universal dressings, minimum 10 inch x 30 inch;  
(v) six (6) 5 inch x 9 inch (minimum) sterile dressings or equivalent;  
(vi) one (1) pair of bandage shears;  
(vii) six (6) triangular bandages;  
(viii) sterile normal saline in plastic container (0.5 liter minimum) within the manufacturer's expiration date;  
(ix) one (1) air occlusive dressing;  
(x) one (1) liquid glucose or equivalent;  
(xi) disposable sterile burn sheet;  
(xii) sterile obstetric [O.B.] kit;  
(xiii) blood pressure cuff (sphygmomanometer) in adult and pediatric sizes with stethoscope;  
(xiv) three rigid extrication collars capable of limiting movement of the cervical spine. These collars shall include small, medium and large adult sizes; and  
(xv) carrying case for essential equipment and supplies.

(b) Oxygen and resuscitation equipment consisting of:  
(i) portable oxygen with a minimum 350 liter capacity pressure gauge, regulator and flow meter medical "D" size or larger. The oxygen cylinder must contain a minimum of 1000 pounds per square inch;  
(ii) manually operated self-refilling bag valve mask ventilation devices in pediatric and adult sizes with a system capable of operating with oxygen enrichment and clear adult, and clear pediatric size masks with air cushion

(iii) four (4) individually wrapped or boxed oropharyngeal airways in a range of sizes for pediatric and adult patients  
(iv) two (2) each: disposable non-rebreather oxygen masks, and disposable nasal cannulae (individually wrapped);  
(v) portable suction equipment capable (according to the manufacturer's specifications) of producing a vacuum of over 300 mmHg when the suction tube is clamped and including two plastic large bore rigid pharyngeal suction tips (individually wrapped); and  
(vi) pen-light or flashlight.

(c) A two-way voice communications enabling direct communication with the agency dispatcher and the responding ambulance vehicle on frequencies other than citizens band.

(d) Safety equipment consisting of:  
(i) six flares or three U.S. Department of Transportation approved reflective road triangles;  
(ii) one battery lantern in operable condition; and  
(iii) one Underwriters' Laboratory rated five-pound ABC fire extinguisher or any extinguisher having a UL rating of 10BC.

(e) Extrication equipment consisting of:  
(i) one (1) short backboard or equivalent capable of immobilizing the cervical spine of a [sitting] seated patient. The short backboard shall have at least two inch by nine foot long web straps with fasteners unless straps are affixed to the device; and  
(ii) one (1) blanket.

(4) The Ambulance Service/Provider shall:  
(a) maintain in good working order in each ambulance a means for treatment of sick, injured or disabled persons.  
(b) maintain each ambulance and its equipment in a clean and sanitary condition, and when an ambulance has been utilized to transport a patient, proper decontamination must be performed before transporting the next case.  
(c) permit designated representatives of the License Officer to conduct periodic inspections of vehicles, procedures, materials, staff, equipment and facilities.  
(d) comply with all applicable laws, federal, state and local, relating to health, sanitation and safety.

(5) Each licensed ambulance, its equipment and all records relating to its maintenance and operation as such, shall be open to inspection by the License Officer or his designated representatives during usual hours of operation.

(6) Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license, in conformance with all the requirements of this Ordinance as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the License Officer and a finding of conformance with all the requirements of this Ordinance as upon original licensing. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this Ordinance as upon original licensing.

(7) No official entry made upon a license may be defaced, removed or obliterated.

