



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: March 6, 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 February, 2017.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 3,235.00	\$ 3,235.00
A1255-004 A013	Copies of Records	\$ 601.00	\$ 601.00
A1255-004 A013	Certificates of Marriage	\$ 260.00	\$ 260.00
A2501-014 A046	Electrician - Active	\$ 125.00	\$ 125.00
A2501-014 A046	Electrician - Inactive	\$ 80.00	\$ 80.00
A2501-016 A047	Stationary Engineers	\$ 670.00	\$ 670.00
A2542-000 A053	Dogs/NYS Agr. & Mkts \$ 215.00	\$ -	\$ 215.00
A2542-000 A053	Additional Dogs	\$ 2,247.50	\$ 2,247.50
A2545-001 A054	Marriage License/NYSHD \$ 585.00	\$ 195.00	\$ 780.00
A2501-024 A120	Ambulance - Vehicle	\$ 500.00	\$ 500.00
A2501-024 A120	Ambulance - Driver	\$ 800.00	\$ 800.00
A1255-002 A123	Commissioners of Deeds	\$ 25.00	\$ 25.00
A2545-010 A128	Petroleum - Retail	\$ 420.00	\$ 420.00
A2545-010 A128	Petroleum - Storage	\$ 600.00	\$ 600.00
A2545-023 A318	Hunters/NYS DEC RAU \$ 85.03	\$ -	\$ 85.03
A2545-023 A318	Hunters Fees	\$ 4.97	\$ 4.97
A1255-005 A528	Dog Release	\$ 150.00	\$ 150.00
TA63008 A597	Marriage Performance	\$ 325.00	\$ 325.00
A1255-006-A696	Photos/passport-license	\$ 18.00	\$ 18.00
TOTAL:	\$ 885.03	\$ 10,256.47	\$ 11,141.50

Check #	23478	NYS Dept. of Arg. & Mkts	\$ 215.00
Check #	23451	NYS Health Department	\$ 585.00
Check #	ET	NYS DEC RAU	\$ 85.03

Lisa A. Vitello
Lisa A. Vitello

LAV/lgl

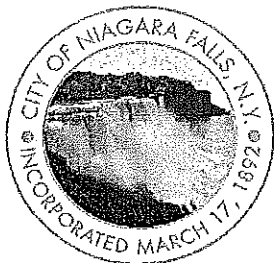
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MAR 20 2017



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CITY OF NIAGARA FALLS

NEW YORK

TO: The Council

FROM: Mayor Paul A. Dyster

DATE: March 3, 2017

SUBJECT: Bid #2017-03 Boarding Up of Various Dilapidated & Fire Damaged Buildings

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

TO: Candella Construction Co., Inc.
6810 Laur Rd. Unit. 5A
Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged structures, both privately and publicly owned, deemed hazardous by the City of Niagara Falls, NY.

Price per square foot:

\$ 1.28

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 six (6) vendors. One (1) bid was received. The above referenced company submitted the lowest bid.

Funds for this expenditure are in H.0910.2009.0910.0449.599.

Will the Council so approve?

Respectfully submitted,

Mayor Paul A. Dyster

Nicholas A. Melson
City Administrator

Douglas A. Janese, Jr.
Purchasing Agent

Beth M. Finnegan
Deputy Purchasing Agent

Funding Approval:

Daniel Morello
City Controller

Council Meeting of March 20, 2017

GRANDINETTI _____ SCOTT _____ TOMPKINS _____ TOUMA _____ WALKER _____

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TO: City Council
 FROM: Niagara Falls Community Development
 DATE: March 15, 2017
 RE: AGENDA ITEM: 2017 Department of Housing and Urban Development - Community Development Block Grant, HOME and Emergency Solutions Grant Programs

The Niagara Falls Community Development Department requests Niagara Falls City Council approval of the draft Fiscal Year 2017 Community Development Consolidated Action Plan. It is year three of our 2015-19 Five Year Strategic Plan. Based on our projections, it consists of \$2.8 million in federal investment, \$2.1 million in non-municipal matching funds for a \$4.9 million total leveraged plan. The draft FFY 2017 Community Development Action Plan consists of the following United States Housing and Urban Development (HUD) Programs: Community Development Block Grant (CDBG) Program, HOME Rehabilitation Program, and Emergency Solutions Program (ESG).

Draft 2017 CDBG Amount:	\$2,304,029
Draft 2017 HOME Amount:	\$356,799
Draft 2017 ESG Amount:	\$201,874

These budgets are being presented to the City Council in draft form, based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final FFY allocations are generally posted in the spring of each calendar year. A final schedule for 2017 has not yet been set by the federal government. The Niagara Falls Community Development Department will request City Council approval of the final HUD allocations at that point. Historically, our draft budget estimates have been within 2 percent of our final allocations. 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.

The draft 2017 Community Development Consolidated Action Plan was built through a 16 week civic engagement process, which included discussion at 11 public meetings, public review of the draft budget since January 2017, online and print citizen surveys, an email address dedicated to dialogue and a 30 day public comment period. Our department also presented an overview of the draft plan to the City Council at its March 6, 2017 meeting. The Niagara Falls Community Development Department is confident that our process is a national model of transparent and well explained public engagement and budgeting.

