

Monday – April 17, 2017 Council Meeting

**PRESENTATIONS:**

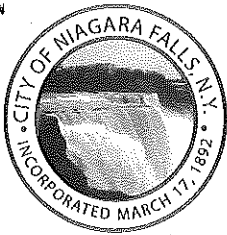
NONE

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**ADMINISTRATIVE UPDATE:**

None

APR 17 2017



# City of Niagara Falls, New York

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

**DATE:** April 3, 2017  
**TO:** Council Members  
**FROM:** Lisa A. Vitello, City Clerk

The following claims have been filed in the Office of the City Clerk during the month of March 2017. The claims were subsequently referred to the Office of the Corporation Counsel.

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR -3 AM 10:00

## NOTICE OF CLAIM

Czaplak, Patricia  
1215 87<sup>th</sup> Street  
c/o Geico General Insurance Company

In reference to vehicle damage.

Gentile, Nicco  
4031 Bell Street

In reference to vehicle damage caused by city tree.

Follick, Kimberley R.  
2222 Walnut Avenue

In reference to personal injuries.

Mozell, Victoria  
2902 Hope Blvd.

In reference to vehicle damage caused by a stop sign during the wind storm on March 8, 2017.

Filpula, Denise  
1371 Michigan Avenue

In reference to personal injuries.

Bowden, Naomi  
1617 South Avenue

In reference to property damage caused by a branch from a city tree.

Trevino, Roger  
576 Mountain View Drive  
Lewiston, NY 14092  
c/o Webster Szanyi LLP

In reference to personal injuries.

Chute, Donna Rosemary  
8718 Point Avenue, Apt. 1

In reference to vehicle damage caused by city plow.

Carter Jr., William J.  
1007 Centre Avenue

In reference to damage to electrical wires/property damage caused by a city tree during wind storm.

Calvello, Dana  
48 Kies Court

In reference to property damage caused by a city tree limb.

APR 17 2017

R+P



1 cont

Adamski, Denise M.  
1046 96<sup>th</sup> Street

In reference to property damage caused by a city tree.

Meyers, Kyle  
4611 Patricia Drive

In reference to rental car expenses as a result of  
vehicle damage caused by a City plow.

Dennis, Coretta  
1371 Ontario Avenue

In reference to vehicle damage/personal property  
damage/property damage caused by City tree during  
wind storm.

Koester, David F.  
360 72<sup>nd</sup> Street

In reference to property damage sustained by city  
trees.

Heinrich, Gerald W.  
2686 Saunders Settlement Road  
Sanborn, NY 14132

In reference to vehicle damage caused by a city tree  
during wind storm.

**SUMMONS**

Wolf, Lynn  
2249 Ontario Avenue  
c/o The Law Office of Christopher C. Kerr

In reference to Index No. E160944/2017

Yours truly,



Lisa A. Vitello

LAV/cs



# 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: April 3, 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 March, 2017.

		<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics	\$ 4,776.00	\$ 4,776.00
A1255-004 A013	Copies of Records	\$ 670.50	\$ 670.50
A1255-004 A013	Certificates of Marriage	\$ 630.00	\$ 630.00
A2501-006 A042	Tour Agency	\$ 1,050.00	\$ 1,050.00
A2501-006 A042	Tour Agency Additional Site	\$ 1,000.00	\$ 1,000.00
A2501-006 A042	Tour Attendant	\$ 50.00	\$ 50.00
A2501-006 A042	Tour Driver/Guide	\$ 305.00	\$ 305.00
A2501-011 A044	Peddler	\$ 270.00	\$ 270.00
A2501-014 A046	Electrician - Exam Fee	\$ 40.00	\$ 40.00
A2501-016 A047	Stationary Engineers	\$ 160.00	\$ 160.00
A2542-000 A053	Dogs/NYS Agr. & Mkts \$ 305.00	\$ -	\$ 305.00
A2542-000 A053	Additional Dogs	\$ 3,314.00	\$ 3,314.00
A2545-001 A054	Marriage License/NYSHD \$ 1,417.50	\$ 472.50	\$ 1,890.00
A1255-002 A123	Commissioners of Deeds	\$ 10.00	\$ 10.00
A2501-005 A126	Junk Dealers	\$ 900.00	\$ 900.00
A2545-010 A128	Petroleum - Retail	\$ 980.00	\$ 980.00
A2545-010 A128	Petroleum - Wholesale	\$ 300.00	\$ 300.00
A2501-599 A130	Theatre	\$ 100.00	\$ 100.00
A2545-023 A318	Hunters/NYS DEC RAU \$ 302.32	\$ -	\$ 302.32
A2545-023 A318	Hunters Fees	\$ 17.68	\$ 17.68
A1255-005 A528	Dog Release	\$ 650.00	\$ 650.00
TA63008 A597	Marriage Performance	\$ 1,575.00	\$ 1,575.00
<b>TOTAL:</b>	<b>\$ 2,024.82</b>	<b>\$ 17,270.68</b>	<b>\$ 19,295.50</b>

Check # 24047  
Check # 24027  
Check # ET

NYS Dept. of Arg. & Mkts \$ 305.00  
NYS Health Department \$ 1,417.50  
NYS DEC RAU \$ 302.32

*Lisa A. Vitello*  
\_\_\_\_\_  
Lisa A. Vitello

LAV/lgl

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CITY OF  
NIAGARA FALLS  
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2017 APR - 7 PM 2:02

APR 17 2017

RelF



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# CITY OF NIAGARA FALLS

## NEW YORK

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** March 28, 2017  
**SUBJECT:** Bid #2017-08 Meals for Prisoners

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

**TO:** PSNF Inc. d/b/a McDonald's  
1726 Pine Avenue  
Niagara Falls, NY 14301

**FOR:** Meals for prisoners at the Municipal Services Building:

Breakfast (est. 3,000)	\$1.00
Lunch (est. 6,700)	\$1.65
Supper (est. 2,200)	\$1.65
Diabetic Request (est. 10)	\$0.50

(unit price for diabetic request is added to the unit price of meal when purchased)


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 four (4) vendors. Three (3) bids were received. Frankie's Donuts and Submariner's submitted the other bids. This contract will be in effect for one year from date of award.

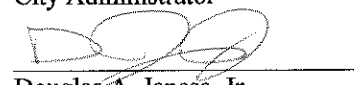
Funds for this expenditure are available in Prisoner Meals A.3120.0001.0449.010.

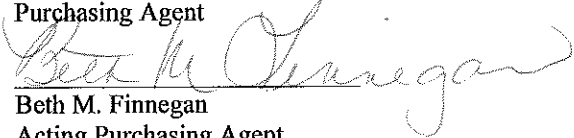
Will the Council so approve?

Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas A. Melson  
City Administrator

  
Douglas A. Janese, Jr.  
Purchasing Agent

  
Beth M. Finnegan  
Acting Purchasing Agent

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CITY CLERK'S OFFICE  
2017 APR -5 PM 2:54

APR 17 2017

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

3 cont.

## OFFICIAL TALLY SHEET

 BID # 2017-08 PRISONER MEALS  
 BID OPENING: MARCH 28, 2017 11AM

ITEMS	Frankie's Donuts 717 Portage Rd Niagara Falls, NY 14301	PSNF, Inc. PO Box 248 Amherst, NY 14051	Submariner's 6004 Buffalo Ave Niagara Falls, NY 14304	XXX	XXX	XXX
FOUR (4) ITEMS						
1.) BREAKFAST (3000 units) EACH:	1.00	1.00	1.75			
NET TOTAL	3,000.00	3,000.00	5,250.00			
2.) LUNCH (6700 units) EACH:	1.75	1.65	2.95			
NET TOTAL	11,725.00	11,055.00	19,765.00			
3.) SUPPER (2200 units) EACH:	1.75	1.65	2.95			
NET TOTAL	3,850.00	3,630.00	6,490.00			
4.) DIABETIC REQUEST (10 units) EACH:	1.75	0.50	1.00			
NET TOTAL	17.50	5.00	10.00			
GRAND TOTAL ALL MEALS	\$18,592.50	\$17,690.00	\$31,515.00			



# CITY OF NIAGARA FALLS

## NEW YORK

**TO:** The Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** March 22, 2017  
**SUBJECT:** Bid #2017-07 Sale of Street Millings

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

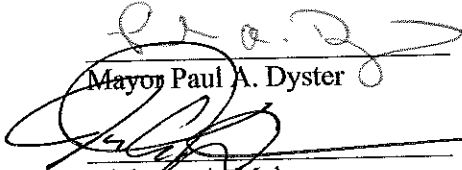
**TO:** LaFarge North America, Inc.  
75 Pineview Drive  
Amherst, NY 14228  
**FOR:** Sale of approximately 37,785 tons of street millings  
generated during the 2017 paving season: \$ 2.00/ton

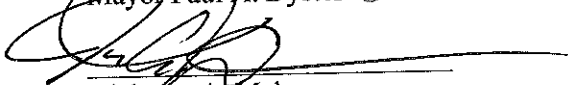
The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.


Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Three (3) bids were received as well as one (1) recusal. The above referenced company submitted the highest price for the millings. The two (2) other bids that were received were from Modern Corporation at \$-.25/ton and Santarosa Holdings/Buffalo Fuel Corporation at \$ 1.20/ton.

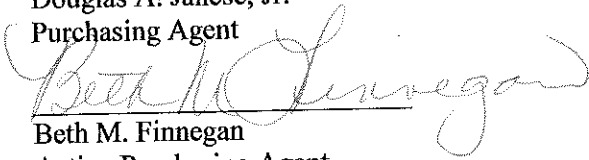
Will the Council so approve?

Respectfully submitted,

  
Mayor Paul A. Dyster

  
Nicholas A. Melson  
City Administrator

  
Douglas A. Janese, Jr.  
Purchasing Agent

  
Beth M. Finnegan  
Acting Purchasing Agent

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2017 APR -5 PM 2:54

APR 17 2017

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

4 cont

# OFFICIAL TALLY SHEET

BID OPENING: MARCH 21, 2017 11AM		ITEMS	WTS, Inc. 435 North 2 <sup>nd</sup> St Lewiston, NY 14092	Santarosa Holdings, Inc. dba Buffalo Fuel Corp. 4870 Packard Rd Niagara Falls, NY 14304	Modern Corporation 4746 Model City Rd PO Box 209 Model City, NY 14107-0209	LaFarge North America, Inc. 75 Pineview Dr Amherst, NY 14228	XX	XX
		ONE (1) ITEM:						
		Sale of Street Millings generated during the 2017 paving season per the attached bid specifications:						
		1.) 37,785 tons, more or less, of street millings	NO BID	1.20 per ton	- 0.25 per ton*	2.00 per ton	XX	XX
		<b>NET TOTAL</b>	\$0	\$45,342.00	-\$9446.25*	\$75,570.00	XX	XX
		* The negative rate reflects Modern charging the City of Niagara Falls \$0.25 per ton.						



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**CITY OF NIAGARA FALLS, NEW YORK**

**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**DATE:** April 17, 2017  
**RE:** City Council Agenda Item:  
Terms of Sale for 326 Cedar Avenue

**Council Members:**

On July 25, 2016, the City Council approved the sale of 326 Cedar Avenue to Buffalove Development for \$10,000.00. The purpose of this agenda item is to approve the terms of sale.

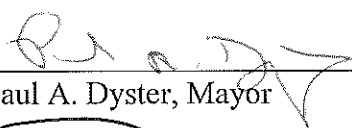
Buffalove Development, LLC will be the developer of the site. A wholly owned subsidiary, Little Wheel Holdings, LLC, will hold title to the property.

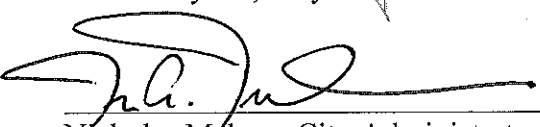
The costs of the City will be paid from the sale proceeds, and will include \$750.00 for a title search.

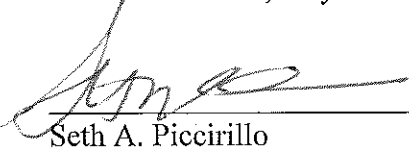
The property was acquired by the City in tax foreclosure in January, 2016. The sale will be subject to payment of the 2016 School Tax base amount (\$134.03) and the 2016 City Tax base amount (\$124.10).

Will the Council vote to approve the terms presented herein and to authorize the Mayor to execute the deed and any documents necessary to effectuate the transfer?

Respectfully submitted,

  
Paul A. Dyster, Mayor

  
Nicholas Melson, City Administrator

  
Seth A. Piccirillo  
Director of Community Development

2017 APR 11 PM 2:30

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APR 17 2017

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

6

**CITY OF NIAGARA FALLS  
NEW YORK**

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CITY CLERK'S OFFICE

2017 APR 12 AM 8:35

April 11, 2017

**TO: Members of the City Council**

**FROM: Paul A. Dyster, Chief Executive Officer**

**RE: DEPARTMENT OF CODE ENFORCEMENT – EXPENSES INCURRED  
IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN  
THE CITY FROM APRIL 1, 2016 TO MARCH 31, 2017**

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

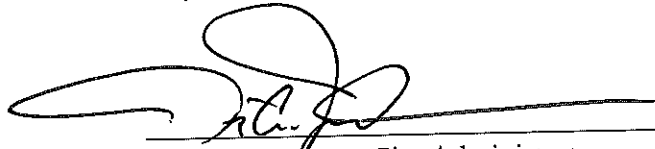
We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached. A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Respectfully submitted,

  
\_\_\_\_\_  
Mayor Paul A. Dyster, Chief Executive Officer

  
\_\_\_\_\_  
Nicholas Melson, City Administrator

jmk

Cc: Louis Fontana, Acting Building Commissioner  
Daniel Morello, City Controller  
Craig Johnson, Corporation Counsel

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

APR 17 2017

6 cont

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
352 9TH ST	03/0388.	FRIED DOV 540 E 5TH ST BROOKLYN NY 11218	86.13
2448 MACKENNA AVE	04/0715.	CITY OF NIAGARA FALLS NY TAX DEED 12/12/2011 745 MAIN ST NIAGARA FALLS NY 14302	1,400.50
1951 CUDABACK AVE	04/0946.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	50.00
1748 CUDABACK AVE	04/1016.B	DAR ASLAM PO BOX 2252 NIAGARA FALLS NY 14302	97.10
1621 FALLS ST	04/1027.	SMITH NADIA B 163 ST MARKS BROOKLYN NY 11238	50.00
1922 FALLS ST	04/1323.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	22,352.75
2727 FALLS ST	04/2012.	1512 HOLDINGS INC PO BOX 615 NIAGARA FALLS NY 14304	50.00
442 9TH ST	05/0025.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	100.00
440 10TH ST	05/0069.	CITY OF NIAGARA FALLS NY TAX DEED 12/12/2011 745 MAIN ST NIAGARA FALLS NY 14302	136.39
462 10TH ST	05/0074.	CITY OF NIAGARA FALLS NY TAX DEED 08/09/07 745 MAIN ST NIAGARA FALLS NY 14302	50.00
412 MEMORIAL PKWY	05/0117.	COHEN AVI NOAM 12 GIVRITZMAN ST JERUSALEM ISRAEL 9779	371.36

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
418 MEMORIAL PKWY	05/0119.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	50.00
424 MEMORIAL PKWY	05/0120.	CITY OF NIAGARA FALLS NY PO BOX 69 NIAGARA FALLS NY 14302	200.00
432 MEMORIAL PKWY	05/0123.	CITY OF NIAGARA FALLS NY PO BOX 69 NIAGARA FALLS NY 14302	100.00
451 12TH ST	05/0218.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	50.00
424 13TH ST	05/0229.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	56.22
1304 NIAGARA ST	05/0286.	TAYDEN PROPERTIES LLC 2606 PINE AVE NIAGARA FALLS NY 14301	50.00
446 18TH ST	05/0622.	SERIGHT DEBBIE L 2645 NORTH AVE NIAGARA FALLS NY 14305	50.00
444 20TH ST	05/0784.	BUFFALO NIAGARA FALLS REAL ESTATE LLC PO BOX 1893 NIAGARA FALLS NY 14302	145.07
467 24TH ST	05/1185.	THOMAS JAMES L PO BOX 322 NIAGARA FALLS NY 14302	95.20
2411 MONROE AVE	05/1322.	HUDSON MICHAEL M & HUDSON REBECCA D 2411 MONROE AVE NIAGARA FALLS NY 14303	50.00
456 27TH ST	05/1515.	TILKINS DONALD R 2 PIPERS MEADOW TRAIL PENFIELD NY 14526	4,300.00

6 cont.