#### 302.05 LIABILITY INSURANCE

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(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent in the amount of not less than [\$100,000.00] one million dollars (\$1,000,000.00) for the injury or death of any one person

16 cont.

and [\$300,000.00] two million dollars (\$2,000,000.00) for the injury or death of any number of persons in any one accident; and

• • •

**[302.06 APPLICATIONS FOR DRIVERS' AND TECHNICIANS' LICENSE.**

(a) Applications for drivers' and medical emergency technicians' licenses hereunder shall be made upon forms provided by the License Officer and shall contain such information as the License Officer and Ambulance Service Board shall deem reasonably necessary, in addition to meeting the following requirement and qualifications:

(1) Each applicant for a license as a medical emergency technician shall a) submit a letter of approval from the Superintendent of Police and shall b) submit a current certificate showing that applicant had satisfactorily completed both the required American Red Cross First Aid Courses or accepted equivalent training and the New York State approved class instructed course in Medical Emergency Technology of not less than 36 hours.

(2) Each applicant for a driver's license shall a) submit a letter of approval from the Superintendent of Police and shall b) submit evidence of a current, valid New York State license.

(3) Each applicant for a driver's or medical emergency technician's license must, upon examination by a duly licensed physician, be found to have the following minimum qualifications at the time of application and by re-examination within each thirty-six (36) months thereafter; no mental, nervous, organic or functional disease, likely to interfere with safe driving or attending an ambulance; no loss of fingers; no impairment of use of foot, leg, fingers, hand, or arm or other structural defect or limitation likely to interfere with safe driving or attending an ambulance; visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses; ability to distinguish colors, red, green, and yellow; hearing of not less than 10/20 in the better ear for conversational tones without a hearing aid. Such findings shall be attested to by the examining physician on forms provided by the License Officer.

(4) Attained a minimum age of eighteen (18) years.

(5) Is able to speak, read and write the English language.

(6) Each such application shall be accompanied by a license fee of \$10.00.

(b) A license as driver or medical emergency technician issued hereunder shall not be assignable or transferable.

(c) No official entry made upon a license may be defaced, removed, or obliterated.]

**302.06 APPLICATION FOR DRIVER/ATTENDANTS LICENSE**

(a) Applications for driver/attendants license hereunder shall be made upon forms provided by the License Officer and shall contain such information as the License Officer and Ambulance Service Board shall deem reasonably necessary, in addition to meeting the following requirements and qualifications:

(1) Each applicant for an ambulance driver / attendants license shall submit a current certificate showing that applicant had satisfactorily completed both the required American Red Cross or American Heart CPR Course for Health Care Providers and possess their current New York State Emergency Medical Technician or higher certification card.

(2) Each applicant for a driver/attendant license shall submit evidence of a current, valid New York State driver's license.

(3) Each applicant must not have been charged or convicted of any crime, misdemeanor offense or any other violation of the law. A background check will be performed by the City's Police Department to verify.

(4) The driving record for each applicant will be provided by the Superintendent of Police, and must not have any major traffic violations or license suspensions on their record in order to qualify to be an ambulance driver.

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(5) Each applicant for a driver/attendant license must not have one of the following conditions: epilepsy, vertigo, heart disease, defective vision (must be at least 20/40 corrected each eye with ability to distinguish colors), defective hearing (must be at least 10/20 in better ear without hearing aid), no impairment of use of feet, legs, fingers, hands or arms or other structural defect or limitation, mental, nervous, organic or functional disease that is likely to interfere with safe driving or attending an ambulance.

(6) Applicant must have attained a minimum age of eighteen (18) years.

(7) Applicant must be able to speak, read and write the English language.

(8) Each such application shall be accompanied by a license fee of one hundred dollars (\$100.00).

(b) A license as driver/attendant issued hereunder shall not be assignable or transferable.

(c) No official entry made upon a license may be defaced, removed or obliterated.

#### 302.07 DUTIES OF LICENSE OFFICER.

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(b) The City Clerk, upon written approval by the Licensing Officer shall issue a license hereunder for a specified ambulance, to be valid for a period of one (1) calendar year unless earlier suspended, revoked or terminated, when he finds:

(1) That each such ambulance and its required equipment has been certified by the [Health] License Officer.

(2) That the applicant is a responsible and proper person to conduct or work in the proposed business based primarily upon the information contained in his application.