Neighborhood Planning Meetings (2016 Dates)

Tues., Nov. 1	LaSalle Public Library, 8728 Buffalo Ave.
Wed., Nov. 2	City Hall Council Chambers, 745 Main St.
Thurs., Nov. 3	Maple Ave. School, Rm #5, 952 Maple Ave,
Wed., Nov. 9	NACC, Niagara Room, 1201 Pine Ave.
Wed., Nov. 9	Doris Jones Family Resource Bldg., 3001 - 9th St.
Thurs., Nov. 10	John Duke Center, 1201 Hyde Park Blvd.
Tues., Nov. 15	Neighborhood Housing Services, 479 - 16th St.
Wed., Nov. 16	LaSalle Senior Facility, 9501 Colvin Blvd.

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CITY OF NIAGARA FALLS, NEW YORK

TO: City Council
FROM: Mayor Paul A. Dyster
DATE: March 20, 2017
RE: City Council Agenda Item:
CDBG Budget Changes
Center City and Neighborhood Housing Services

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Council Members:


Over the past few years, there have been discrepancies between the program delivery funding for Center City Neighborhood Development Corporation and Niagara Falls Neighborhood Housing Services, Inc. shown in the Community Development action plans, the expectations of each of the two neighborhood organizations and the amounts actually paid from grant funds for program delivery. One reason for the discrepancy was a complex and outdated program delivery funding formula which failed to take into account shifts in spending priorities from the Community Development Block Grant program to the HOME Investment Partnerships program for housing rehabilitation projects in recent years.

Program delivery funds are used to pay salaries of employees for services in connection with the housing rehabilitation programs. Each neighborhood corporation receives Community Development grant funds specifically for these purposes and additional grant funds to pay for the actual rehabilitation costs. It is proposed that the 2014, 2015 and 2016 Community Development budgets and grant agreements be changed to reflect \$100,000.00 for program delivery for each of Center City and NHS in each year. This change will simplify the payment method and will be more in line with the CCNDC and NHS budget needs. The change will also conform the grant agreements to grant disbursement practice in prior years.

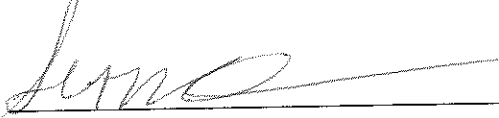
This change does not increase or decrease grant funding for Center City or NHS. This change does not constitute a change in allocation priorities, a decision to carry out an activity not previously described in the action plan, a change that amounts to more than 10% of the aggregate budget or a substantial change in the purpose, scope, location or beneficiaries of an activity. There is no need for a public hearing before approving the changes.

Will the Council vote to approve the proposal presented herein and to authorize the Mayor to execute any documents necessary to effectuate the same?

Respectfully submitted,


Paul A. Dyster, Mayor

Nicholas Melson, City Administrator


Seth A. Piccirillo
Director of Community Development

MAR 20 2017

Grandinetti _____ Scott _____ Tompkins _____ Touma _____ Chairman Walker _____

5

**CITY OF NIAGARA FALLS
NEW YORK**

March 14, 2017

TO: City Council
FROM: Mayor Paul A. Dyster

**SUBJECT: LETTER OF AWARD FOR ENTRY SIGNAGE AT LASALLE WATERFRONT PARK AND
GRIFFON PARK**

The following is the result of bids received on May 10, 2016 for the above referenced project:

CONTRACTOR

A&B Heritage Inc.
dba ASI Signage Innovations
2957 Alt Boulevard
Grand Island, NY 14072


BASE BID

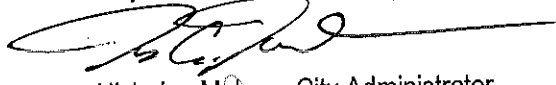
\$9,740.00

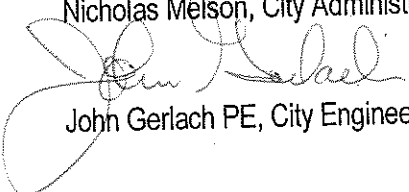
It is the recommendation of the undersigned that this project be awarded to the sole bidder A&B Heritage Inc., dba ASI Signage Innovations at their total bid of \$9,740.00. The funding utilized for this project will be from leftover Love Canal settlement funds that have been held in escrow.

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

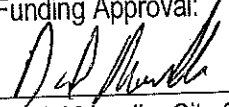
Respectfully submitted,


Mayor Paul A. Dyster


Nicholas Melson, City Administrator


John Gerlach PE, City Engineer

Funding Approval:


Daniel Morello, City Controller
Council Meeting: March 20, 2017

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**CITY OF NIAGARA FALLS
NEW YORK**

March 13, 2017

TO: City Council

FROM: Mayor Paul A. Dyster

SUBJECT: Mechanical & Plumbing Activation for Three (3) City-owned Buildings at 3625 Highland Avenue
CHANGE ORDER #1

A contract for the above referenced project was awarded to J.R. Swanson Plumbing Co. Inc., 413-103rd Street, Niagara Falls, NY, on August 15, 2016 in an amount of \$35,800.00.

This contract is a structure whereas the contractor would provide estimates for additional work required to meet the 2015 International Mechanical and Plumbing Codes.