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
545 9TH ST	05/2402.	DAVIS ERICA L 460 20TH ST NIAGARA FALLS NY 14303	54.50
542 10TH ST	05/2421.	FELICIANO LINDA LEE 542 1/2 10TH ST NIAGARA FALLS NY 14301	73.39
515 MEMORIAL PKWY	05/2499.B	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	100.00
1120 FERRY AVE	05/2543.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	50.00
504 PORTAGE RD	05/2603.	BROWN DANIEL W & JOYCE E 802 DOCTORS DR APT G KINSTON NC 28501	100.00
514 19TH ST	05/2938.	ACCELLENCE HOLDING LLC 514 19TH ST NIAGARA FALLS NY 14301	551.25
518 19TH ST	05/2940.	THOMAS JAMES L PO BOX 322 NIAGARA FALLS NY 14302	135.88
550 19TH ST	05/2950.	JAMES WILLIE D III & WORTHY TONY J 234 NORTHAMPTON ST BUFFALO NY 14208	83.30
1802 FERRY AVE	05/2960.	HINES DANIEL L & WENDOLYN 1802 FERRY AVE NIAGARA FALLS NY 14301	50.00
515 19TH ST	05/2981.	DYAL FAITH 515 19TH ST NIAGARA FALLS NY 14301	111.33
523 19TH ST	05/2985.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	50.00

bcont

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Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
556 20TH ST	05/3018.	JAMES DEVINCI O K D 2727 LIVINGSTON AVE NIAGARA FALLS NY 14303	114.24
547 26TH ST	05/3360.	LENAHAN PATRICIA E 5008 WESTMORELAND RD WHITESBORO NY 13492	50.00
548 29TH ST	05/3492.	WILSON ELIZABETH R 548 29TH ST NIAGARA FALLS NY 14301	50.00
2910 FERRY AVE	05/3553.	WAYLAND STEVEN J & PO BOX 664 GRAND ISLAND NY 14072	100.00
423 4TH ST	06/0004.	CITY OF NIAGARA FALLS NY TAX DEED 12/18/09 745 MAIN ST NIAGARA FALLS NY 14301	100.00
455 4TH ST	06/0012.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	550.25
420 5TH ST	06/0045.	GEE JASON C/O C/O KENT MAK PO BOX 210719 SAN FRANCISCO CA 94121	100.00
422 5TH ST	06/0046.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	113.47
600 NIAGARA ST	06/0163.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	50.00
424 8TH ST	06/0217.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	50.00
519 4TH ST	06/0278.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	2,610.60

6 cont.

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
563 5TH ST	06/0342.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	50.00
522 6TH ST	06/0370.A	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	50.00
528 6TH ST	06/0371.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	150.00
515 6TH ST	06/0386.	DULZURA INC PO BOX 26095 LAS VEGAS NV 89126	50.00
548 7TH ST	06/0419.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	68.04
545 7TH ST	06/0440.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	50.00
466 4TH ST	07/0291.	HOI GROUP DEVELOPMENT INC C/O C/O CLEANER ESTATES 235 N BRYANT ST DEPEW NY 14043	101.24
568 3RD ST	07/0364.	CAMPOLA JEAN M 156 SW COAST ST NEWPORT OR 97365	92.18
557 3RD ST	07/0410.	CITY OF NIAGARA FALLS NY PO BOX 69 NIAGARA FALLS NY 14302	26,383.75
557 3RD ST	07/0410.	MEHTA MALINI P 121 MARKLEY DR GETZVILLE NY 14068	50.00
565 3RD ST	07/0412.	CITY OF NIAGARA FALLS NY 745 MAIN ST NIAGARA FALLS NY 14302	50.00

6 cont

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
569 3RD ST	07/0413.	CITY OF NIAGARA FALLS NY 745 MAIN ST NIAGARA FALLS NY 14302	50.00
571 3RD ST	07/0414.	CITY OF NIAGARA FALLS NY 745 MAIN ST NIAGARA FALLS NY 14302	145.20
550 MAIN ST	07/0461.	CITY OF NIAGARA FALLS NY 745 MAIN ST NIAGARA FALLS NY 14302	50.00
366 SPRUCE AVE	08/0062.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	63.47
402 CEDAR AVE	08/0092.	THE KENMORE APTS CO INC 18653 VENTURA BLVD TARZANA CA 91356	50.00
417 ELMWOOD AVE	08/0355.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	3,300.00
441 ELMWOOD AVE	08/0359.	PIPIN ROSEMARY T 1577 MOUNTAIN VIEW AVE OCEANSIDE CA 92054	63.47
611 ELMWOOD AVE	08/0365.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	126.94
436 ELMWOOD AVE	08/0394.	WOOD ANDREA 40 HILDALE CT ORINDA CA 94563	50.00
628 ELMWOOD AVE	08/0407.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	100.00
740 PIERCE AVE	08/0815.	HAMMER TIME INC PO BOX 3 NIAGARA FALLS NY 14305	20,000.00



6 cont.

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
1509 8TH ST	08/0953.	PI NEDO ALFRED A 1408 16TH ST LOS OSOS CA 93402	1,520.75
1213 HAEERLE AVE	09/0273.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	1,018.00
1606 PINE AVE	09/0422.	XELA ENTERPRISE INC PO BOX 761 BUFFALO NY 14231	50.00
717 17TH ST	09/0692.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	50.00
848 20TH ST	09/0743.	HIRSCH JONATHAN A & 2030 JENNY CT PULASKI W 54162	13,300.00
1039 19TH ST	09/0779.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	141.57
1029 19TH ST	09/0781.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	56.82
2253 GRAND AVE	09/0885.	HSBC BANK USA NA 2929 WALDEN AVE DEPEW NY 14043	50.00
2216 GRAND AVE	09/1429.	HSIA MARIA C 2216 GRAND AVE NIAGARA FALLS NY 14301	375.92
2439 LASALLE AVE	09/1961.	MANZARE JOHN A 2439 LASALLE AVE NIAGARA FALLS NY 14301	50.00
1022 19TH ST	09/2084.	JAVD GROUP INC 288 BAY 38TH ST BROOKLYN NY 11214	388.96

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
1009 17TH ST	09/2109.	SMITHSON WILLIAM E & TAM PO BOX 3668 APO AE 00112	50.00
1013 15TH ST	09/2215.	XU LI ZHOU	171.94
1318 ASHLAND AVE	09/2357.	13839 SODOM RD NIAGARA FALLS ON L2E 1 SIDDORE GUY & NICOLE 6 TIMBROOK RD STONY POINT NY 10980	100.00
1320 ASHLAND AVE	09/2358.	JONES ULYSSES	72.53
1330 ASHLAND AVE	09/2362.	4600 HYDE PARK BLVD NIAGARA FALLS NY 14303 HALL THOMAS A III	24,259.71
1354 ASHLAND AVE	09/2369.	50 DEERFIELD AVE BUFFALO NY 14215 DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERTI 2602 PINE AVE NIAGARA FALLS NY 14301	55.05
1014 13TH ST	09/2478.	NI-CO HOLDING LLC 3310 SUNRISE BLVD EAST ISLIP NY 11730	50.00
1109 WHITNEY AVE	09/2604.	PAWLAKOWSKI ALFRED 8655 RIVERSHORE DR NIAGARA FALLS NY 14304	295.99
1501 WILLOW AVE	09/2995.	GULLATTE EVELYN L PO BOX 394 NIAGARA FALLS NY 14305	50.00
1734 PIERCE AVE	09/3005.	CITY OF NIAGARA FALLS NY TAX DEED 12/18/09 745 MAIN ST NIAGARA FALLS NY 14301	149.34
1412 18TH ST	09/3014.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	52.88

6 cont.

6 cont.

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/ PRO	OWNER AND OWNER S ADDRESS	TOTAL COST
1713 PIERCE AVE	09/3051.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	50.00
1217 19TH ST	09/3256.	ELLI SON KENNETH 147 76TH ST NIAGARA FALLS NY 14304	163.42
1221 19TH ST	09/3256.B	TAYDEN PROPERTIES LLC 2602 PINE AVE NIAGARA FALLS NY 14301	725.47
2416 LASALLE AVE	09/3592.	RICH MARK DAVE LLC 5 HARBOR HILL DR LLOYD HARBOR NY 11743	50.00
2713 WHITNEY AVE	09/3774.	CONNELLY CHRISTOPHER 1925 PINE AVE NIAGARA FALLS NY 14301	11,800.00
1117 LINWOOD AVE	10/0029.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	118.34
1101 MICHIGAN AVE	10/0414.	HAMMERTIME INC PO BOX 3 NIAGARA FALLS NY 14305	50.00
1338 LINWOOD AVE	10/0427.	XU LI ZHOU 13839 SODOM RD NIAGARA FALLS ON L2E	50.00
1609 MICHIGAN AVE	10/0527.	CITY OF NIAGARA FALLS NY TAX DEED 06/10/2014 PO BOX 69 NIAGARA FALLS NY 14302	1,589.00
1832 LINWOOD AVE	10/0545.	GRIFFITH CHARLES E & 610 ALLENHURST RD AMHERST NY 14226	50.00
2429 MICHIGAN AVE	10/0693.	DONALD JUNE 2429 MICHIGAN AVE NIAGARA FALLS NY 14305	50.00

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
1040 MICHIGAN AVE	10/0730.	JONES JOHN C PENROSE PORT NEWQUAY CORNWALL UK TR7 1	50.00
1316 MICHIGAN AVE	10/0787.	CITY OF NIAGARA FALLS NY TAX DEED 06/14/2014 PO BOX 69 NIAGARA FALLS NY 14302	17,475.00
1810 15TH ST	10/0809.	BUFFALO KT GROUP LLC 9144 193RD ST FL 3 HOLLIS NY 11423	50.00
1339 SOUTH AVE	10/0822.	APPLIED CHRISTIANITY INC 1341 SOUTH AVE NIAGARA FALLS NY 14305	219.38
1617 WESTON AVE	10/0903.	CARY DASWEN M 1508 CLEVELAND AVE NIAGARA FALLS NY 14305	217.68
1717 18TH ST	10/0989.	XU LI ZHOU 809 ASHLAND AVE NIAGARA FALLS NY 14301	82.95
1634 WESTON AVE	10/1158.	HOLLAND DEWAYNE M 1196 SAUNDERS SETTLEMENT NIAGARA FALLS NY 14305	1,860.00
1920 LOCKPORT ST	10/1409.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	183.67
1127 CLEVELAND AVE	10/1425.	CITY OF NIAGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NIAGARA FALLS NY 14302	1,090.00
2262 SOUTH AVE	10/1669.	CAIN TIMOTHY K & MARIANNE C 2262 SOUTH AVE NIAGARA FALLS NY 14305	50.00
2225 CLEVELAND AVE	10/1682.A	SYLVESTER JOACHIM S & THOMAS WILSON 1353 ONTARIO AVE NIAGARA FALLS NY 14305	397.84

6 cont.

6 cont.