(3) That only duly licensed [drivers and medical emergency technicians] drivers/attendants are employed in such capacities.

(4) That all the requirements of this Ordinance and all other applicable laws, federal, state or local have been met.

(c) The City Clerk, upon written approval by the Licensing Officer, shall issue a license to a [driver, or medical emergency technician] driver/attendant hereunder, valid for a period of one calendar (1) year, unless earlier suspended, revoked or terminated, when he finds that the applicant:

\*\*\*

#### 302.08 AMBULANCE SERVICE BOARD: POWERS AND DUTIES.

(a) The Ambulance Service Board shall consist of [five (5)] six (6) members who shall be the City [Manager] Administrator, the Corporation Counsel, the Superintendent of Police, the [Niagara County Health Officer or his designee] Medical Director for the Niagara Falls Fire Department, [and one citizen who shall be a resident of the City of Niagara Falls for a term of one year to serve without compensation. It is recommended herein that the Mayor make every effort to appoint a citizen to this said board who is either a physician or knowledgeable in the medical field; however, this recommendation is directive only and not mandatory.] the License Officer and the City Clerk. The powers and duties of the Ambulance Service Board shall be as follows:

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(6) [Co-ordinate uniform ambulance charges by requiring ambulance owners to submit with the application for a license, the rates to be charged for said service in the City.] Any contract with an Ambulance Service/Provider must first be reviewed and approved, disapproved or denied by the Ambulance Service Board. If the contract is approved, it will be forwarded to the Mayor and City Council for final approval.

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**302.09 ISSUANCE OF AMBULANCE, [DRIVERS AND MEDICAL EMERGENCY TECHNICIAN] DRIVERS/ATTENDANTS LICENSES.**

The License Officer shall, upon completion of his investigation, direct the City Clerk to issue such licenses upon the payment of the required license fee. Each such license shall be valid for the calendar year for which it is issued unless sooner revoked or suspended and shall expire on December thirty-first of the year for which it is issued. At any time after a license has been issued, the License Officer may make, or cause to be made further inspections, and if any ambulance is found by him to be in violation of this Ordinance, the License Officer may revoke or suspend such license or, if it is found that any licensee is violating any of the terms of this Ordinance, the License Officer may revoke or suspend such license.

**302.10 LICENSE FEES.**

(a) The fee for an ambulance license shall be [Fifty Dollars (\$50.00)] Two Hundred Dollars (\$200.00) payable annually to the City Clerk in advance. Separate licenses shall be required annually for each ambulance operated and they shall not be transferable except that a license issued for any vehicle belonging to the same licensee shall be transferred to another vehicle upon application therefor, duly verified and showing that the vehicle previously licensed is no longer to be used for the purpose herein contemplated.

(b) The fee for an ambulance [driver or medical emergency technician] driver/attendant, other than a physician or hospital intern, shall be [Twenty Dollars (\$20.00)] One Hundred Dollars (\$100.00) payable annually, to the City Clerk in advance.

**[302.12 DUTIES OF DRIVERS AND MEDICAL EMERGENCY TECHNICIANS.]**

Ambulance drivers and medical emergency technicians shall comply with the request of the patient and/or relatives for removal to a hospital of his choice within a reasonable distance, providing that in their judgment the condition of the patient will withstand extra travel. No person in charge of an ambulance shall refuse to take a wounded or ill or infirm, or injured person to a hospital after the need for hospitalization has been determined by a physician, or if made at the request of the police or fire department. When a person is found ill, or wounded, or infirm, or injured in the street or any public place, however seriously, he shall not be left in such location, but shall be removed to a hospital.

Ambulance drivers and medical emergency technicians shall:

(a) When they arrive at the scene of an accident or disaster, notify the Fire Department whether or not they are in need of additional ambulances and emergency medical attention.