Items in this Change Order request are revisions to the original 'scope of work', but necessary to complete the project and to allow for the City to obtain a certification of occupancy.

Funding for this Change Order is available from Casino Funds, earmarked for the City's Economic Development Department. Additionally, partial reimbursement from a New York State ESD Grant is available to offset project cost.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of **\$112,858.82** be approved, bringing the new contract total to \$148,658.82.

Will the Council vote to so approve?

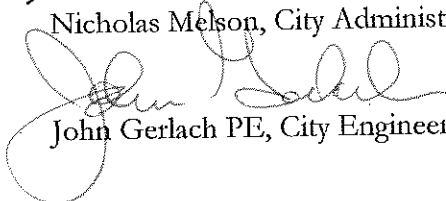
Respectfully submitted,



Mayor Paul A. Dyster

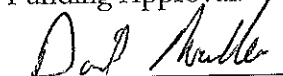


Nicholas Melson, City Administrator



John Gerlach PE, City Engineer

Funding Approval:



Daniel Morello, City Controller
City Council Meeting: March 20, 2017

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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

March 8, 2017

The City Council
Niagara Falls, New York

RE: Pothole Killer

Council Members:

The Director of the Department of Public Works is recommending that Patch Management, Inc. be engaged once again this year to provide a pothole killer truck, an operator, and 200 tons of materials, service and support to the City to assist the City in the fight against potholes. GPS recordings of all repairs will be provided. This service will commence when weather permits and continue through June 30, 2017. The cost of this service is \$73,500.00. Attached hereto is a proposed agreement prepared by Patch Management Inc.

Funding is available from casino revenues.

Will the Council so approve and authorize the Mayor to sign an engagement agreement satisfactory to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER
Mayor

Funding is in place

Daniel Morello
City Controller

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Patch Management, Inc
451 Tyburn Rd.
Fairless Hills, PA 19030



Telephone: 215 949-9400
Fax: 215 949-3166
E-mail: crb@potholekillers.com

EQUIPMENT/ OPERATOR / MATERIAL AGREEMENT

January 1, 2017 through June 30, 2017

The Honorable Paul A. Dyster,
Mayor, City of Niagara Falls
1785 New Road
Niagara Falls, NY 14302-0069

This agreement will be between PATCH MANAGEMENT, INC., 451 Tyburn Rd., Fairless Hills, PA 19030 ("PMI") and the CITY OF NIAGARA FALLS, 1785 New Road, P. O. Box 69, Niagara Falls, NY 143002-0069.

INTENT:

- This agreement provides a comprehensive program where PMI to repair potholes, alligator areas, edge erosion seam separations, and utility cuts under the direction of the Department of Public Works, Management on the streets and roadways in the City of Niagara Falls, NY.

SCOPE:

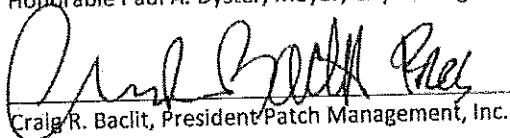
- PMI will provide the PK-2000 Patcher Truck, PMI Operator, the very highest quality of Materials, Service and Support, that will include GPS Recordings of all repairs, during our placement of 200 tons of materials. This work will be completed by one truck with a PMI operator.

All Inclusive: Patcher Truck, Materials, PMI Operator, placement of 200 tons of materials.

TOTAL:

\$73,500.00

Honorable Paul A. Dyster, Mayor, City of Niagara Falls

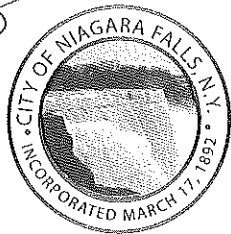

Craig R. Baclit, President Patch Management, Inc.

Date

2-27-17

Date

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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

March 14, 2017

The City Council
Niagara Falls, New York

*RE: New agreement with the Niagara County Society for the Prevention of
Cruelty to Animals ("SPCA") for sheltering services*

Council Members:

The City's agreement with the SPCA has expired. It is necessary for the City to enter into a new agreement with the SPCA in order for it to continue to provide sheltering services for calendar year 2017. The expired agreement called for the City to pay to the SPCA the sum of \$223,127.00 billed on a monthly basis. The agreement the SPCA now proposes for 2017 will require the City to pay to the SPCA the sum of \$311,269.77 annually to be billed at a monthly rate of \$25,939.15. This would allow the City to be allocated 1,292 kennel days per month; any kennel days in excess of this amount will be billed at the rate of \$23.00 per kennel day per dog over the 1292 allocation.

Attached hereto is a summary provided by the SPCA which focuses on the detail involved in arriving at this requested increased contract price. The City presently has budgeted for this service the sum of \$223,127.00 leaving a shortfall of \$88,142.77. This additional dollar amount shortfall is available from casino revenues.