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
1919 WHI RLPOOL ST	11/0126.	1932 MAIN STREET LLC PO BOX 306 RIDGE NY 11961 W NGO QUENTIN A	119.67
2013 10TH ST	11/0288.	621 10TH ST NI AGARA FALLS NY 14301	63.47
1008 NI AGARA AVE	11/0500.	NEW TESTAMENT REVIVAL CATHEDRAL OF NI AGARA FALL 989 KENSI NGTON AVE BUFFALO NY 14215	50.00
1004 ONTARIO AVE	11/0523.	SINGH TREVOR & DAWN 1 HARVEY DR APT 10 LANCASTER NY 14086	50.00
964 ONTARIO AVE	11/0564.	CITY OF NI AGARA FALLS NY TAX DEED 12/12/2011 745 MAIN ST NI AGARA FALLS NY 14302	53.56
2600 MAIN ST	12/0173.	GRAND MANOR INC 1818 PINE AVE NI AGARA FALLS NY 14301	102.00
1002 CENTER AVE	12/4288.	CITY OF NI AGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NI AGARA FALLS NY 14302	50.00
3110 HIGHLAND AVE	12/4388.	CITY OF NI AGARA FALLS NY TAX DEED 06/14/2014 PO BOX 69 NI AGARA FALLS NY 14302	1,092.00
3600 HIGHLAND AVE	12/4444.	LEO LOUIS J & MICHAEL A & LEO LOUIS 556 15TH ST NI AGARA FALLS NY 14301	405.10
3614 HIGHLAND AVE	12/4448.	CITY OF NI AGARA FALLS NY TAX DEED 12/14/15 PO BOX 69 NI AGARA FALLS NY 14302	268.63
1774 TENNESSEE AVE	12/4945.	GRI GGS NAKEEA 1774 TENNESSEE AVE NI AGARA FALLS NY 14305	

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
4322 HYDE PARK BLVD	12/6454.	UREN RYAN B	50.00
1802 CLEVELAND AVE	13/0210.	8311 VALLE DR NIAGARA FALLS NY 14304	53.11
1816 CLEVELAND AVE	13/0214.	SAHOTA INTERNATIONAL LIM 70 EASTBEAVER CRK RD RICHMOND HILL ON CANA	50.00
1856 CLEVELAND AVE	13/0226.	TAYDEN PROPERTIES LLC C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	50.00
1669 ONTARIO AVE	13/0272.	DEUDY SANDRA WOOD AS C/O ATTN: TAYDEN PROPERT 2602 PINE AVE NIAGARA FALLS NY 14301	162.88
2008 HYDE PARK BLVD	13/0518.	XU LI ZHOU 809 ASHLAND AVE NIAGARA FALLS NY 14301	1,236.25
2631 NORTH AVE	13/1739.	TAYDEN PROPERTIES LLC 2602 PINE AVE NIAGARA FALLS NY 14301	50.00
1364 CENTER AVE	13/3579.	EARTHMAN DAVID L 52 BLAKE ST BUFFALO NY 14211	286.32
408 38TH ST	14/2987.	NIAGARA FALLS COMMUNITY CENTER INC PO BOX 116 NIAGARA FALLS NY 14305	63.47
124 57TH ST	14/5171.	MIDFIRST BANK 999 NW GRAND BLVD OKLAHOMA CITY OK 73118	286.38
5627 NIAGARA FALLS BLVD	14/5310.N	KEIPER KORY K & MICHELE C 124 57TH ST NIAGARA FALLS NY 14304	1,107.58
		CITY OF NIAGARA FALLS NY PO BOX 69 NIAGARA FALLS NY 14302	

6 cont.

6 cont.

Date: 4/11/17 9:00:44  
Program: INS01

EXPENSES INCURRED FROM 4/01/2016 TO 3/31/2017  
ON CERTAIN PRIVATELY OWNED PROPERTIES FOR THE DEPARTMENT OF INSPECTIONS

LOCATION	WARD/ PRO	OWNER AND OWNER'S ADDRESS	TOTAL COST
337 73RD ST	14/7169.	ABEL MARY E 775 15TH ST NIAGARA FALLS NY 14301	50.00
192 80TH ST	14/7232.	BERTHELMSEN ANTON G JR 867 N LAMB BLVD SPC 136 LAS VEGAS NV 89110	50.00
204 74TH ST	14/8137.	GUARINO DAVID C 204 74TH ST NIAGARA FALLS NY 14304	215.11
305 74TH ST	14/8235.	MILLER HELEN M 305 74TH ST NIAGARA FALLS NY 14304	18,000.00
138 71ST ST	14/9307.	RUFERANO WILLIAM J SR & C/O C/O SUSAN RUFERANO 902 MOHAWK ST LEWISTON NY 14092	703.50
1013 85TH ST	15/1475. B	CONNELLY CHRISTOPHER 1925 PINE AVE NIAGARA FALLS NY 14301	50.00
437 101ST ST	15/1827.	CARRIER THOMAS M LU & CARRIER JOHN M & 437 101ST ST NIAGARA FALLS NY 14304	4,821.77
8460 BUFFALO AVE	15/1976.	SYED & JESSA HOLDINGS LLC 228 VALLEYMEDE DR RICHMOND ON CANADA L	50.00
8423 WTKOP AVE	15/2765.	CIRRI TO JOSHUA H & STARK KIMBERLEE M J/T 8423 WTKOP AVE NIAGARA FALLS NY 14304	50.00



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR

Telephone: (716) 286-4310

April 7, 2017

The City Council  
Niagara Falls, New York

*RE: Approval for funding of Community Liaison Positions*

Council Members:

The Superintendent of Police advises that NFPD has two Community Liaisons that provide an important service to the NFPD and the City. These liaisons have been paid from grant money. That grant has now been exhausted. It is recommended that these positions not be eliminated.

The Superintendent of Police further advises that there is money remaining from a Business District Initiative funding line that was provided to NFPD in the past. These unused dollars did not fall to fund balance because the source of the funds was casino revenues. It is requested that \$23,000.00 be transferred out of this line (S.3120.2787) to S.3120.2785 in order to keep these Community Liaisons employed for the balance of 2017. This will also cover a \$6,000.00 deficit that has been incurred. It should be noted that NFPD is in the process of applying for an Edward Byrne Justice Assistance Grant for years 2017/2018 as a source of future funding for these positions.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

APR 17 2017

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



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NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR 12 AM 10:38





# City of Niagara Falls, New York

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

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

April 11, 2017

The City Council  
Niagara Falls, New York

*RE: Engagement of Troy & Banks Consultants LLC to perform audits on  
behalf of the City*

Council Members:

The City Controller is recommending that the City engage the firm of Troy & Banks Consultants LLC to perform audits on the fees received by the City pursuant to the Cable Franchise Agreement as well as the taxes remitted to the City pursuant to the Gross Receipts Utility Tax local law. It has been quite some time since audits of this nature were performed.

The compensation paid to Troy & Banks Consultants LLC will be in the nature of a contingency fee of 40% of any underpayment recovery. If no underpayments are identified, there will be no fees owed. Attached hereto are proposed agreements to employ Troy & Banks Consultants LLC.

Will the Council so approve and authorize the Mayor to sign any agreements provided the same are approved by the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

APR 17 2017

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CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR 12 AM 10:39

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



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8 cont

## ***Cable Franchise Fee Audit SCOPE OF SERVICES***

1. Identify what specific sources of revenue are subject to franchise fee application by reviewing the Client's franchise agreements and related ordinances.
2. On-site visits to franchise to obtain and examine relevant accounting data and supporting documentation.
3. Identify all revenue sources by classification, verify calculations and vouch to supporting documentation. Evaluate allocation methodology with respect to non-subscriber revenue and conduct search for unreported revenues.
4. Examine the cable operator's data base to determine if all active addresses within the Client's legal boundaries were included in the franchise fee remittances.
5. Recalculate the franchise fee due the Client using the approved effective rates.
6. Issue report summarizing and explaining our findings.
7. Negotiate a financial settlement with cable operator if an underpayment exists.

## ***Cable Audit Documentation Requirements***

1. Copy of franchise agreement and related cable television ordinance.
2. Copies of franchise fee remittances covering the period under examination.
3. Listing of all zip codes located inside of the City's incorporated boundaries including zip codes which may overlap with other jurisdictions.
4. Electronic listing of all addresses located inside of the City's incorporated boundaries. Street names should be sorted in alphabetical order with the related house numbers in numerical sequence, street numbers should be sorted in numerical sequence also with related house numbers in numerical sequence.

8 cont.

# TROY & BANKS ◆ CONSULTANTS LLC ◆

THOMAS T. RANALLO  
EDGAR H. FOSTVEIT  
SCOTT LEWIS, CPA  
GARY L. SHARP  
KEITH N. WIESE  
KEITH G. TYSON

2216 KENSINGTON AVENUE  
KENSINGTON AT SARATOGA  
BUFFALO, NY 14226  
TOLL FREE (800) 499-8599  
PHONE (716) 839-4402  
FAX (716) 839-4452

## Cable Franchise Fee Audit Agreement

This Agreement is entered into as of \_\_\_\_\_ between Troy & Banks Consultants, LLC  
("TB") and \_\_\_\_\_ City of Niagara Falls \_\_\_\_\_ with an address  
at \_\_\_\_\_ 745 Main Street, Niagara Falls, NY 14301 \_\_\_\_\_ (the "Client").

In consideration of the mutual agreements hereafter set forth, TB and Client agree as follows:

1. The Client engages TB to conduct an audit for the purpose of verifying the accuracy of the payments paid or due to the Client for taxes, or any other monies. TB agrees to conduct such audit.
2. Audit – TB shall examine relevant accounting data, examine franchisee/tax accounting data and supporting documentation, identify all revenue sources by classification, and verify calculations. TB shall also evaluate allocation methodology with respect to non-subscriber revenue, conduct a search for unreported revenues and examine the cable operators' database to determine if all active addresses within the Client's boundaries were included in the franchise fee remittances.
3. Purpose – The purpose of each audit is to recover past taxes or any other monies or revenue owed to the Client that were not properly attributed to the Client or were not properly paid/collected and to determine future taxes and other monies owed to the Client not previously counted.
4. Refunds – Client agrees that TB will receive as its compensation for this service a contingency fee of forty percent (40%) of the underpayments identified and recoverable under its agreement and/or state and federal law.
5. TB has made and makes no guarantee or assurance that our audit will produce a refund due to franchise fee underpayments.
6. **If there is no recoverable underpayment identified for the benefit of the Client, TB acknowledges that there will be no fee payable.**
7. In connection with any litigation arising out of this Agreement, the prevailing party should be entitled to recover reasonable attorney's fees and court costs, including such fees and cost incurred in trial and in appellate proceedings. The parties recognize that other provisions of this Agreement provide for consideration for this provision.
8. This Agreement sets forth the entire understanding and agreement between the parties.

City of Niagara Falls, NY

Troy & Banks Consultants, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Thomas T. Ranallo, Manager

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

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

Telephone: \_\_\_\_\_

Telefax: \_\_\_\_\_

8 cont.

# TROY & BANKS ♦ CONSULTANTS LLC ♦

THOMAS T. RANALLO  
EDGAR H. FOSTVEIT  
SCOTT LEWIS, CPA  
GARY L. SHARP  
KEITH N. WIESE  
KEITH G. TYSON

2216 KENSINGTON AVENUE  
KENSINGTON AT SARATOGA  
BUFFALO, NY 14226  
TOLL FREE (800) 499-8599  
PHONE (716) 839-4402  
FAX (716) 839-4452

## Gross Receipts Tax Audit Agreement

This Agreement is entered into as of \_\_\_\_\_ between Troy & Banks Consultants, LLC  
("TB") and \_\_\_\_\_ City of Niagara Falls \_\_\_\_\_ with an address  
at \_\_\_\_\_ 745 Main Street, Niagara Falls, NY 14301 \_\_\_\_\_ (the "Client").

In consideration of the mutual agreements hereafter set forth, TB and Client agree as follows:

1. The Client engages TB to conduct an audit for the purpose of verifying the accuracy of the payments paid or due to the Client for taxes, or any other monies. TB agrees to conduct such audit.
2. Audit – TB shall examine relevant accounting data, examine franchisee/tax accounting data and supporting documentation, identify all revenue sources by classification, and verify calculations. TB shall also evaluate allocation methodology with respect to non-subscriber revenue, conduct a search for unreported revenues and examine the cable operators' database to determine if all active addresses within the Client's boundaries were included in the franchise fee remittances.
3. Purpose – The purpose of each audit is to recover past taxes or any other monies or revenue owed to the Client that were not properly attributed to the Client or were not properly paid/collected and to determine future taxes and other monies owed to the Client not previously counted.
4. Refunds – Client agrees that TB will receive as its compensation for this service a contingency fee of forty percent (40%) of the underpayments identified and recoverable under its agreement and/or state and federal law.
5. TB has made and makes no guarantee or assurance that our audit will produce a refund due to franchise fee underpayments.
6. If there is no recoverable underpayment identified for the benefit of the Client, TB acknowledges that there will be no fee payable.
7. In connection with any litigation arising out of this Agreement, the prevailing party should be entitled to recover reasonable attorney's fees and court costs, including such fees and cost incurred in trial and in appellate proceedings. The parties recognize that other provisions of this Agreement provide for consideration for this provision.
8. This Agreement sets forth the entire understanding and agreement between the parties.

City of Niagara Falls, NY

Troy & Banks Consultants, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Thomas T. Ranallo, Manager

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

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

Telephone: \_\_\_\_\_

Telefax: \_\_\_\_\_

9

**CITY OF NIAGARA FALLS  
NEW YORK**

April 12, 2017

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR 12 AM 11:00

TO: City Council  
FROM: Mayor Paul A. Dyster

SUBJECT: **LETTER OF AWARD REHABILITATION AND REPLACEMENT OF WINDOWS & DOORS  
AT 3625 HIGHLAND AVENUE BUSINESS PARK**

The following is the result of bids received on March 27, 2017 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALT. #1</u>
Allstate General Contracting Inc. 31 Ransier Drive West Seneca NY 14224	\$299,664.00	\$64,540.00
Walter S. Johnson Building Co. Inc.	\$346,450.00	\$70,000.00

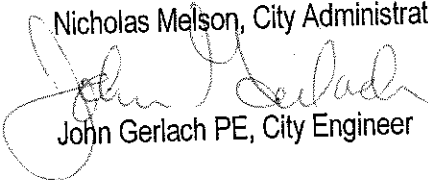
It is the recommendation of the undersigned that this project be awarded to the low bidder Allstate General Contracting Inc. at their Base Bid and Alternate #1 of \$364,204.00. Funding from the City's Economic Development Department has been earmarked for this project from Casino Funds. Additionally, 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?

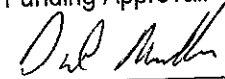
Respectfully submitted,

  
Mayor Paul A. Dyster

Nicholas Melson, City Administrator

  
John Gerlach PE, City Engineer

Funding Approval:



Daniel Moreello, City Controller  
Council Meeting: April 17, 2017

APR 17 2017

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



# City of Niagara Falls, New York

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

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

April 12, 2017

The City Council  
Niagara Falls, New York

RE: *The 2014-2024 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officer's Association, Local 3359*

Council Members:

Attached, please find the proposed 2014 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officer's Association, Local 3359. This proposed agreement is an extension of the party's collective bargaining agreement.

Will the Council so approve and authorize the Mayor to execute the same?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

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CITY OF  
NIAGARA FALLS  
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2017 APR 12 AM 10:59

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



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**CITY OF NIAGARA FALLS, NEW YORK**  
**LABOR RELATIONS COMMITTEE**

**NIAGARA FALLS FIRE DEPARTMENT OFFICERS**  
**ASSOCIATION, LOCAL 3359**

**2014-24 MEMORANDUM OF AGREEMENT**

1. **Term** (§18.1): 1/1/14 through 12/31/24.
2. **Base Pay** (§7.12): 2014 – 1%; 2015 - 0%; 2016 - 0%; 2017 – 2%, 2018 – 2%; 2019 – 1%, effective July 1, 2019, 1% effective December 31, 2019; 2020 – 2%; 2021 – 2%; 2022 – 1%, effective July 1, 2022, 1% effective December 31, 2022; 2023 - 2%, and; 2024 – 2%.