(b) Take the injured person or the person in need of hospital services to the nearest hospital unless the patient or relative directs otherwise.]

**302.12 DUTIES OF DRIVERS/ATTENDANTS**

(a) Ambulance drivers and attendants shall comply with the request of the patient and/or relatives for removal to a hospital of their choice within a reasonable distance, providing that in their judgment the condition of the patient will withstand extra travel. If State or local protocols deem that a patient with a certain condition be taken to a specific facility, the protocols will be followed. No person in charge of an ambulance shall refuse to take a wounded, ill, infirm, or injured person to a hospital after the need for hospitalization has been determined by a physician, or if made at the request of the Police or Fire Department, Anyone who is found ill, wounded, infirm or injured in the street or any public place (however seriously) shall not be left in such location, but shall be removed to a hospital. When they arrive at the scene of an accident or disaster, ambulance drivers and Emergency Medical Technicians shall:

1. Notify the Niagara Falls Fire Department whether or not they are in need of additional ambulances and Emergency Medical personnel.

2. Take the injured person or the person in need of hospital services to the nearest hospital unless the patient (or advocate/guardian) directs otherwise or type of injury or sickness as per New York State protocols directs them to bring the patient to a

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specialty hospital.

**302.15 PENALTIES.**

(a) Any person, [driver or medical emergency technician] driver/attendant, violating, or failing to comply with, the provisions of this Ordinance and the applicable rules and regulations hereof, shall be deemed guilty of a [misdemeanor] violation and upon conviction thereof shall be fined an amount not less than \$25.00 and not exceeding \$500.00 or imprisoned for a period not exceeding six (6) months, or be both so fined and imprisoned, for each offense.

**302.17 ANNUAL FRANCHISE FEE**

The Ambulance Service/Provider who enters into a contract with the City shall be under a duty and obligation to follow all items that were included in the most current Ambulance Service/Provider "Request for Proposal" and ambulance service contract agreement with the City regarding payment of an annual contract Ambulance Franchise Fee.

**[302.17] 302.18 EFFECTIVE DATE**

This Ordinance shall become effective on [March 12, 1973] July 25, 2017.

Bold and Underlining indicate **Additions**.

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

17

RESOLUTION NO. 2017-  
RELATIVE TO CONSOLIDATED FUNDING APPLICATION-  
ENVIRONMENTAL PROTECTION FUND  
FOR DEVELOPMENT OF A LASALLE RECREATIONWAY TRAIL PROJECT

By:

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

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application-Environmental Protection Fund, for a LaSalle Recreationway Project as part of the implementation of a citywide network of multi-use trails (as identified under the Parks and Open Space Inventory/Parks Master Plan); and

WHEREAS, this LaSalle segment is an important new off-road hike and bike recreational path for LaSalle: connecting neighborhoods and parks, providing safe access between the east city line and LaSalle Waterfront Park, and serving as a vital link within the Niagara River Greenway and citywide trail system; and

WHEREAS, the above referenced project's estimated total cost is approximately \$602,400, which will include New York State assistance of up to \$451,800, with the local/city share of up to \$150,600; and

WHEREAS, the required local/city matching funds will be available through the Host Communities Standing Committee distributing Power Authority Greenway funds; and

WHEREAS, the above referenced project requires no commitment of City of Niagara Falls General or Casino funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant.

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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18

RESOLUTION NO. 2017-  
RELATIVE TO CONSOLIDATED FUNDING APPLICATION TO  
EMPIRE STATE DEVELOPMENT FOR  
SOUTH-END DOWNTOWN GATEWAY REVITALIZATION

By:

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

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WHEREAS, the City of Niagara Falls (City) is submitting a Consolidated Funding Application through the State of New York's Regional Economic Development Council for the above referenced project; and

WHEREAS, the Project to assist private sector developers in revitalizing the South End Downtown Gateway, along Niagara Street, west of John B. Daly Boulevard; and