Will the Council so approve and authorize the Mayor to enter into a new agreement with the SPCA for 2017 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

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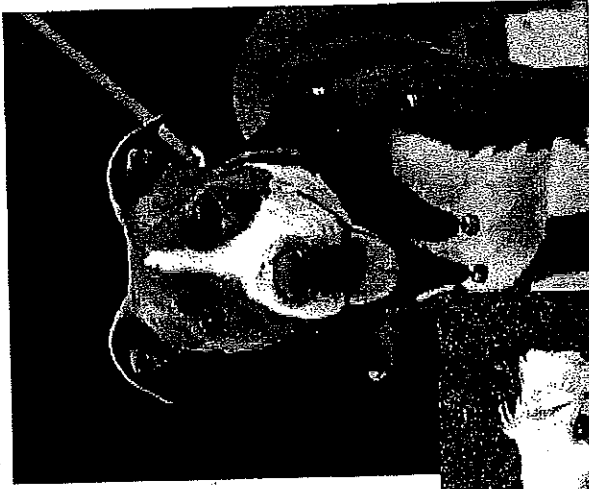
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- Since becoming a "No Kill" shelter
 - Number of adoptions per year have doubled
 - Cost of care per animal has increased from \$204 to \$440
- Increased costs attributed to
 - Veterinary care services for more adoptable and injured animals
 - Sterilization surgeries
 - Vaccinations
 - Other medical procedures
 - Food, litter, cleaning products, etc, needed to care for the additional animals



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	Total Intake	Adoptions/Return to Owners	Euthanasia/ Died in Shelter	Asilomar Save Rate
2011	3804 animals	1026 animals	1701 animals	41.79%

2012 2339 animals 1921 animals 537 animals 90.19%

2013 2238 animals 1957 animals 258 animals 95.09%

2014 2574 animals 2142 animals 343 animals 92.85%

2015 2385 animals 2125 animals 301 animals 93.86 %

○ National SPCA Average Save Rate: 59% (www.aspca.org)

○ Erie County SPCA Save Rate: 85%

○ Amy Lewis-Executive Director since February 2012

○ 25 Niagara County SPCA Employees 2016

○ 200 Niagara County SPCA Volunteers 2016



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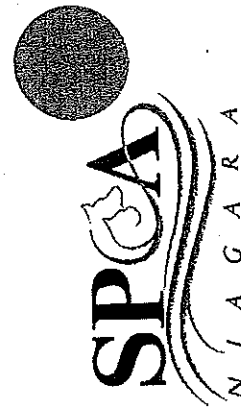
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	Yearly Intake	Total Income	Total Cost	Cost/Animal	Save Rate
2011	3804 animals	\$777,288	\$739,201	\$204.33	41.79%
2012	2339 animals	\$731,873	\$902,364	\$312.90	90.19%
2013	2238 animals	\$1,029,189	\$926,322	\$413.91	95.09%
2014	2574 animals	\$919,644	\$882,889	\$343.00	92.85%
2015	2385 animals	\$884,194	\$1,050,192	\$440.33	93.86%

Since becoming a "No-Kill Shelter", Cost/Animal has more than doubled from \$204.33 to \$440.33 *Leah 9/20/15*

- Increase cost from 2011 to 2015 attributed to:
 - Doubling adoption rates means doubling Sterilizations
 - Veterinary care
 - Food
 - Vaccinations



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Yearly Intake	Total Income	Total Cost	Cost/Animal	Save Rate
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Niagara County SPCA 2238 animals \$1,029,189 \$926,322 \$413.91 95.09%

Tompkins County SPCA 1760 Animals \$1,572,379 \$893.40 91.88%

- Tompkins County is located in Ithaca, NY and has similar services as Niagara County SPCA.
- Tompkins and Niagara County SPCA have similar Per Capita Income
- Significant income differential between Tompkins and Niagara County SPCA
- The main cost differential is related to NCSPCA understaffing
 - Niagara County SPCA had 19 staff and 88 volunteers 2013
 - Tompkins County SPCA had 47 staff and 160 volunteers 2013



Dogs Average Length of stay	2015 Annual NF Dog Intake	% of Total Animals	Total Kennel Days	% of Kennel Days
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Niagara Falls 43.68 Days 356 Dogs (2385 total intake for 2015) 14.9% 15550.1 (34,686 total Kennel days) 44.8%

Stray Calls	% of Stray Calls	Portion of Dog Control Costs	Total NF Cost (Total Kennel Days + Stay Calls Costs)	NCSPCA Loss
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Niagara Falls 11 animals 6.1% \$3354.45 \$248,844.04 -\$25,717.04

- Current Niagara Falls Contract is \$223,127.00 causing a deficit of -\$25,717.04 in 2015
- The NCSPCA is currently understaffed and on an austerity budget because of the NCSPCA 2015 \$165,998 deficit (which was minimized because of austerity budget)
- 2016 Budget must increase in order to allow the NCSPA to function adequately and fulfill No-Kill Mission



- 2016 Niagara Falls Contract: \$311,269.77
 - Based upon 2016 budget (minus fundraising expenses, dog control officers salaries and vehicle costs), which includes additional staffing to allow the NCSPCA to adequately run operations at the Shelter and fulfill our No-Kill Mission

Mission

- Based upon 2015 Kennel Days of 15,550
- 1292 Kennel Days are allotted monthly
- If Kennel Days exceed 1292 monthly, then Niagara Falls will be billed at \$23.00/Day
 - Dog Boarding (at a Boarding Facility) is approximately \$40.00/Day which only includes boarding and food while the NCSPCA also includes vaccinations, Spay/Neuter, De-Flea medication and Vet Care