All wage increases are effective on January 1 of the aforementioned years, unless listed otherwise. However, with the exception of 2014 and the current year, wage increases are NOT retroactive for time period prior to ratification of agreement.

3. **EMT Pay** (§7.10.6) – Effective January 1, 2015, EMT pay shall be calculated at a rate equal to 2% of an employee's base pay; effective January 1, 2016, EMT pay shall be increased at a rate equal to 2% of the employee's base pay.

EMT Pay shall is NOT retroactive for time period prior to ratification of agreement. Upon ratification of this agreement, EMT Pay shall be rolled into the employee's base wage.

4. **Longevity (Schedule C)** - 10 year increment - \$1,000.00, 15 year increment - \$1,000.00; 17 year increment - \$500.00; 20 year increment - \$1,000.00; 25 year increment - \$1,000.00, and; 30 year increment - \$1,000.00.

Wage proposals are NOT retroactive for time period prior to ratification of this agreement.

5. **Uniform Allowance** – Effective January 1, 2018, the existing uniform allowance shall be rolled into the employee's base wage.
6. **Sick Leave Verification** (§10.4) Amend to state: "...should the employee utilize three (3) consecutive sick days or five (5) sick days within a 30 day period.

10 cont.

7. **Bereavement (§10.10.1)**: Amend to include: "father-in-law, mother-in-law, brother-in-law and sister-in-law."
8. **Unit Definition (§1.1)**: Delete "*Chief of Fire Prevention*"; add "*Equipment Repair Specialist*" and "*Chief of Fire Training*."
9. **Vacation (§10.2.13)**: Delete sub-section from agreement.
10. **New Employees** (whose date of entry into this Bargaining Unit follows execution of this agreement): Any employee who enters the bargaining unit with different or additional requirements, obligations and/or responsibilities in relation to the City Health Insurance Plan through another Collective Bargaining Unit (including, but not limited to, a requirement to contribute toward the premium of their health insurance, higher co-payments, etc.), said employee will be required to continue those requirements, obligations and/or responsibilities while said employee is a member of this bargaining unit.
11. **Health Insurance** (Active Employees)
  - Prescription Drug**: Adjust member co-pay from \$1/\$5/\$5 to \$1/\$15/\$30.
  - Primary/Specialist Office Visit**: Adjust member co-pay from \$10 to \$15.
  - Emergency Room Visit**: Adjust member co-pay from \$35 to \$75.
  - Out-of-Pocket Maximum**: Adjust from \$2,000/\$4,000 to \$2,500/\$5,000 (s/f).
  - Medical Opt-out Payment**: For all active employees, cap payment at \$5,000 single/\$10,000 family; participating employees are eligible to continue opt-out payments post-retirement until the retired employee reaches age 65 or the retired employee begins receiving Medicare benefits (when, according to the CBA, the City health insurance becomes supplemental to Medicare), whichever comes first, at which time opt-out payments shall terminate.
12. **Continuity**: All other terms and conditions not specifically mentioned herein that are contained in the parties collective bargaining agreement shall remain unchanged and in full force and effect.

Dated: April 17, 2017



10 cont.

City of Niagara Falls, NY

Niagara Falls Fire Department Officers  
Association, Local 714

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Paul A. Dyster  
Mayor

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Michael Perri  
President

10 cont.

## MEMORANDUM OF AGREEMENT

between

CITY OF NIAGARA FALLS, NEW YORK

and

NIAGARA FALLS FIRE DEPARTMENT OFFICERS  
ASSOCIATION, LOCAL 3359

**WHEREAS**, the City of Niagara Falls, New York (hereinafter "City") and the Niagara Falls Fire Department Officers Association, Local 3359 (hereinafter "Union") currently are working under an expired collective bargaining agreement (the "Agreement") effective January 1, 2010 – December 31, 2013;

**WHEREAS**, parties have engaged in collective negotiations regarding health and other insurance benefits;

**THEREFORE**, as a result of negotiations between the City and the Union concerning health and other insurance benefits, the following agreement has been reached:

1. Effective 30 days from ratification of this agreement by the Niagara Falls City Council, the current health care plan for current union members shall be modified as follows:

- a) Prescription Drug: Adjust member co-pays from "\$1, \$5, \$5" to "\$1, \$15, \$30".
- b) Emergency Room Visit: Adjust member co-pays from \$35 to \$75.
- c) Primary/Specialist Office Visit: Adjust members' co-pay from \$10 to \$15.
- d) Out of Pocket Maximum: Adjust maximum to \$2,500/\$5,000 (S/F).

10 cont.

e) Medical Opt-Out Payment: For all active employees, the payment will be capped at \$10,000 (family), \$5,000 (single). Participating employees are eligible to continue opt-out payments post-retirement until the retired employee reaches age 65 or the retired employee begins receiving Medicare benefits (when, according to the CBA, the City health insurance becomes supplemental to Medicare), whichever comes first, at which time opt-out payments shall terminate

2. Benefits: Exhibit "A", entitled "Medical Benefits" (attached), reflects the changes set in paragraph 1 above, and will govern payments during the effective dates of this Memorandum of Agreement.

3. Premium Contribution: All current active members will continue to contribute the same percentage towards insurance premium as they pay prior to ratification date of this Memorandum of Agreement.

4. New Hires: (whose date of entry into this Bargaining Unit follows execution of this agreement): Any employee who enters the bargaining unit with different or additional requirements, obligations and/or responsibilities in relation to the City Health Insurance Plan through another Collective Bargaining Unit (including, but not limited to, a requirement to contribute toward the premium of their health insurance, higher co-payments, etc.), said employee will be required to continue those requirements, obligations and/or responsibilities while said employee is a member of this bargaining unit

5. Upon ratification of this agreement by the Niagara Falls City Council, the terms of this Memorandum of Agreement will be controlling with respect to the

10 count.

administration of health/hospitalization, dental, vision, prescription, and chiropractic coverage as well as the parties' contributions thereto. Accordingly, all sections of the collective bargaining agreement between the City and the Union that are in conflict with this Memorandum of Agreement specified herein shall be null and void. This Memorandum of Agreement shall stand alone from the collective bargaining agreement except that any disputes as to the enforcement of the provisions of the Memorandum of Agreement shall be resolved in accordance with the grievance procedures set forth in the collective bargaining agreement. This Memorandum of Agreement shall not be construed in any way to alter or impair the rights under the collective bargaining agreement or any other agreements between the parties currently in effect. This Memorandum of Agreement was negotiated separately from the collective bargaining agreement and will commence upon ratification of agreement and remain in effect until December 31, 2024. Any future modifications to this Memorandum of Agreement must be negotiated and agreed to by both parties.

6. Union members retiring within 180 days of ratification will be grandfathered into the plan in place at the time that this Memorandum of Agreement was executed, and not be subject to the modifications negotiated herein. Any employee hired after ratification of this Agreement will automatically be included in the modified plan.

Dated: April 17, 2017

City of Niagara Falls, NY

Niagara Falls Fire Department Officers  
Association, Local 3359

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Paul A. Dyster  
Mayor

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Michael Perri  
President

10 cont.

### Medical Benefits

Benefit	Blue Cross Blue Shield Plan
Office Visits	\$15
Pediatric Primary Care Visits	Covered in Full
Routine Physicals	\$15
Well Child Visits	Covered in Full
Diagnostic X-rays	Covered in Full
Lab Testing	Covered in Full
Chiropractic Care	\$15
MRI	Covered in Full
Specialist Visits	\$15
Maternity Care	Covered in Full (after co-pay for initial visit)
Gynecological Office Visits	\$15
Mammograms	Covered in Full
Pap Smears	Covered in Full
Inpatient Stays	Covered in Full
Outpatient Surgery Facility	Covered in Full
Chemotherapy, Radiation Therapy, Inhalation Therapy	\$15
Cardiac Rehabilitation (24 visits per year)	\$15
Occupational, Speech, Physical Therapy	\$15
Emergency Room Visit (waived if admitted)	\$75
Emergency Ambulance	Covered in Full
Mental Health Inpatient (30 days per year)	Covered in Full
Mental Health Outpatient (60 visits per year)	50% PPO Allowance
Inpatient Detoxification (detox only)	Covered in Full
Outpatient Substance Abuse (60 visits per year)	\$15
Diabetic Supplies and Equipment	\$15
Durable Medical Equipment	20% Co-pay
Home Health Care (in-network unlimited visits)	\$15
Hospice (210 days)	\$15
Prosthetic Devices	20% Co-pay
Skilled Nursing Facility (non-custodial)	Covered in Full (50 days)
Prescription Drugs (no co-pay for generic contraceptives)	\$1/\$15/\$30
Vision Care	
Exam	\$15
Frames	\$0 Co-pay (\$100 maximum)
Lenses	\$0 Co-pay
Contact Lenses	\$0 Co-pay (\$100 maximum)
Dependent/Student Coverage to Age	26/26

16 cont

Out of Network	
Deductible	\$250/\$500
Coinsurance	80% - 20%
Out of Pocket Maximum	\$2,500 - \$5,000
Lifetime Maximum	Unlimited

### Dental Benefit Plan

Benefit	In-Network	Out-of-Network
Preventive & Diagnostic Services Including: Exams Cleanings X-rays	100%	100% of In-network Allowance
Basic Services Including: Fillings Periodontics Endodontics Crowns	100%	100% of In-network Allowance
Major Services Including: Bridges Partial & Full Dentures	100%	100% of In-network Allowance
Orthodontia	50%	50% of In-network Allowance

10 cont:

### EyeMed Vision Care Plan

Vision Care Services	Member Cost	Out-of-Network Reimbursement
Exam with Dilation as Necessary	\$10 Co-pay	Up to \$35
Frames: Any Available Frame at Provider Location	45% of the Usual and Customary Charges up to \$130 Plus 20% off Balance over \$130	N/A
Standard Plastic Lenses:		
Single Vision	\$35	N/A
Bifocal	\$55	N/A
Trifocal	\$90	N/A
Lenticular	\$90	N/A
Lens Options:		
UV Coating	\$12	N/A
Tint (Solid and Gradient)	\$12	N/A
Standard Scratch Resistance	\$15	N/A
Standard Polycarbonate	\$35	N/A
Standard Progressive (add-on to bifocal)	\$45	N/A
Standard Anti-Reflective Coating	\$45	N/A
Other Add-ons and Services	20% Discount	N/A
Contact Lenses:		
Conventional (discount applied to materials only)	15% off Retail Price	N/A
Laser Vision Correction:		
Lasik or PRK from U.S. Laser Network	15% off Retail Price or 5% off Promotional Price	N/A
Frequency:		
Examination	Once Every 12 Months	
Frame	Unlimited	
Lenses or Contact Lenses	Unlimited	



# City of Niagara Falls, New York

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

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

April 12, 2017

The City Council  
Niagara Falls, New York

RE: *The 2014-2026 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Uniform Firefighter's Association, Local 714*

Council Members:

Attached, please find the proposed 2014 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Uniform Firefighter's Association, Local 714. This proposed agreement is an extension of the party's collective bargaining agreement.

Will the Council so approve and authorize the Mayor to execute the same?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR 12 AM 10:59

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



Printed on Recycled Paper



11 cont

**CITY OF NIAGARA FALLS, NEW YORK**  
**LABOR RELATIONS COMMITTEE**

**UNIFORM FIRE FIGHTERS ASSOCIATION**  
**LOCAL 714**

**2014-26 MEMORANDUM OF AGREEMENT**

1. **Term (\$18.1)**: 1/1/14 through 6/30/26.
2. **Base Pay (\$8.1)**: 2014 – 1%; 2015 - 0%; 2016 - 0%; 2017 – 2%, 2018 – 2%; 2019 – 1%, effective July 1, 2019, 1% effective December 31, 2019; 2020 – 2%; 2021 – 2%; 2022 – 1%, effective July 1, 2022, 1% effective December 31, 2022; 2023 - 2%; 2024 – 2%; 2025 – 1.5%, and; 2026 - .5%.

All wage increases are effective on January 1 of the aforementioned years, unless listed otherwise. However, with the exception of 2014, wage increases are NOT retroactive for time period prior to ratification of agreement.

3. **EMT Pay (\$8.18)** – Effective January 1, 2015, EMT pay shall be calculated at a rate equal to 2% of a firefighter's base pay; effective January 1, 2016, EMT pay shall be increased at a rate equal to 2% of a firefighter's base pay.

EMT Pay shall is NOT retroactive for time period prior to ratification of agreement. Upon ratification of this agreement, EMT Pay shall be rolled into a firefighter's base wage.

4. **Longevity (\$8.3)** - 3 year increment - \$500.00; 5 year increment - \$500.00; 10 year increment - \$1,000; 15 year increment - \$1,000.00; 20 year increment - \$1,000.00; 25 year increment - \$1,000, and; 30 year increment - \$1,000

Wage proposals are NOT retroactive for time period prior to ratification of agreement.

5. **Uniform Allowance (\$13.1.1)** – Effective January 1, 2018, uniform allowance shall be rolled into a firefighter's base wage.
6. **Sick Leave Verification (\$11.4.2)** Amend to state: "...should the employee utilize three (3) consecutive sick days or five (5) sick days within a 30 day period.

11. cont

7. **New Employees** (whose date of hire follows execution of this agreement):
  - A. **15% contribution to premium**; co-pays per active schedule.
  - B. **Managed Pharmacy**.
  - C. **Opt-out payment**: Shall be equal to contribution amount, with \$1,500/\$3,500 maximum.
8. **Health Insurance** (Active Employees) (Contained in companion MOA)
  - A. **Prescription Drug**: Adjust member co-pay from \$1/\$5/\$5 to \$1/\$15/\$30.
  - B. **Primary/Specialist Office Visit**: Adjust member co-pay from \$10 to \$15.
  - C. **Emergency Room Visit**: Adjust member co-pay from \$35 to \$75.
  - D. **Out-of-Pocket Maximum**: Adjust from Unlimited to \$2,500/\$5,000 (s/f).
  - E. **Medical Opt-out Payment**: For all active employees, cap payment at \$5,000 single/\$10,000 family.
9. **Health Insurance Agreement** – Will expire concurrent with the CBA.
10. **Continuity**: All other terms and conditions not specifically mentioned herein that are contained in the parties collective bargaining agreement shall remain unchanged and in full force and effect.