WHEREAS, the City through tax foreclosure has possession of over 100 residentially zoned parcels in the city's Downtown/South End neighborhood; and

WHEREAS, the City identified this as one of seven "Big Moves" in its 2009 Comprehensive Plan and more recently made it a feature component in its application for assistance under the New York State Downtown Revitalization Initiative; and

WHEREAS, the Project has a total estimated cost of at least \$10,000,000, with State assistance of up to \$2,000,000, and the balance of the required local share being made up of the private-sector equity investments, as well as, supporting public improvements and/or property equity; and

WHEREAS, the Project investment will leverage renovation of existing structures and/or new construction infill, and facilitate the acquisition of properties, as necessary, to assemble viable development sites; and

WHEREAS, the City will solicit for competitive development proposals that can achieve the goals of, the 2009 Comprehensive Plan, the Core City Urban Renewal Plan, and the REDC Economic Development Plan, as well as, to ensure the qualifications of bidders and the viability of proposals; and

WHEREAS, a successful CFA and project proposal(s) will renew this important Gateway, it will create new housing and business opportunities and employment, raise property values, and increase local tax base and revenues for the City of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant.

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

19

RESOLUTION NO. 2017-  
RELATIVE TO CONSOLIDATED FUNDING APPLICATION-  
ENVIRONMENTAL PROTECTION FUND  
FOR DEVELOPMENT OF THE GILL CREEK TRAIL PROJECT

By:

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

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WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application-Environmental Protection Fund, for the Gill Creek Trail Project as part of the implementation of a citywide network of multi-use trails (as identified under the Parks and Open Space Inventory/Parks Master Plan) that will link its system of parks and better connect neighborhoods to the waterfront; and

WHEREAS, the above referenced project's estimated total cost is approximately \$700,000, which will include New York State assistance of up to \$525,000, with a local/city share of up to \$175,000; and

WHEREAS, the required local/city matching funds will be available through the Host Communities Standing Committee distributing Power Authority Greenway funds; and

WHEREAS, the above referenced project requires no commitment of City of Niagara Falls General or Casino funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to this application and grant.

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

20

RESOLUTION NO. 2017-  
RELATIVE TO CONSOLIDATED FUNDING APPLICATION-  
ENVIRONMENTAL PROTECTION FUND  
APPLICATION FOR HYDE PARK LAKE RESTORATION PROJECT

By:

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

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WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application through the State of New York's Environmental Protection Fund, for the Hyde Park Lake Restoration Project; and

WHEREAS, the above referenced project's estimated total cost is approximately \$1,400,000; and

WHEREAS, the Project's funding sources will include the New York State Environmental Protection Fund assistance of up to \$1,050,000; and

WHEREAS, the Project's funding sources will also include funding made available through the Host Communities Standing Committee, distributing Power Authority Greenway funds, which will provide the local/city share of up to \$350,000; and

WHEREAS, the above referenced project requires no commitment of City of Niagara Falls general or Casino funds,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to this application and grant.

JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

21

RESOLUTION No. 2017

RELATIVE TO

**WAIVER OF BANDSTAND RENTAL FEE FOR "SUMMERFEST AT THE SAL"  
TO BENEFIT THE NIAGARA FALLS FIREFIGHTERS CHRISTMAS TOY  
FUND**

BY:

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

WHEREAS, the Niagara Falls Firefighters Christmas Toy Fund is one of the city's well-known and beloved charities that serves many families throughout the city; and

WHEREAS, on August 20, 2017 "Summerfest at the Sal" will take place at Sal Maglie Stadium from 12 noon to 7pm to benefit the Niagara Falls Firefighters Christmas Toy Fund.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that this council does hereby waive bandstand rental fees of \$550.00 for the Niagara Falls Firefighters Christmas Toy Fundraiser on Sunday, August 20, 2017 at Sal Maglie Stadium, Niagara Falls, NY.