- This contract pricing is consistent with what Tompkins County SPCA would contract services for based upon their cost/animal (\$320,730.00)

- If the City of Niagara Falls attempted to duplicate the same services, it would cost a minimum of \$600,000 but more likely closer to \$1 Million Dollars with Union Contracts factored in





City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069
March 14, 2017

The City Council
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Glenn Bartlett
522 5th Street, Niagara Falls, NY 14301

Council Members:

Date Claim Filed:	March 11, 2015
Date Action Commenced:	October 14, 2015
Date(s) of Occurrence:	February 8, 2015
Location:	Walnut Avenue & 9 th Street
Nature of Claim:	Vehicle he was passenger in was struck by City vehicle.
City Driver:	Brittany Searight
Status of Action:	Trial Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$500,000
Make Check Payable to:	Gibson, McAskill & Crosby, LLP and Glenn Bartlett
Conditions:	General Release and Stipulation of Discontinuance approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve, and authorize the Corporation Counsel to execute any and all documents necessary to effectuate the settlement?

Respectfully submitted,

CRAIG H. JOHNSON
Corporation Counsel

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10
RESOLUTION No. 2017-

**RELATIVE TO THE CREATION OF A CITIZEN ADVISORY BODY TO PROVIDE
ADVICE AND RECOMMENDATIONS TO THE CITY COUNCIL REGARDING
CHAPTER 365 OF THE CITY ORDINANCES "TAXICAB AND TAXICAB DRIVERS"**

BY:

Council Member Kenny Tompkins
Council Member Andrew Touma

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WHEREAS, during its consideration of certain amendments to Chapter 365 of the City Ordinances entitled "Taxicabs and Taxicab Drivers" this City Council was alerted by members of the public to issues which may exist pertaining to the City's issuance of taxicab medallions; and

WHEREAS, this City Council wishes to undertake a review of Chapter 365 as concerns the issuance of taxicab medallions to make certain the medallion issuance process, including the number of authorized medallions, is fair and equitable; and

WHEREAS, prior to making any amendments to Chapter 365, it is desirable for the Niagara Falls City Council to have a thorough understanding of the medallion issue generally and whether or not public convenience and necessity requires an increase in the number of taxicab medallions and taxicabs and whether existing transportation is adequate to meet the public need and the probable effect of increased service on local traffic conditions; and

WHEREAS, to facilitate this, the City Council has determined that it would be prudent to solicit the advice and recommendations from a body consisting of involved City Department Heads and those outside City government to provide it with assistance as to these matters.

Grandinetti _____ Scott _____ Tompkins _____ Touma _____ Walker _____

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 3.6(a) of the City Charter, the City Council of the City of Niagara Falls, New York does hereby create a "Taxicabs and Taxicab Drivers" Ordinance Review body to compliment the effectiveness of this City Council by providing it with advice and recommendations about the number of taxicab medallions which are presently issued, the number of taxicabs operating, and examine the necessity for the issuance of additional medallions as well as any other issues which may arise during the review of the "Taxicabs and Taxicab Drivers" Ordinance; and

BE IT FURTHER RESOLVED that the "Taxicabs and Taxicab Drivers" Ordinance Review body shall consist of no more than seven (7) members to be comprised of the Superintendent of Police or his designee, the Corporation Counsel or his designee, as well as five (5) members of the community who will be selected by and serve at the pleasure of the City Council, for a period ending no later than December 31, 2017 or upon presentation to the City Council of a report of its recommendations or upon like evidence of the attainment of the purpose for which it was established, whichever occurs sooner; and

BE IT FURTHER RESOLVED that the members of this advisory body will not be compensated for their services on the advisory body; and

BE IT FURTHER RESOLVED that the "Taxicabs and Taxicab Drivers" Ordinance Review body will provide advice and recommendations only and be required to submit the same to the City Council as requested by the City Council. The panel will have no formal decision making role, and will have no access to confidential, supervisory or other confidential information.

11

RESOLUTION No. 2017-

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST
INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS, OF TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE FOR
PIN 5761.42 BRIDGE WASHING**

BY:

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

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WHEREAS, a Project for the bridge washing of 13 bridges and deck sealing of 7 bridges P.I.N. 5761.42 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of bridge washing of 13 bridges and deck sealing of 7 bridges PIN 5761.42.

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

RESOLVED, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$153,000.00 is hereby appropriated from casino funds and made available to cover the cost of participation in the above phase of the Project; and it is further

MAR 20 2017

Grandinetti _____ Scott _____ Tompkins _____ Touma _____ Walker _____

12 cont

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

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

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

RESOLVED, this Resolution shall take effect immediately

12
RESOLUTION No. 2017-

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST
INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI"
PROGRAM-AID ELIGIBLE COSTS, OF TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE FOR PIN 5755.57,
JOHN B. DALY BLVD., NIAGARA STREET TO PINE AVENUE**

BY:

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

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WHEREAS, a Project for the John B. Daly Boulevard, Niagara Street to Pine Avenue, P.I.N. 5755.57 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Niagara Falls desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of John B. Daly Boulevard, Niagara Street to Pine Avenue.