Dated: April 17, 2017

City of Niagara Falls, NY

Niagara Falls Uniformed Firefighters  
Association, Local 714

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Paul A. Dyster  
Mayor

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Risky Sanabria  
President

11 cont

## **MEMORANDUM OF AGREEMENT**

between

CITY OF NIAGARA FALLS, NEW YORK

and

NIAGARA FALLS UNIFORMED FIREFIGHTERS ASSOCIATION,  
LOCAL 714

**WHEREAS**, the City of Niagara Falls, New York (hereinafter "City") and the Niagara Falls Uniformed Firefighters Association, Local 714 (hereinafter "Union") currently are working under an expired collective bargaining agreement (the "Agreement") effective January 1, 2012 – December 31, 2013;

**WHEREAS**, parties have engaged in collective negotiations regarding health and other insurance benefits;

**THEREFORE**, as a result of negotiations between the City and the Union concerning health and other insurance benefits, the following agreement has been reached:

1. Effective 30 days from ratification of this agreement by the Niagara Falls City Council, the current health care plan for current union members shall be modified as follows:

- a) Prescription Drug: Adjust member co-pays from "\$1, \$5, \$5" to "\$1, \$15, \$30".
- b) Emergency Room Visit: Adjust member co-pays from \$35 to \$75.
- c) Primary/Specialist Office Visit: Adjust members' co-pay from \$10 to \$15.

11 cont

d) Out of Pocket Maximum: Adjust maximum from unlimited to \$2,500/\$5,000 (S/F).

e) Medical Opt-Out Payment: For all active employees the payment will be capped at \$10,000 (family), \$5,000 (single).

2. Benefits: Exhibit "A", entitled "Medical Benefits" (attached), reflects the changes set in paragraph 1 above, and will govern payments during the effective dates of this Memorandum of Agreement.

3. Premium Contribution: All current active members will continue to contribute the same percentage towards insurance premium as they pay prior to ratification date of this Memorandum of Agreement.

4. New Hires: Union employees hired after the ratification date of this Agreement will contribute 15% toward their health insurance premium. New hires will have a Managed Pharmaceutical Plan. The Medical Opt-Out Payment for new hires will be an amount equal to the employee's contribution toward their health insurance premium amount with a cap of \$1,500.00 (single), \$3,500.00 (family).

5. Upon ratification of this agreement by the Niagara Falls City Council, the terms of this Memorandum of Agreement will be controlling with respect to the administration of health/hospitalization, dental, vision, prescription, and chiropractic coverage as well as the parties' contributions thereto. Accordingly, all sections of the collective bargaining agreement between the City and the Union that are in conflict with this Memorandum of Agreement specified herein shall be null and void. This Memorandum of Agreement shall stand alone from the collective bargaining agreement except that any disputes as to the enforcement of the provisions of the Memorandum of

11. cont.

Agreement shall be resolved in accordance with the grievance procedures set forth in the collective bargaining agreement. This Memorandum of Agreement shall not be construed in any way to alter or impair the rights under the collective bargaining agreement or any other agreements between the parties currently in effect. This Memorandum of Agreement was negotiated separately from the collective bargaining agreement and will commence upon ratification of agreement and remain in effect until June 30, 2026. Any future modifications to this Memorandum of Agreement must be negotiated and agreed to by both parties.

6. Union members retiring within 180 days of ratification will be grandfathered into the plan in place at the time that this Memorandum of Agreement was executed, and not be subject to the modifications negotiated herein. Any employee hired after ratification of this Agreement will automatically be included in the modified plan.

Dated:

City of Niagara Falls, NY

Niagara Falls Uniformed Firefighters  
Association, Local 714

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Paul A. Dyster  
Mayor

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Risky Sanabria  
President

Ucont

## Medical Benefits

Benefit	Blue Cross Blue Shield Plan
Office Visits	\$15
Pediatric Primary Care Visits	Covered in Full
Routine Physicals	\$15
Well Child Visits	Covered in Full
Diagnostic X-rays	Covered in Full
Lab Testing	Covered in Full
Chiropractic Care	\$15
MRI	Covered in Full
Specialist Visits	\$15
Maternity Care	Covered in Full (after co-pay for initial visit)
Gynecological Office Visits	\$15
Mammograms	Covered in Full
Pap Smears	Covered in Full
Inpatient Stays	Covered in Full
Outpatient Surgery Facility	Covered in Full
Chemotherapy, Radiation Therapy, Inhalation Therapy	\$15
Cardiac Rehabilitation (24 visits per year)	\$15
Occupational, Speech, Physical Therapy	\$15
Emergency Room Visit (waived if admitted)	\$75
Emergency Ambulance	Covered in Full
Mental Health Inpatient (30 days per year)	Covered in Full
Mental Health Outpatient (60 visits per year)	50% PPO Allowance
Inpatient Detoxification (detox only)	Covered in Full
Outpatient Substance Abuse (60 visits per year)	\$15
Diabetic Supplies and Equipment	\$15
Durable Medical Equipment	20% Co-pay
Home Health Care (in-network unlimited visits)	\$15
Hospice (210 days)	\$15
Prosthetic Devices	20% Co-pay
Skilled Nursing Facility (non-custodial)	Covered in Full (50 days)
Prescription Drugs (no co-pay for generic contraceptives)	\$1/\$15/\$30
Vision Care	
Exam	\$15
Frames	\$0 Co-pay (\$100 maximum)
Lenses	\$0 Co-pay
Contact Lenses	\$0 Co-pay (\$100 maximum)
Dependent/Student Coverage to Age	26/26

11 cont.

Out of Network	
Deductible	\$250/\$500
Coinsurance	80% - 20%
Out of Pocket Maximum	\$2,500 - \$5,000
Lifetime Maximum	Unlimited

### Dental Benefit Plan

Benefit	In-Network	Out-of-Network
Preventive & Diagnostic Services Including: Exams Cleanings X-rays	100%	100% of In-network Allowance
Basic Services Including: Fillings Periodontics Endodontics Crowns	100%	100% of In-network Allowance
Major Services Including: Bridges Partial & Full Dentures	100%	100% of In-network Allowance
Orthodontia	50%	50% of In-network Allowance

11/10/10

### EyeMed Vision Care Plan

Vision Care Services	Member Cost	Out-of-Network Reimbursement
Exam with Dilation as Necessary	\$10 Co-pay	Up to \$35
Frames: Any Available Frame at Provider Location	45% of the Usual and Customary Charges up to \$130 Plus 20% off Balance over \$130	N/A
Standard Plastic Lenses:		
Single Vision	\$35	N/A
Bifocal	\$55	N/A
Trifocal	\$90	N/A
Lenticular	\$90	N/A
Lens Options:		
UV Coating	\$12	N/A
Tint (Solid and Gradient)	\$12	N/A
Standard Scratch Resistance	\$15	N/A
Standard Polycarbonate	\$35	N/A
Standard Progressive (add-on to bifocal)	\$45	N/A
Standard Anti-Reflective Coating	\$45	N/A
Other Add-ons and Services	20% Discount	N/A
Contact Lenses:		
Conventional (discount applied to materials only)	15% off Retail Price	N/A
Laser Vision Correction:		
Lasik or PRK from U.S. Laser Network	15% off Retail Price or 5% off Promotional Price	N/A
Frequency:		
Examination	Once Every 12 Months	
Frame	Unlimited	
Lenses or Contact Lenses	Unlimited	



12



RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR 12 AM 11:00

To: Niagara Falls City Council  
From: Mayor Paul Dyster  
Date: April 11, 2017

**PURCHASE OF JERAULD AVENUE:**  
**1) PLAYGROUND, EXERCISE PAD AND SEATING EQUIPMENT**  
**2) INSTALLATION OF SAFETY SURFACING**

It is the administration's recommendation that the purchase of Jerauld Avenue Park equipment and the purchase and installation of Jerauld Avenue Playground safety surfacing should be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (**NYS CONTRACT PC 66669**). The total amount that the Niagara Falls City Council is being asked to authorize is as detailed below.

Item	Cost
Equipment Purchase	\$66,557.33
Safety Surfacing and Installation	\$38,335
Total	<b>\$104,892.33</b>

**The Jerauld Avenue Improvement Project will not require any municipal general fund or casino capital fund revenue.** The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds.

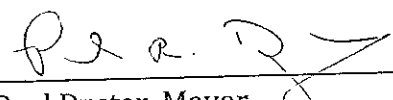
The proposed playground will replace the existing, outdated facility, and will be located within the park. An adult exercise station pad and bench seating will also be installed. Equipment purchase is included in this request. The Niagara Falls Community Development Department (CD) partnered with the Hyde Park East and West Block Clubs on this project, meeting in both 2016 and 2017 to discuss the project. Final placement of the playground footprint and exercise pad will result from staking out equipment/safety pad dimensions, and receiving feedback from both neighboring residents and the Niagara Falls Police Department. The overall goal of this improvement project is to provide park upgrades for the first time in decades at Jerauld Avenue Park, and to provide amenities that reflect the surrounding neighborhood.

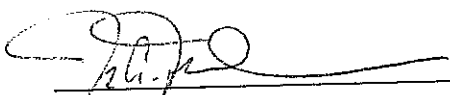
The Niagara Falls City Council approved the Jerauld Avenue Park Improvement Project as part of the 2016 CDBG Action Plan. Beyond the aforementioned purchase of equipment and purchase installation of safety surfacing, final equipment installation will be bid, per municipal procurement law, and funded with CDBG funds.

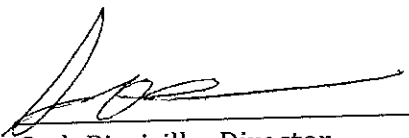
This project is part of CD and the City of Niagara Falls' continuing effort to increase and improve youth facilities and services in our community. Improvement at Jerauld Avenue Park are consistent with the adopted Niagara Falls Parks Master Plan.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

Want

  
Paul Dyster, Mayor

  
Nick Melson, City Administrator

  
Seth Piccirillo, Director  
Niagara Falls Community Development

☐ Grandinetti   ☐ Scott   ☐ Tompkins   ☐ Touma   ☐ Walker



To: Niagara Falls City Council  
From: Mayor Paul Dyster  
Date: April 11, 2017

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 APR 12 AM 11:06

#### **PURCHASE OF EQUIPMENT:**

It is the administration's recommendation that equipment for the Niagara Falls Dog Park Project be purchased from the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. GAMETIME Playground Equipment is a qualified vendor as part of the statewide contract (**NYS CONTRACT PC 66669**). The total amount that the Niagara Falls City Council is being asked to authorize is detailed below.

Item	Cost
Equipment Purchase	\$17,042.25
<b>Total</b>	<b>\$17,042.25</b>

**Construction of this project will not require any municipal general fund or casino capital fund revenue.** The entire project, including the purchase of equipment and installation, will be funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds.

Over the past two years, Niagara Falls Community Development (CD) and the City of Niagara Falls has been working with the Niagara Falls Dog Park resident group and the New York State Department of Parks, Recreation and Historic Preservation to create a dog park within the City of Niagara Falls. The proposed DeVeaux Woods State Park site provides the City of Niagara Falls with the ability to execute this project in a timely fashion while not having to utilize city park space or build out additional infrastructure in support of a new facility. The City of Niagara Falls will be responsible for the construction of the dog park features, the New York State Department of Parks, Recreation and Historic Preservation will be responsible for long term maintenance and capital repairs, and routine maintenance duties will be established via legal agreement. Such precedent established at DeVeaux Woods State Park with the public ice skating rink.

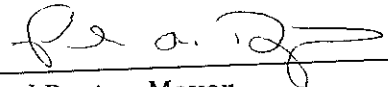
Utilization of DeVeaux Woods State Park for the proposed dog park will also build off of other ongoing investment. The New York State Department of Parks, Recreation and Historic Preservation is installing a new playground at the park in addition to hosting Whirlpool Little League Baseball. This partnership with New York State will create more opportunities for local Niagara Falls residents to enjoy this greenspace.

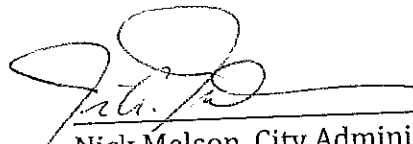
The Niagara Falls City Council approved the Niagara Falls Dog Park Project as part of the 2016 CDBG Action Plan. Beyond the aforementioned purchase of equipment and purchase installation of equipment will be bid, per municipal procurement law, and funded with CDBG funds.

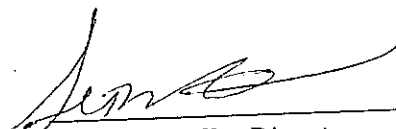
This project is part of CD and the City of Niagara Falls' continuing effort to enhance park spaces in our community. Creation of a dog park is consistent with the adopted Niagara Falls Parks Master Plan.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the purchase and limited installation of this equipment, in a form acceptable to the Corporation Counsel?

3 cont.

  
Paul Dyster, Mayor

  
Nick Melson, City Administrator

  
Seth Piccirillo, Director  
Niagara Falls Community Development

☐ Grandinetti   ☐ Scott   ☐ Tompkins   ☐ Touma   ☐ Walker

14



To: Niagara Falls City Council  
From: Niagara Falls Community Development  
Date: April 12, 2017

**Sale of 3625 Ferry Avenue to Catherine Rickard**

The Niagara Falls Community Development Department hosted Home Ownership Auctions in 2013, 2015 and 2016, with the following guidelines:


- Successful bidders must agree to own and live in the home as prime occupant for no less than five years and pay all applicable property taxes.
- Successful bidders must submit a renovation plan, designating work to be completed by the owner and/or contractors, as well as possess the financial ability to execute the renovation prior to completing the sale agreement with the City of Niagara Falls.
- If the above terms are not met after the purchase of the property, ownership will revert back to the City of Niagara Falls.
- Beginning with the 2015 Home Ownership, successful bidders were required to pay a bidder's fee and a bidder bond of \$500. The bidder bond is to only be returned upon the completion of the renovation.


All Home Ownership Auction properties are required to receive sale recommendation for the Niagara Falls Planning Department and sale approval from the Niagara Falls City Council. As this process deals with long vacant properties, with long standing title/lien issues, and major renovation needs, unforeseen search issues and discrepancies occur. Despite these unforeseen issues, the process has led to successful renovations and sale closings on vacant properties. The Niagara Falls Community Development Department requests Niagara Falls City Council approval of the following revision, for the stated reason, in the pursuit of successful renovation and occupancy.


**3625 Ferry Avenue**

The successful bidder has decided not to pursue ownership and renovation, thus forfeiting the bidder bond and auction fee. Catherine Richard, a home owner occupying 3621 Ferry Avenue, has made an offer of \$4,000 for the property. She plans to renovate the home, to be occupied by a family member. It is CD's opinion that such a purchase and renovation is within the spirit of the Home Ownership Auction process.

Will the Council vote to approve the sale revision presented herein and to authorize the Mayor to execute any necessary documents?