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JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



## NIAGARA FALLS FIREFIGHTERS CHRISTMAS TOY FUND

City of Niagara Falls  
Events Committee/Office of City Administrator  
City Hall  
745 Main Street  
Niagara Falls, NY 14302

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JUL 19 2017

CITY COUNCIL

To Whom It May Concern,

I am writing today to discuss an upcoming event that is being coordinated by Niagara Falls City Council Member Kenny Tompkins, in partnership with the Niagara Falls Firefighters Christmas Toy Fund. We have named it "Summerfest at the Sal, to benefit the Niagara Falls Firefighters Christmas Toy Fund" and it will be a music festival and car show that will take place on August 20<sup>th</sup> 2017 from 12 noon until 7 pm, at Sal Maglie Stadium.

Many established and well-known music bands have donated their time to entertain festival goers and multiple individuals, businesses and community organizations have committed to sponsor this event by way of cash or in-kind donations. The goal is to provide an entertaining community event that contributes to the quality of life of our citizenry while raising as much money as possible for one of this City's most well-known and beloved charities—the Firefighters Toy Fund.

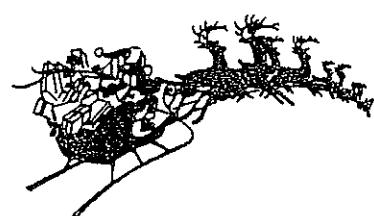
In accordance with these goals, I am writing this particular letter to request that the City of Niagara Falls waive whatever fee may be applied for our use of the Band Shell/portable stage that will be used at this event to showcase the musical performers.

Again, this event is to benefit the Niagara Falls Firefighters Toy fund, (a registered 501c3 charity) meaning that all proceeds from the entrance fees and sales of concessions will be given to our charity. To maximize the benefit for the toy Fund and the children and families we help each Christmas season, we would greatly appreciate the waiving of those fees, which would allow us to continue keeping expenses to a minimum (and monies that we could apply to our charitable programs at a maximum).

Thank you for your attention to this request.

Sincerely,

John Castellani  
Chairman of the Niagara Falls Firefighters  
Christmas Toy Fund.



22

RESOLUTION No. 2017

RELATIVE TO

**APPOINTMENTS TO THE NIAGARA FALLS YOUTH BOARD**

BY:

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

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

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Tabitha Bernard 1331 Garden Avenue Niagara Falls, NY 14305	12/31/2019
Mark Diodate 3028 Dorchester Road Niagara Falls, NY 14305 <i>(to fill the unexpired term of Sanquin Starks)</i>	12/31/2017

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JUL 24 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

23

RESOLUTION 2017

RELATIVE TO

**THE CULTURAL DISTRICT AND PRESERVING THE NIAGARA  
GORGE'S NATURE**

BY:

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

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**WHEREAS**, the Niagara Gorge and the New York State Parks that align it are considered part of the Olmsted Park system and fall within the limits of the city of Niagara Falls; and

**WHEREAS**, the goal of Frederick Law Olmsted was to maintain the natural beauty and habitat of this area; and

**WHEREAS**, both Whirlpool State Park and Devil's Hole State Park have retained their natural state, including hiking and walking trails that are frequented by visitors from around the world, as well as local residents; and

**WHEREAS**, the city's cultural district, which is part of our city's 2009 Comprehensive Plan, runs from Cedar Avenue to the Niagara Falls.

**NOW, THEREFORE, BE IT RESOLVED**, that this City Council of the City of Niagara Falls, New York, does hereby request the State of New York to limit any new commercial development, including new attractions, to the cultural district and to allow the popular nature trails and paths along the Niagara Gorge, encompassing Whirlpool State Park and Devil's Hole State Park, to remain untouched so that Olmsted's early vision of natural beauty might be preserved for current visitors and future generations to enjoy.

JUL 24 2017

Grandinetti  Scott  Tompkins  Touma  Walker