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

RESOLVED, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the federal and non-federal share of the cost of work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$912,000.00 is hereby appropriated from bond proceeds and made available to cover the cost of participation in the above phase of the Project; and it is further

MAR 20 2017

Grandinetti _____ Scott _____ Tompkins _____ Touma _____ Walker _____

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12 cont

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of Niagara Falls shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

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

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

RESOLVED, this Resolution shall take effect immediately

13

RESOLUTION No. 2017-

**RESOLUTION REGARDING THE ABANDONMENT A PORTION OF THE 6TH STREET
RIGHT OF WAY ADJACENT TO 543 – 6TH STREET**

BY:

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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WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the 6th Street Right of Way adjacent to 543 – 6th Street; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned right of way and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on March 6, 2017 at 6:00 p.m. eastern standard time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on March 6, 2017 at 6:00 p.m. eastern standard time in regards to said abandonment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that a portion of the 6th Street Right of Way adjacent to 543 – 6th Street, is hereby abandoned, the said abandoned right of way portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned right of way. The said right of way portion is bounded and described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the City of Niagara Falls, County of Niagara, State of New York, bounded and described as follows:

Commencing at a point on the easterly right of way of Sixth Street, said point also being the northwest corner of the parcel located at 543 Sixth Street, now or formerly owned by the Walnut Avenue Homes Housing Development Fund as described in the Deed recorded on November 7, 2014 in the Niagara County Clerk's Office as Instrument # 2014-19191, said point of beginning also being 165.50 feet per deed and 165.91 feet as more recently measured, south of the intersection of the South Line of Walnut Avenue with the Easterly Line of 6th Street, thence;

Grandinetti _____ Scott _____ Tompkins _____ Touma _____ Walker _____

MAR 20 2017

13 cont.

1. S 02° 28' 26" E a distance of 131.80 feet along the easterly right of way line of Sixth Street to a point at the southwesterly property corner of 543 Sixth Street, thence;
2. S 87° 31' 34" W a distance of 7.00 feet to a point, thence;
3. N 02° 28' 26" W a distance of 131.80 feet to a point, thence;
4. N 87° 31' 34" E a distance of 7.00 feet to the point of beginning.

Intending to describe a 7-foot-wide abandonment of the right of way totaling \pm 0.021 acres from the city of Niagara Falls, NY to Walnut Avenue Homes Housing Development Fund. Said abandonment is shown on the drawing entitled "Walnut Avenue Homes ROW Abandonment", prepared by Passero Associate on December 27, 2016.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the Office of the Clerk of the County of Niagara and that the Mayor may sign deeds or other documents desirable to effectuate this abandonment.



City of Niagara Falls, New York

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

MARCH 8TH, 2017

NIAGARA FALLS PLANNING BOARD

☒ **APPROVAL OF RECOMMENDATION TO CITY COUNCIL**
Abandonment of Right-of-Way – Vicinity of 543 6th Street

Pursuant to action taken by the Niagara Falls Planning Board on the 8th day of March 2017 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: Right-Of-Way in the vicinity of 543 6th Street

PURPOSE: To facilitate the construction of stairs/ramp for the issuance of a Certificate of Occupancy

A Right-Of-Way Abandonment recommendation to Council is approved.

DATE: March 8th, 2017



Tony M. Palmer, Chairman
Niagara Falls Planning Board

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December 20, 2016

Via email Thomas.odonnell@niagarafallsny.gov

Thomas M. O'Donnell, Esq.
Deputy Corporation Counsel
City of Niagara Falls

RE: Abandonment of ROW adjacent to 543 6th Street, Niagara Falls, NY

Dear Tom:

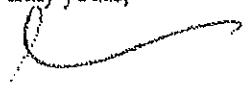
Further to our conversation, this firm represents Walnut Avenue Homes Housing Development Fund Corporation (the "HDFC"), the nominal fee owner of the subject premises located at 543 6th Street in Niagara Falls, New York (SBI. 159.22-1-25) ("Premises"), and Walnut Avenue Homes, LLC, the beneficial owner thereof (together, the "Owner").

On behalf of the Owner, we request that the City of Niagara Falls abandon a portion of its right of way along the westerly property line of the Premises, fronting on Sixth Street and having approximate dimensions of 3' to 5' in width by 131.80' +/- in length (the "Abandonment Area"). This request is to facilitate the issuance of a temporary Certificate of Occupancy for the affordable housing project located at the Premises, which we understand may be issued pending the formal abandonment of the Abandonment Area (assuming no other issue which would preclude such issuance). Following the requisite public hearings by the City of Niagara Falls Planning Board and the City Council, we would request the City execute a quit-claim deed to the Abandonment Area for the benefit of the HDFC. We will provide a survey and a legal description when available.

Please contact me with any questions or for any additional information required in connection with this request.

Thank you in advance for your assistance.