  
Paul Dyster, Mayor

  
Nick Melson, City Administrator

  
Seth Piccirillo, Director  
Niagara Falls Community Development

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15



The City Council  
Niagara Falls, New York

# City of Niagara Falls, New York

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

April 11, 2017

RE: Request for Approval to Settle and Pay Claim of GEICO General Insurance Company, PO Box 88, Woodbury, NY 11797

## Council Members:

Date Claim Filed:	N/A
Date Action Commenced:	July 8, 2013
Date of Occurrence:	January 18, 2013
Location:	Intersection of 11 <sup>th</sup> Street and Niagara Avenue
Nature of Claim:	The City was previously found liable for this accident. Due to the weight of the City vehicle, the insurance company is allowed to commence an arbitration action to recover its no fault payments to its insured.
City Driver:	John Rosino
Status of Action:	Arbitration Award
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$5,389.61
Make Check Payable to:	GEICO General Insurance Company
Conditions:	N/A

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*  
CRAIG H. JOHNSON  
Corporation Counsel

APR 17 2017

TMO

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



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# City of Niagara Falls, New York

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

April 10, 2017

The City Council  
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Felix Gibbs of 8D Packard Court,  
Niagara Falls, NY 14301

## Council Members:

Date Claim Filed:	April 26, 2016
Date Action Commenced:	June 15, 2016
Date of Occurrence:	March 2, 2015
Location:	N/A
Nature of Claim:	False arrest and Malicious Prosecution
City Driver:	N/A
Status of Action:	Discovery Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$7,500.00
Make Check Payable to:	DeMarie & Schoenborn, P.C. and Felix E. Gibbs
Conditions:	Stipulation of Discontinuance and General Release to City approved by Corporation Counsel.

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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

APR 17 2017  
TMO

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



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RESOLUTION 2017-

RESOLUTION RELATIVE TO AMENDING CHAPTER 365  
OF THE CODIFIED ORDINANCES ENTITLED  
"TAXICABS AND TAXICAB DRIVERS"

Council Member Kenny Tompkins  
Council Member Andrew Touma

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 365 of the  
Codified Ordinances entitled Taxicabs and Taxicab Drivers is hereby amended to read as follows on  
the following pages:

April 17, 2017 Amendments

Change the definition of "Livery"

Amendments as shown as underscored language to be added or bracketed language to  
be removed from Sections 365.11, 365.20, 365.21, 365.24 and 365.32.

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## CHAPTER 365

### Taxicabs, [and] Taxicab Drivers, Liveries and Livery Drivers

- |  |  |
|--|--|
| 365.00 Legislative Findings and Declarations.  | 365.23 Consideration of Application.   |
| 365.01 Definitions.  | 365.24 Issuance of License; Duration and Annual Fee.   |
| 365.02 Taxicab Medallion and Registration Permit Required; <u>Livery Registration and Permit Required</u>            | 365.25 License Period.   |
| 365.03 Applicability of Chapter.   | 365.26 Display of License.   |
| 365.04 Number of Taxicab Medallions Limited.   | 365.27 Dress, Behavior and Grooming of Taxicab Drivers <u>and Livery Drivers</u> and Use of Radio. |
| 365.05 Public Hearing.   | 365.28 Suspension and Revocation of Driver's License.  |
| 365.06 Application for <u>Taxicab</u> Medallions and Driver's Licenses <u>for Taxicab and Livery</u> .               | 365.29 Notice to Driver.   |
| 365.07 Taxicab Medallion.  | 365.30 Failure to Comply with City, State and Federal Laws.  |
| 365.08 Transferability of Taxicab Medallions.  | 365.31 Designation of Taxicabs.  |
| 365.09 Medallion Fees.   | 365.32 Taximeter Required.   |
| 365.10 Taxicab <u>and Livery</u> Registration Permit.  | 365.33 Periodic Inspections of Taximeter Required.   |
| 365.11 Taxicab <u>and Livery</u> Registration Permit Fees.   | 365.34 Rates of Fare; Rate Card Required.  |
| 365.12 Application for Taxicab <u>and Livery</u> Registration Permit.  | 365.35 Open Stands Established; Use and Parking.   |
| 365.13 Liability and Worker's Compensation Ins. Required.  | 365.36 Solicitation, Acceptance and Discharge of Passengers.                                       |
| 365.14 Inspection of Vehicles.   | 365.37 Receipts.   |
| 365.15 Emergency Taxicab <u>and Livery</u> Registration Permits.   | 365.38 Refusal of Passenger to Pay Legal Fare.   |
| 365.16 Schedule of Rates; Display.   | 365.39 Direct Routes.  |
| 365.17 Suspension and Revocation of Medallion and Taxicab Registration Permit <u>or Livery Registration Permit</u> . | 365.40 Taxicab Service.  |
| 365.18 Taxicab Driver's License <u>and Livery Driver's License</u> .   | 365.41 Manifests.  |
| 365.20 Application for Driver's License <u>and Livery Driver's License</u> .   | 365.42 Service Contract Reports.   |
| 365.21 Examination of Applicant.   | 365.43 Transferring the Taxicab Vehicle.   |
| 365.22 Police Investigation of Applicant.  | 365.44 Appeal.   |
|  | 365.45 Police Department; Duty to Enforce Chapter.   |
|  | 365.46 Penalty.  |
|  | 365.99 Separability.   |

#### 365.00 LEGISLATIVE FINDINGS AND DECLARATION.

(a) It is hereby determined by the City Council and the City Officials that the taxicab and livery industry is an integral and vital element which is necessary to assure adequate and safe public transportation for our residents and visitors.

(b) It is also determined that the taxicab and livery industry is especially suited for inclusion in the Convention and Visitors Bureau, the Chamber of Commerce and all City meetings and functions related to public transportation and tourism issues.

(c) It is found that a spirit of mutual cooperation and public pride exists between the taxicab and livery industry and other governmental and civic organizations and that it is essential that goodwill be maintained amongst all.

(d) It is also found that reasonable standards and regulations relating to the number of taxicabs and livery vehicles, the number and location of taxicab stands and the condition and appearance of the taxicab and livery vehicles and drivers are needed to assure fairness and to promote the public health, safety and welfare.

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365.01 DEFINITIONS.

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(a) "Person" means and includes an individual, a corporation or other legal entity, a partnership and any incorporated association.

(b) "Street" means and includes any street, avenue, alley, court, bridge or public thoroughfare within the City.

(c) "City" means the City of Niagara Falls, New York.

(d) "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than seven persons and not operated on a fixed route.

(e) "Livery" means every motor vehicle, other than a taxicab or a bus, used in the business of transporting passengers for compensation. Livery shall also include ride sharing services such as UBER and LYFT, unless local regulations are specifically preempted by the State of New York. However, it shall not include vehicles which are rented or leased without a driver.

[(e)](f) "Cruising" means the driving of a taxicab on the streets of the City in search of or soliciting prospective passengers for hire.

[(f)](g) "Taxicab and livery registration permit" means the permit issued by the Superintendent of Police to a taxicab medallion owner and livery owner which evinces that the operating taxicab or livery has fulfilled the annual inspection and registration requirements as mandated by this Ordinance.

[(g)](h) "Driver's license" means the permission granted by the City to a person to drive a taxicab or livery upon the streets of the City.

[(h)](i) "Taximeter" means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

[(i)](j) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of the passenger or passengers.

[(j)](k) "Open stand" means a public place alongside the curb of a street in the City which has been designated by the City as reserved exclusively for the use of taxicabs.

[(k)](l) "Owner" means any person owning or having control of the use of a taxicab or livery or both upon the streets of the City.

[(l)](m) "Manifest" means a daily record prepared by a taxicab or livery driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

[(m)](n) "Rate card" means a card issued by the Superintendent of Police for display in each taxicab which contains the rates of fare then in force.

[(n)](o) "Medallion" means the plate issued by the City of Niagara Falls which represents the privilege given to the possessor to operate a taxicab in the City of Niagara Falls.

365.02 TAXICAB MEDALLION AND REGISTRATION PERMIT REQUIRED; LIVERY REGISTRATION AND PERMIT REQUIRED.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a taxicab medallion for each vehicle desired to be operated and a taxicab registration permit affixed to each such vehicle. No person shall operate or permit a livery owned or controlled by him to be operated as a vehicle for hire within the City without having first obtained a livery registration permit affixed to each such vehicle.

365.03 APPLICABILITY OF CHAPTER.

The provisions of this Chapter shall apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare, or place where the passenger is picked up, begins within the corporate limits of the City, regardless whether the point of destination is within or without the City.

The provisions of this Chapter shall not apply to the operation of a taxicab or a livery upon the streets of the City where the point of origin of the fare begins outside the corporate limits of the City regardless of whether the point of destination is within the City.

...

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365.06 APPLICATION FOR TAXICAB MEDALLIONS AND DRIVER'S LICENSE FOR TAXICAB AND LIVERY

(a) An application for any available taxicab medallion shall be filed with the Superintendent of Police upon forms provided by the City, and shall be verified under oath and shall furnish the following information:

(1) Name, address, age and whether applicant is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date and if a corporation the name, address, age and whether each officer, director and shareholder is a citizen of the United States, a noncitizen national of the United States, a lawful permanent resident (Alien#) or an alien authorized to work (Alien# or Admission#) and provide expiration date.

(2) Experience of applicant in the transportation of passengers.

(3) Number of taxicab medallions desired by the applicant.

(4) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant arising out of the use of a motor vehicle.

(5) The name or names of persons not an applicant, or, if a corporate applicant not an officer, director or stockholder of such corporation having an interest, financial, proprietary or other, direct or indirect, in the taxicab or the business to be licensed, or having made any loan to an applicant for such taxicab or having any lien or mortgage on such taxicab, setting forth the names and addresses of such person or persons, the nature of the interest and the date acquired.

(6) The name of any person not an applicant herein, or, if a corporate applicant, any person not an officer, director or stockholder of such corporation who shares or will share on a percentage basis, or in any way in the receipts, losses or deficiencies of the operation of the taxicab, to any extent whatsoever other than by fixed salary, setting forth the names and addresses of such persons, the nature and percentage of the share and the date acquired.

(7) Whether the applicant has previously held a taxicab medallion from any locality or a former "taxicab permit" from the City of Niagara Falls and if such medallion or permit has ever been suspended or revoked, and if so, for what cause.

(8) Such further information as the Superintendent of Police of the City of Niagara Falls may require.

(Adopted 7/13/88.)

(b) No person shall be issued a taxicab and/or livery driver's license unless such person meets the following qualifications:

...

365.10 TAXICAB AND LIVERY REGISTRATION PERMIT.

Except as provided in Section 365.03 herein, no taxicab or livery shall be operated on the streets of Niagara Falls unless it has been issued a taxicab or livery registration permit. Each vehicle issued a permit under this Chapter shall affix a decal, supplied by the City of Niagara Falls, to the lower right hand corner of the rear window. The permit decal must be visible at all times and not placed on tinted windows/glass. Said decals shall be issued in a distinctively different color each year as proscribed by the Superintendent of Police. Taxicab and livery registration permits shall be non-transferable and must be renewed annually.

365.11 TAXICAB AND LIVERY REGISTRATION PERMIT FEES.

The annual cost of a taxicab registration permit shall be Seventy Dollars (\$70.00). The annual cost of a livery registration permit shall be Forty Dollars (\$40.00). No taxicab or livery registration permit decal shall be issued until such fee is paid. The taxicab or livery registration permit shall be issued between and including the dates of June 1 and June 15 of each year and all of such permits shall expire on the anniversary date in the next calendar year, unless sooner suspended or revoked. Any owner to whom a permit is issued during the permit year shall pay the full amount of the annual permit fee. All revenues generated by the collection of taxicab or livery permit fees shall be budgeted for the administration and enforcement of the taxicab and livery ordinance. [Permits expiring between April 1 and April 15, 1998 are hereby extended for sixty (60) days and will expire between June 1 and June 15, 1998].

365.12 APPLICATION FOR TAXICAB AND LIVERY REGISTRATION PERMIT.

An application for a taxicab or livery registration permit shall be filed with the Superintendent of Police upon forms provided by the City, and such application shall contain the following information:

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- (a) Make, model type and vehicle identification number of the vehicle to be registered.
- (b) Year of manufacture and seating capacity of each vehicle.
- (c) New York State license number of each vehicle to be registered.
- (d) The color scheme and insignia to be used to designate each vehicle.

In addition to the application and filing fee, [a taximeter certification issued within the last twelve (12) months and] proof of liability insurance and worker's compensation insurance, if required in accordance with Section 365.13, must be submitted at the time of application; and in the case of a taxicab, a taximeter certification issued within the last twelve (12) months.

The Superintendent of Police shall keep records of all vehicles registered pursuant to this chapter. Said records shall include the date of original vehicle inspection and shall record any subsequent inspections of the vehicle as well as any vehicle equipment and vehicle condition violations.

#### 365.13 LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIRED.

(a) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the minimum amount of Twenty-five Thousand Dollars (\$25,000) for bodily injury to any one person; in the minimum amount of Fifty Thousand Dollars (\$50,000) for injuries to more than one person which are sustained in the same accident, and ten thousand dollars (\$10,000) for property damage resulting from any one accident. Such policy or policies shall insure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Such policy or policies shall be filed with the Superintendent of Police shall have at least fifteen days' written notice of such cancellation, which requirement shall be conspicuously placed on said policy or policies and any Certificate evidencing such insurance.

(b) No taxicab or livery permit shall be issued or continued in operation unless there is in full force and effect a worker's compensation insurance policy issued by an insurance company authorized to do business in the State of New York, and approved by the City for each vehicle authorized in the statutory minimum amount. This provision may be waived if the taxicab or livery owner can produce a letter from the State of New York within the last twelve (12) months confirming that the taxicab or livery owner does not need worker's compensation insurance.

#### 365.14 INSPECTION OF VEHICLES.

Prior to the use and operation of any vehicle and the issuance of a taxicab or livery registration permit under the provisions of this chapter, such vehicle shall be thoroughly and carefully examined and inspected by the Police Department and must be found to comply with such reasonable rules and regulations as may be prescribed by the Superintendent of Police. These rules and regulations shall be promulgated to provide safe and comfortable transportation and shall specify such safety equipment and regulatory devices as the Superintendent of Police shall deem necessary therefor.

In addition to periodic inspections by the Police Department, at such intervals as shall be established by the Superintendent of Police, taxicab and livery vehicles are subject to on-the-spot "no notice" inspections by police officers. Inspections shall not be instigated nor take place while a fare is present. Such inspections shall require, but are not limited to, the following vehicular standards:

- (a) All vehicles shall have current New York State Inspection Certificates.
- (b) The exterior of the vehicles shall be generally clean and free from rust and damage.
- (c) The vehicle paint must be applied in a professional manner. Automobile make insignias and vehicle chrome shall not be painted over.

(d) Vehicles must be completely assembled and shall not be structurally altered from the manufacturer's design including, but not limited to, having the lights, exhaust system, fenders and bumpers properly attached.

(e) Any lettering or company logo applied to the exterior of the vehicle must be professionally air-brushed or neatly stenciled upon the vehicle. A decal insignia shall be considered an acceptable substitute for the above requirement.

(f) The interior of the vehicle must be kept clean and sanitary, and shall be free of all litter and debris.

If a vehicle has been involved in an accident causing physical damage so as to violate the above vehicle standards, it shall not be automatically excluded from service, if the vehicle can still be operated safely. The taxicab or livery owner shall have 24 hours to have the vehicle evaluated by the Police Department, in order to determine if the vehicle should be taken out of service or to determine the exact date repairs will be made. If a vehicle is taken out of service on account of the police inspection of damage, the taxicab or livery owner shall be notified in writing.

(g) A violation of any of the above vehicle standard requirements will be punishable by a fine of not more than Two Hundred Fifty Dollars (\$250.00) for each offense. Each day a violation continues shall constitute a separate offense.

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365.15 EMERGENCY TAXICAB AND LIVERY REGISTRATION PERMITS.

The Mayor may, in case of a declared public emergency or necessity, waive or modify any or all of the requirements of this chapter and may issue a temporary permit for the operation of any vehicle defined in this chapter upon the streets of the City without a public hearing, such permit to be revocable at any time with by the Mayor or his designee.

365.16 SCHEDULE OF RATES FOR TAXICABS; DISPLAY.

There shall be displayed in the passenger's compartment of each taxicab in full view of the passengers, a card not less than four inches by six inches in size, which shall have plainly printed thereon the name of the owner or the [fictitious] name under which such owner operates the business, the address and telephone number of such owner and a correct schedule of the rates to be charged for conveyance in such vehicle. Such card shall be approved as to form by the Superintendent of Police before being so displayed. A true and correct copy of the card, as approved, shall be filed with the Superintendent of Police.

365.17 SUSPENSION AND REVOCATION OF MEDALLION AND TAXICAB REGISTRATION PERMIT OR LIVERY REGISTRATION PERMIT.

A taxicab medallion or taxicab registration permit or livery registration permit issued under the provisions of this chapter, may be revoked or suspended by the City Administrator, if the owner thereof has:

- (a) Violated any material provisions of this chapter.
- (b) Falsified any information on the application or failed to notify the Superintendent of Police of any material change of status from that indicated in the application.
- (c) Abandoned the taxicab medallion or taxicab registration permit or livery registration permit. The medallion or permit shall be deemed abandoned when a taxicab assigned a medallion or taxicab registration permit or livery issued a livery registration permit has not been regularly operated as a taxicab or livery for a period of six (6) months, or
- (d) Conducted himself in a manner indicating he is not a fit and proper person to hold such an owner's medallion or taxicab registration permit or livery registration permit.

In the event any person to whom an owner's medallion or taxicab registration permit or livery registration permit is issued has such medallion or permit suspended on three separate occasions, such medallion or permit shall be revoked. Whenever any medallion shall be revoked, the same shall be surrendered to the Superintendent of Police. If the medallion is suspended, the same shall be surrendered to the Superintendent of Police and retained by him until the suspension period expires. In the case of suspension or revocation of the taxicab registration permit or livery registration permit, the identifying decal shall be immediately removed.

Prior to suspension or revocation, the owner shall be given written notice of the proposed action to be taken together with a statement of the basis therefor and shall have an opportunity to be heard by the City Administrator within two weeks of receiving said written notice. No suspension or revocation shall be effective until a written decision of the Administrator is filed in the Office of the City Clerk.

365.18 TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

Except as provided in Section 365.03 of this Chapter, no person shall operate a taxicab for hire or livery upon the streets of the City and no person who owns or controls a taxicab or livery shall permit it to be so driven, and no taxicab or livery licensed by the City shall be driven at any time for hire unless the driver of such taxicab or livery shall have first obtained and shall have then in force a taxicab driver's license or livery driver's license issued under the provisions of this chapter. This prohibition shall not apply to a taxicab or livery driver who is returning a fare to a destination outside the corporate limits of the City which fare originated outside the corporate limits of the City, provided the return fare is made within 24 hours of the drop off of the originating fare.

365.20 APPLICATION FOR TAXICAB DRIVER'S LICENSE AND LIVERY DRIVER'S LICENSE.

An application for a taxicab driver's license or livery driver's license shall be filed with the Superintendent of Police on forms provided by the City, and such application shall be verified under oath and shall contain the following information:

...

Any false statements made by the applicant on the application for a taxicab driver's license or livery driver's license shall be sufficient cause for the refusal of the issuance of a taxicab driver's license or livery driver's license to such applicant, or shall be sufficient cause for the revocation or suspension of a taxicab driver's license or livery driver's license after the issuance of same.

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Upon request, a person who has been issued a taxicab driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a livery driver's license. Provided the taxicab driver's license is valid and has not been revoked or suspended, a livery driver's license shall be issued for no additional fee.

Upon request, a person who has been issued a livery driver's license by the City may request from the Superintendent of Police, on forms provided by the City, a taxicab driver's license. Provided the livery driver's license is valid and has not been revoked or suspended, a taxicab driver's license shall be issued upon the payment of an additional fee in the amount of Twenty Five Dollars (\$25.00).

#### 365.21 EXAMINATION OF APPLICANT.

Before licensing, all taxicab drivers and livery drivers must undergo a local orientation program of up to two hours coordinated by [the Niagara Tourism & Convention Corporation (NTCC) Prior to the issuance or renewal of a license, each driver must successfully complete a test of the information covered during the program.] Destination Niagara USA. The applicant is responsible to pay any fee incurred by [the NTCC] Destination Niagara USA for administering the [test] program. Such program shall include, but is not limited to, the geography of the City, traffic laws and regulations and public relations and appearance.

#### 365.22 POLICE INVESTIGATION OF APPLICANT.

The Police Department of the City shall conduct an investigation of each applicant for a taxicab driver's license and livery driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Superintendent of Police.

#### 365.23 CONSIDERATION OF APPLICATION.

The Superintendent of Police shall, upon consideration of the application and the reports and certificate required to be attached thereto, in his discretion, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Superintendent of Police to offer evidence why his application should be reconsidered.

#### 365.24 ISSUANCE OF LICENSE; DURATION AND ANNUAL FEE.

Upon approval of an application for a taxicab driver's license or livery driver's license, the Superintendent of Police shall issue a license to the applicant which shall bear the name, address, age, signature and photograph of the applicant, issuance number, date of expiration and the name of the owner for which such driver is authorized to operate a vehicle. Such license shall be valid only so long as the driver continues in the employ of such owner. Upon the termination of any driver's employment, the owner by whom such driver has been employed shall immediately give the Superintendent of Police written notice of such termination, the reasons therefor, and shall forthwith surrender the driver's license to the Superintendent of Police for cancellation.

Such license shall be in effect for the remainder of the calendar year. A taxicab driver's license for every calendar year thereafter shall be issued upon the payment of Fifty Dollars (\$50.00), unless the license for the preceding year has been revoked. A livery driver's license fee for every calendar year thereafter shall be issued upon the payment of Twenty-Five Dollars (\$25.00), unless the license for the preceding year has been revoked.

#### 365.25 LICENSE PERIOD.

A taxicab driver's license or livery driver's license shall be issued as of January 1st in each year and shall be valid to and including December 31st of that same year unless sooner suspended or revoked. Any driver to whom a license is issued during the license year shall pay the full amount of the annual license fee.

...

#### 365.27 DRESS, BEHAVIOR AND GROOMING OF TAXICAB DRIVERS AND LIVERY DRIVERS AND USE OF RADIO FREQUENCY BY TAXICABS ONLY.

(a) Each driver shall make a presentable appearance while operating taxicabs and liveries in the City of Niagara Falls, and shall be clean, well-groomed, neatly dressed, and conduct himself or herself in a professional, courteous manner. Every driver shall be required to wear a shirt with a collar.

(b) Each taxicab driver shall be permitted to use only the radio frequency that is used by the company the driver is

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affiliated with. The monitoring of another cab [or livery] company's frequency is strictly prohibited and will lead to sanctions against the driver and/or company the driver is affiliated with. Liveries and livery operators are not permitted to use radio frequencies.

#### 365.28 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.

A taxicab driver's license or livery driver's license may be suspended for the following reasons:

...

No driver or operator whose license has been revoked shall be eligible to be licensed as a taxicab driver or livery driver in the City for a period of three (3) years, unless otherwise prohibited by Section 365.19 of this Chapter.

#### 365.29 NOTICE TO DRIVER.

A taxicab driver's license or livery driver's license shall be deemed to be suspended or revoked as of the third day after the Superintendent of Police shall cause to be deposited in the United States Post Office within the City, a registered letter giving notice of such revocation or suspension, and directed to the person named and to the address given on the application pursuant to which such license was issued. In the event a person has both a taxicab driver's license and a livery driver's license, a suspension or revocation of one license has the effect of suspending or revoking the other license.

#### 365.30 FAILURE TO COMPLY WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this chapter shall comply with all City, State and Federal laws. Failure to do so will justify the suspension or revocation of a license.

#### 365.31 DESIGNATION OF TAXICAB.

The taxicabs of every owner operating a taxicab within a City shall be of a color scheme and bear the owner's trade name, monogram or insignia which are clearly and easily distinguishable from the color scheme, owner's trade name, monogram or insignia used on the taxicabs of any other owner's already operating under this chapter. No change whatever in the color scheme or distinguishing characteristics of any taxicab shall be made without written permission from the Superintendent of Police, and it shall be unlawful for any person soliciting patronage from any vehicle described in this chapter to represent by word, sign or insignia that the vehicle for which he is soliciting such patronage is a vehicle owned or operated by other than the actual owners.

Every taxicab operated within the City shall bear the following identification: the owner's trade name, monogram or insignia, together with a cab number and the owner's telephone number or numbers painted upon the metal portion of the outside of each side of the taxicab and the cab number and owner's telephone number or numbers painted upon the outside rear panel of the taxicab. All lettering mentioned in this paragraph shall be not less than two and one-quarter inches in height and not less than five-sixteenths inch stroke. In addition to the identification hereby required, taxicabs may bear the following signs or advertisements:

- (a) A metal sign bearing the words "For Hire", and being no larger than six inches by nine inches;
- (b) A sign attached to the top of the cab bearing the word "Vacant" and being no larger than two and one-half inches by nine inches, and
- (c) Advertisements not exceeding twelve square feet in total area, subject to the rules and regulations of the Superintendent of Police.

If, after a permit has been issued for a taxicab hereunder, any portion of this section is violated in such a manner as to be misleading or deceiving to the public, the Superintendent of Police in his discretion, may suspend or revoke the permit of the owner covering such taxicab or taxicabs.

(d) This section shall not apply to liveries operating in the City.

#### 365.32 TAXIMETER REQUIRED.

All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. No taximeter shall be operated from any wheel to which power is applied. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to throw the flag of such taximeter into a non-recording position at the termination of each trip. The taximeters shall be subject to inspection from time to time by the Police

17 cont.  
Department. Any inspector or other officer of the Police Department is hereby authorized either on complaint of any person or without such complaint, to inspect any meter and, upon discovery of any inaccuracy therein, to notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets, until the taximeter is repaired and in the required working condition.

This section shall not apply to liveries operating in the City. [Notwithstanding the foregoing, the owner of a livery operating under the authority of this chapter may, at the option of the owner, equip the livery so owned with a taximeter. In the event the owner equips the said livery with a taximeter, all applicable provisions of this chapter pertaining to taximeters shall apply. In addition, the owner, prior to installation of the taximeter in the livery vehicle, agrees to immediately give written notice to the Superintendent of Police of the installation of the taximeter.]

...

### 365.35 OPEN STANDS ESTABLISHED; USE AND PARKING.

The Traffic Engineer is hereby authorized and empowered to establish open taxi stands for the exclusive use of taxicabs in such places upon the streets of the City as he deems necessary. In creating an open stand, the Traffic Engineer shall take into consideration the need for such stands by the taxicab owners and the convenience to the general public. He shall prescribe the number of taxicabs that shall occupy such open stands. The Traffic Engineer shall not create an open stand in front of any place of business where the abutting property owners object to the same or where such open stand would tend to create a traffic hazard. Such open stands shall be designated by appropriate signs or curb markings as the Traffic Engineer shall determine.

Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull into the open stand from the rear and shall advance forward as the vehicles ahead pull off. A driver shall be in attendance at every taxicab parked in an open taxi stand. Nothing in this chapter shall be construed as preventing a passenger from boarding the vehicle of his choice that is parked at an open stand.

No owner or driver of a taxicab shall stand or park such vehicle at any place on a public street other than an open stand, except for the purpose of discharging or receiving passengers.

No person shall park or stand any vehicle other than a taxicab in an open taxi stand.

Liveries may not utilize open taxi stands for parking or for any other purpose.

### 365.36 SOLICITATION, ACCEPTANCE AND DISCHARGE OF PASSENGERS.

No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof. No driver of a livery may solicit passengers for a livery. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his taxicab for not more than ten consecutive minutes, and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Drivers of taxicabs and liveries shall not receive or discharge passengers in the roadway but shall pull up to the right hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right hand side of the road, and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left hand sidewalk or side of the roadway, in the absence of a sidewalk.

No driver shall cruise in search of passengers, except in such areas and at such time as shall be designated by the Traffic Engineer. Such areas and times shall only be designated when the Traffic Engineer finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

No driver, owner or operator shall solicit passengers at the terminal of any other common carrier, not at any intermediate points along any established route of any other common carrier.

No driver shall permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of an additional passenger or passengers. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so traveled.

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab, as stated in the permit for such vehicle. A child in arms shall not be counted as a passenger.



177 cont. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

It shall be a violation of this chapter for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one hotel to another. Neither shall such driver engage in selling intoxicating liquors or soliciting business for any immoral purpose, or use his vehicle for any purpose other than the transporting of passengers.

#### 365.37 RECEIPTS.

The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and date of transaction.

...

#### 365.41 MANIFESTS.

Every driver of a taxicab and livery shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin, the destination of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner, and shall be of a character approved by the Superintendent of Police.

Every owner of a permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available to the Superintendent of Police.