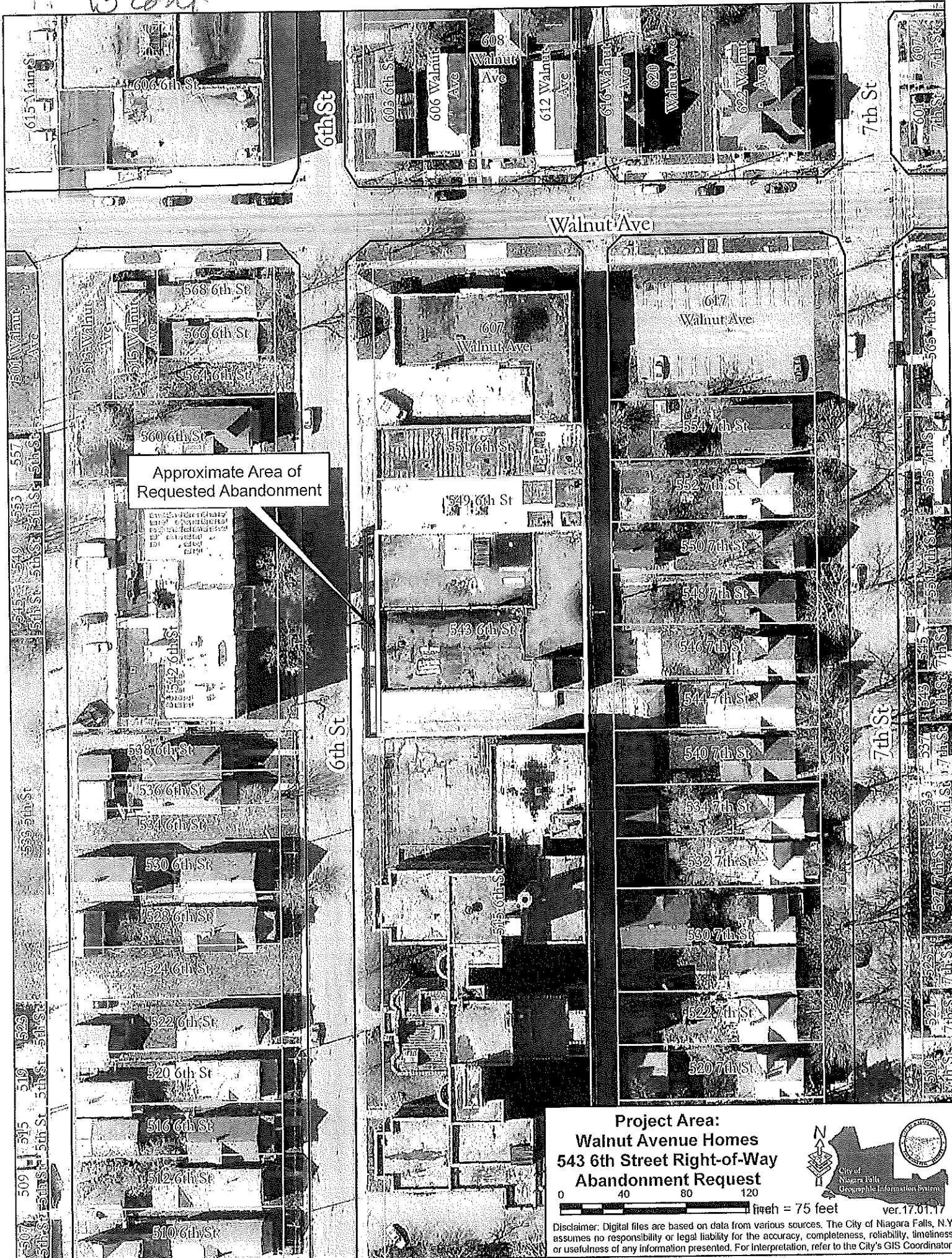
Very truly yours,



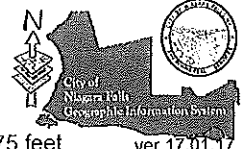
Stephen L. Yonaty
Partner

SLY/jah

13 cont



Project Area:
Walnut Avenue Homes
543 6th Street Right-of-Way
Abandonment Request



ver. 17.01.17
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented. For interpretation, refer to the City's GIS Coordinator.

14

RESOLUTION No. 2017-

**RELATIVE TO PROTOCOL TO BE FOLLOWED BY CITY COUNCIL
MEMBERS DURING PUBLIC MEETINGS**

BY:

Council Member Kenny Tompkins

WHEREAS, this City Council believes that persons attending City Council meetings deserve the time and attention of all Council Members during the course of public meetings; and

WHEREAS, this City Council believes that activated personal electronic devices, such as cell phones, brought to public meetings by Council Members have the potential to distract Council Members from focusing on the business of the people.

NOW, THEREFORE, BE IT RESOLVED that City Council Members refrain from bringing with them activated personal electronic devices of any nature, including cell phones, to any public meetings of this City Council.

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15

Resolution

Recognizing March, 2017 as
Colorectal Cancer Awareness Month

BY

Council Chairman Charles Walker
Council Member Kristen Grandinetti
Council Member Ezra Scott
Council Member Kenny Thompson
Council Member Andy Touma

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WHEREAS, Colorectal Cancer is the fourth most common cancer in the United States and the second leading cause of death from cancer, and

WHEREAS, colorectal cancer affects people in all racial and ethnic groups and is most often found in people age 50 and older, and

WHEREAS, the good news is if everyone age 50 and older were screened regularly, 6 out of 10 deaths from colorectal cancer could be prevented, and

WHEREAS, Niagara County Cancer Services Program has involved the communities, families, and individuals in education and promotion of the importance of early detection, and

WHEREAS, we join people all over the United States in wearing blue during the month of March to bring attention to this deadly yet preventable disease, and encourage everyone to share the good news of early detection and prevention,

NOW THEREFORE Be it resolved that we the Niagara Falls City Council on behalf of the citizens of Niagara Falls New York do hereby recognize March as Colorectal Cancer Awareness Month and encourage all citizens 50 and over to contact your doctor and get your screening done.