#### 365.42 SERVICE CONTRACT REPORTS.

It shall be mandatory for all owners to file with the Superintendent of Police, copies of all contracts, agreements, arrangements, memoranda or other writings relating to the furnishing of taxicab or livery service to any hotel, theater, hall, public resort, terminal or other place of public gathering, whether such arrangement is made with the owner or any corporation, firm or association with which the owner may be interested or connected. Failure to file such copies within seven days shall be sufficient cause for the revocation of a permit of any offending owner or the cancellation of any cab stand privileges.

...

#### 365.44 APPEAL.

If any person is aggrieved by any act or failure to act on the part of the Superintendent of Police either in issuing, failure to issue, suspending or revoking any owner's permit or driver's license, such aggrieved party may file with the City Clerk a statement addressed to the [City Administrator] Niagara Falls City Council, setting forth the full facts and circumstances in connection with the action or failure of action on the part of the Superintendent of Police. Such appeal must be filed within ten days after commission or omission of the act by which the appellant claims to have been aggrieved.

The [City Administrator] Niagara Falls City Council shall call [a meeting] for a public hearing not less than [ten] thirty days from the date on which such appeal shall have been filed with the City Clerk, shall hear the appellant and his witnesses and determine the merits of the appeal, and the [ruling of the City Administrator] decision by a majority vote of the Niagara Falls City Council thereon shall be final. (C66 S39, adopted 1-13-69; amended 12/29/11.)

...

Bold and Underlining indicate Additions.  
Bold and Brackets indicate [Deletions].

18

RESOLUTION No. 2017

**RELATIVE TO REQUESTING A JOINT MEETING WITH THE NIAGARA FALLS  
WATER BOARD TO DISCUSS ISSUES RELEVANT TO OUR CITY**

BY:

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

**WHEREAS**, Niagara Falls Council Members call for a joint meeting with the Niagara Falls Water Board, open to the public, to discuss issues relevant to our city as well as its rate payers; and

**WHEREAS**, it would be in the best interests of the residents of the City for the Council and Water Board to discuss issues throughout the city as a whole; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that it hereby requests a joint meeting with the Niagara Falls Water Board at a time and date of mutual convenience.

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

19

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 5761.57, BUFFALO AVE. (RT 384); CAYUGA DRIVE TO 102<sup>ND</sup> STREET**

BY:

Council Chairman Charles Walker  
Council Member Kristen Grandinetti  
Council Member Andrew Touma

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**WHEREAS**, a Project for the Buffalo Ave. (Rt. 384); Cayuga Drive to 102<sup>nd</sup> Street, P.I.N. 5761.57 (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 Buffalo Ave. (Rt. 384); Cayuga Drive to 102<sup>nd</sup> Street, Preliminary Engineering (Design I-VI) phase.

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

**RESOLVE**, 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 \$50,000.00 is hereby re-appropriated from Buffalo Avenue Phase 1 and made available to cover the cost of participation in the above phase of the Project; and it is further

APR 17 2017

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

19 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

20

RESOLUTION No. 2017-

**RELATIVE TO SUPPORT FOR NIAGARA FAMILY RESOURCE CENTER  
NETWORK EVENT**

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 Niagara Falls City School District Focus on Families Program is sponsoring a "Walk to Promote Awareness to Child Abuse Prevention" on Wednesday, April 26, 2017 between the hours of 5 p.m. and 7 p.m.; and

**WHEREAS**, the walk will begin and end at the Oasis near the volleyball nets; and

**WHEREAS**, this City Council believes that it is important to bring awareness to this issue and take a stand against child abuse and neglect; and

**WHEREAS**, the City is requested to waive certain fees in connection with this event.

**NOW, THEREFORE**, this City Council does hereby waive any fees customarily charged for the use of the Oasis and that the City's bandstand be utilized for this event and any fees in connection with the use of the bandstand and the utilization of any ancillary materials such as a podium and a public address system be waived.

APR 17 2017

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

21

RESOLUTION No. 2017

**RELATIVE TO RECOGNITION OF THE NIAGARA FALLS POLICE DEPARTMENT OFFICERS; JOHN MARCYAN AND WAYNE GENERAL, LIEUTENANT JAMES TEDESCO AND THE NFPD CRISIS NEGOTIATOR TEAM – DET. CAPTAIN TED WEED, OFFICERS; CHARLES FINK AND SANDY ARIST**

BY:

COUNCIL MEMBER KRISTEN GRANDINETTI

**WHEREAS**, on February 4, 2017, Officers John Marcyan and Officer Wayne General responded to a call of an adult male holding several of his young children hostages in a room of a residence; and

**WHEREAS**, The NFPD Crisis Negotiator Team, Det. Capt Ted Weed, Officer Charles Fink, Officer Sandy Arist did arrive on scene. Det. Captain Weed was the first team member to arrive on scene. At this point the team observed the male sitting on a bed with two children ages 5 and 2. The male was holding a pocket knife in his hand up to his daughter's throat. The other daughter was sitting right next to him still in harm's way; and

**WHEREAS**, the quick actions and professionalism of responding Lt. Tedesco, Officers General, and Marcyan allowed for the critical response and expertise of the Crisis Negotiator Team. The Crisis Negotiators Fink and Arist quickly gained critical information that allowed for the safe release of the hostages. Det. Capt. Weed's calm demeanor, professionalism, and skill as a negotiator in the face of extreme danger to himself and the children is far "above and beyond" the call of duty; and

**WHEREAS**, the actions of all officers, especially Det. Capt. Weed, saved the lives of the two children and the male. The Niagara County District Attorney's Office praised the work of all the officers especially Det. Capt. Weed.

**NOW, THEREFORE, BE IT RESOLVED**, that Det., Captain Ted Weed, Lt. James Tedesco, Officers; John Marcyan, Wayne General, Charles Fink and Sandy Arist be recognized for their timely and heroic efforts which resulted in a positive outcome to this unfortunate situation. These individuals exemplify the professionalism of the Niagara Falls Police Department and are a credit to both the Department and the City.

APR 17 2017

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

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22

RESOLUTION No. 2017

RELATIVE TO THE APPOINTMENT TO THE TOURISM ADVISORY 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 individual is hereby appointed to the City of Niagara Falls Tourism Advisory, effective immediately, for the term expiring on the date which appears opposite his name:

<u>APPOINTMENT:</u>	<u>TERM EXPIRES:</u>
Tony Poletti	12/31/2017
712 E. Market Street	
Niagara Falls, NY 14301	

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

23

RESOLUTION No. 2017

RELATIVE TO THE APPOINTMENT TO THE ASSESSMENT REVIEW 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 individual is hereby appointed to the City of Niagara Falls Assessment Review Board, effective immediately, for the term expiring on the date which appears opposite his name:

APPOINTMENT:

Robert W. Burns  
8955 W. Rivershore Drive  
Niagara Falls, NY 14304

TERM EXPIRES:

9/30/2019

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24

RESOLUTION No. 2017-

RESOLUTION RELATIVE TO AMENDING CHAPTER 1328 OF THE  
CODIFIED ORDINANCES BY ADDING A NEW SUBDIVISION 1328.13  
"SHORT-TERM RENTAL UNITS"

BY:

Council Member Kenny Tompkins  
Council Member Andrew Touma

**WHEREAS**, the Planning Board has recommended that Chapter 1328 of the  
Codified Zoning Ordinances be amended by adding a new subdivision 13; and

**WHEREAS**, the City Council called for a Public Hearing to be held on April 17,  
2017 on this amendment; and

**WHEREAS**, said Public Hearing was held on April 17, 2017.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of  
Niagara Falls, New York that Chapter 1328 of the Codified Ordinances be amended by  
adding a new subdivision 1328.13 "Short-Term Rental Units" to read as shown on the  
attached.

APR 17 2017

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

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## 1328.13 Short-Term Rental Units [reformatted (March, 2017\_v.5)]

Short-Term Rental Units, also referred to as short-term rentals, and/or vacation rentals shall only be allowable on properties that comply with all of the requirements of this Chapter, and shall only be permitted to operate legally provided the owner obtains a short-term rental special permit as set forth in herein below.

## A. Short-term rentals shall be defined as follows:

1. A dwelling unit consisting of a detached single-family residential structure or a dwelling unit in a two-family (duplex) residential structure that is rented as a whole unit and under a single booking for a period of less than 30 days.
2. Short-term rentals are not allowed in a multi-unit (three or more) residential structure.
3. The dwelling unit is rented in its entirety and not as rooms.
4. Only the owner of record (not renters or lessees) is eligible to apply for a short-term rental special permit. The short-term rental must be owner managed and operated. The special permit for a short-term rental is nontransferable.
5. No alteration to either the exterior or the interior of any principal or accessory structure shall be made that changes the character and appearance of the residential premises without prior approval of the Planning Office.
6. The rental unit is exclusively for lodging purposes and does not allow the dwelling unit to be used for special event gatherings or parties. Gatherings, special events, or parties include but are not limited to gatherings such as weddings, funerals, fundraisers or similar group gatherings.
7. Short-term rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under city, state or federal law.
8. Only structures approved for residential use, under the Building Code, are to be covered by a special use permit. A yard, storage shed, trailer, garage or temporary structure, such as a tent, is examples structures prohibited from use as a short-term rental.
9. No cooking facilities are permitted in the individual bedrooms or any other rooms where guests can sleep.

## B. Short-Term Rental Unit Special Permit Requirements. As part of the application process under this Chapter, the applicant shall provide the following documents to the Planning Office:

1. Completed Applications, together with the applicable fee(s), payable to "City Controller" and;
2. A site plan as per Chapter 1324 of the entire property, and;
3. An interior floor plan of the residential unit to be permitted under this Chapter.
4. An owner shall establish that the proposed short-term rental unit will not contribute to the loss of neighborhood character or otherwise create a threat to public health, safety or welfare by providing the following:
  - a. Letter or written statement from the Department of Code Enforcement stating that all of the owner's properties in Niagara Falls are in good standing with no pending

24 cont.

- housing court or other code violations, and a Certificate of (Code) Compliance for the subject dwelling unit.
- b. Letter or written statement from the Niagara Falls Police Department indicating the number of 911 calls and arrests attributed to the owner's properties in Niagara Falls.
  - c. Letter or written statement from Department of Public Works indicating that there are no outstanding complaints or concerns for any of the owner's properties in Niagara Falls.
  - d. Letter or written statement from the City Comptroller - Billing and Collection Division indicating that the owner is not delinquent on any payment to the city of any fees, penalties, taxes or any other monies related to the property.
  - e. Letter or written statement from the Niagara County Department of Health indicating that there are no active complaints or pending investigations for any of the owner's properties in Niagara Falls.
  - f. Records demonstrating that the owner has successfully passed the tourism guide examination given by the Niagara Tourism & Convention Corporation.
5. Health and Safety.
- a. All Short Term dwelling units shall provide working fire extinguishers, interconnected and hardwired smoke and carbon monoxide detector/alarms, located as required for new dwellings.
  - b. No sleeping rooms shall be located above the second story.
  - c. A fire safety notice shall be affixed to the occupied side of the entrance door of each bedroom indicating:
    - i. A Means of Egress, which shall include at least one of the following alternatives:
      1. A limited area sprinkler system installed in conformance with NFPA 13D protecting all interior stairs serving as a means of egress;
      2. An exterior stair, in conformance with the Codes of NYS relative to one- and two-family dwellings, providing a second means of egress from all above grade stories or levels; or
      3. An opening within each bedroom for emergency use, in conformance with the Codes of NYS relative to one- and two-family dwellings. Such opening having a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder that attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, and shall extend to and provide unobstructed egress to an open space at grade.
    - ii. Location of means for transmitting fire alarms, if any; and
    - iii. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.
6. Compliance.
- a. The owner of a short-term rental shall be responsible for any nuisance violations arising at a property during short-term rental activities.
  - b. The owner of a short-term rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including

- parking standards. In any event, no overnight occupancy should be permitted which violates the International Fire Code (IFC).
- c. It shall be the responsibility of owners to have and maintain a valid sales tax certificate as required by New York State Law and to collect and remit the applicable occupancy and sales taxes as required by law, ordinance or regulation.
7. Occupancy.
- a. The owner shall limit overnight occupancy of the short-term rental (dwelling unit) to not exceed two persons per room, which are designated as bedrooms.
  - b. The owner shall maintain a guest registry identifying the name and address of principle guest(s) in addition to arrival and departure dates of guests.
  - c. The guest registry shall be made available to the various departments of the City of Niagara Falls, New York, including but not limited to the Police Department, Fire Department and Code Enforcement Department upon request.
- C. Duration. A short-term rental unit special permit shall be valid for a period of four (4) years from the date of issuance, unless suspended or revoked. Each special permit shall be renewable for additional four (4) year periods upon completion of the application process set forth herein.
- D. Permit Renewal. The applicant shall renew the permit for additional four-year periods. Such renewals are subject to site plan review and approval by the Planning Board, any fees applicable to the review of the special use permit application, and approval by the Zoning Board of Appeals. No less than 15 days prior to the meeting at which the renewal is being considered, the Planning Office shall notify the Code Enforcement Office and request that a building inspector provide a description, in writing, of any changes that have occurred since the time the special use permit was approved or last renewal and a list of violations or complaints, if applicable. The Zoning Board of Appeals shall consider all Planning and Building Inspector's reports and recommendations, along with the application materials, in making their respective determinations.
- E. Penalties and Enforcement.
1. Any permit issued pursuant to this chapter is subject to continuing compliance with the conditions set forth herein, as well as, any applicable laws or ordinances.
  2. The Building Inspector shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable New York State Code.
  3. In the event that the Department of Code Enforcement determines that a violation exists, the Department of Code Enforcement shall inform the owner by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time not to exceed thirty (30) days to remedy all existing violations or show cause for delay, which may only be granted once, by the Director of Code Enforcement, for a time period not to exceed ninety (90) days.
  4. Failure to remedy violations.

24 cont

- a. Following the expiration of the time period set forth in Section 1328.13(E)(3) above, the short-term rental unit special permit shall be guilty of a violation and such permit shall be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty-day suspension, the short-term rental unit special permit shall be considered guilty of a second violation.
  - b. The short-term rental unit special permit guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty-day suspension, shall be considered a third violation.
  - c. The short-term rental unit special permit guilty of a third violation shall be immediately revoked for that owner and location.
5. An owner that has a permit revoked may not apply or be granted another permit for a period of two (2) years from the date of revocation, and no such permit shall be reinstated unless the owner has demonstrated that all violations have been corrected and that he/she/it is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of subsequent application under this Section.
  6. In addition to the penalties set forth in Section 1328.13(E)(4) above, any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250 or by imprisonment for a period not to exceed fifteen (15) days, or both for each violation.