Grandinetti___Scott___Tompkins___Touma___Walker___

MAR 20 2017

16

**DRAFT RESOLUTION
NIAGARA FALLS CITY COUNCIL**

FROM: Councilmembers Kristen Grandinetti, Ezra Scott Jr., Ken Tompkins, Andrew Touma, Charles Walker

**SUPPORT OF REQUEST BY NIAGARA FALLS MEMORIAL MEDICAL CENTER
AND 1199SEIU FOR STATE FUNDING FOR INFRASTRUCTURE
IMPROVEMENTS AT MEMORIAL MEDICAL CENTER**

WHEREAS, Niagara Falls Memorial Medical Center (NFMMC) has provided high quality care to those who live and work in Niagara Falls and beyond since its founding in 1895; and

WHEREAS, NFMMC provides the health care and services that our communities need, while also making significant economic contributions to our region; and

WHEREAS, NFMMC has shown tremendous growth over the past 12 years with the construction of The Heart Center of Niagara and the Golisano Center for Community Health while greatly expanding its surgical services, adding six primary care offices and opening a comprehensive wound care center, two OB/GYN centers, a bariatric surgery center and other needed medical services; and

WHEREAS, NFMMC provided an array of inpatient and outpatient services to more than 44,500 people (unduplicated count) in 2015 and again in 2016; and

WHEREAS, according to the economic indicator formula provided by the American Hospital Association, NFMMC's economic impact on Niagara County and the surrounding area is \$275 million annually; and

WHEREAS, NFMMC is a major economic force in the Niagara Region with a significant, stable employment base of 1,200 employees and a steady, consistent job growth record comprising 150 well-paying jobs created during the past four years with 25 more positions to be added by mid-2018; and

WHEREAS, 800 of NFMMC's current employees are represented by and members of 1199SEIU; and

WHEREAS, NFMMC's growth has created an acute parking shortage that will become even more critical with the April opening of a cardiac catheterization laboratory at The Heart Center of Niagara on its downtown campus; and

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WHEREAS, that growth has added urgency to the need for NFMMC to replace its aging emergency power generators; and

WHEREAS, NFMMC and 1199SEIU have launched a major joint initiative asking Governor Andrew Cuomo to provide state funding for needed capital and infrastructure improvements; and

WHEREAS the requested funds would renovate and transform NFMMC's aging parking garage and bridge connector into an aesthetically attractive interactive facility that would host medical center and community activities; and

WHEREAS, those funds would also replace Memorial's antiquated emergency power system with a system that would ensure adequate emergency power to meet the healthcare needs of Niagara County residents without interruption and guarantee full capacity to provide for its critical role as a First Responder facility in the event of a public emergency situation; and

WHEREAS, this capital project is an extension of the common goals of Niagara Falls Memorial Medical Center and 1199SEIU to maintain the highest standards of patient safety and satisfaction and meet the needs of our growing community;

NOW, THEREFORE, BE IT

RESOLVED, that the Niagara Falls City Council hereby supports the joint campaign being conducted by NFMMC and 1199SEIU and urges Governor Andrew Cuomo to ensure funding in the 2017/2018 New York State budget for repairs, construction and modernization of Niagara Falls Memorial Medical Center.

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Resolution

Supporting Governor Coumo's
Raise The Age

BY

Council Chairman Charles Walker
Council Member Kristen Grandinetti
Council Member Ezra Scott
Council Member Kenny Thompson
Council Member Andy Touma

WHEREAS, New York is one of only 2 states in the nation that process all 16 and 17 year-olds in the adult criminal justice system, no matter what their offense, and

WHEREAS the Governor is renewing his call to raise the age once and for all and insure that 16 and 17 years olds are treated as juveniles when they commit crimes to ensure they receive the intervention and evidence based treatment they need, and

WHEREAS, in New York State of the 27,000 teenagers arrested in 2015, approximately 86 percent were arrested for non-violent crimes, under this proposal youth who commit serious crimes will still be held accountable but will have their cases heard by specially trained judges, while those who commit certain less serious crimes will have their cases heard in Family Court, and

WHEREAS, without age-appropriate facilities, teenagers face a greater risk of being assaulted, being victims of sexual violence, and committing suicide they are 34 percent more likely to be re-arrested for violent and other crimes than youth retained in the youth justice system, and

WHEREAS, under the Governor's proposal youth ages 16 to 17 will be treated as juveniles and will receive the intervention and evidence-based treatment they need.

NOW THEREFORE we the Niagara Falls City Council on behalf of the citizens of Niagara Falls New York do hereby support the Raise the Age proposal, as we believe this will change the game for youth ages 16 to 17, that are count in the court system with another out. And we also ask that a copy of this resolution be sent to the Governor Coumo, Assemblyman Morinello, and State Senator Ortt.

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