

STATE OF NEW YORK

202

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. CORTI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

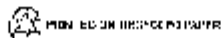
AN ACT relating to authorizing the city of Niagara Falls, county of Niagara, to reduce the speed limit in downtown Niagara Falls

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any general, special or local law or code
2 to the contrary, the city of Niagara Falls, Niagara county is hereby
3 authorized and empowered to lower the speed limit to not less than twenty-five miles per hour in downtown Niagara Falls, Niagara county. For
4 the purposes of this section, the term "Downtown Niagara Falls, Niagara
5 County" shall mean the land area described as follows:
6
7 COMMENCING in the city of Niagara Falls, Niagara County, New York;
8 The TRUE POINT OF BEGINNING is the point of intersection of the
9 westerly right of way of John B. Daly Boulevard and the southerly right
10 of way of Buffalo Avenue;
11 THENCE, leaving westerly along the southerly right of way of Buffalo
12 Avenue, proceeding until its intersection with the easterly edge of
13 Riverside Drive;
14 THENCE, leaving southerly and westerly along the boundary of Riverside
15 Drive until its intersection with the westerly boundary of Holly Place;
16 THENCE, leaving westerly along the line of land appropriated by and
17 for the People of the State of New York in 1885, now known as Niagara
18 Falls State Park, then following said property boundary westerly and
19 northerly, proceeding until its intersection with the northerly right of
20 way of Niagara Street;
21 THENCE, leaving easterly along the right of way of Niagara Street,
22 proceeding until its intersection with the westerly right of way of
23 Rainbow Boulevard;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [] is old law to be omitted.

LR502260-01-9



Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

TO: The City Council

FROM: Lisa A. Vitello, City Clerk

RE: Informational Item: City Clerk's Report

DATE: March 4, 2019

Council Members:

The following is a report of the licenses issued and collections made in the Office of the City Clerk during February, 2019.

			<u>CONTR</u>
A1255-001 A012	Vital Statistics		\$ 4,3
A1255-004 A013	Copies of Records		\$ 2,7
A1255-004 A013	Certificates of Marriage		\$ 4
A2501-006 A042	Tour Agency		\$ 7
A2501-006 A042	Tour Agency Additional Site		\$ 1
A2501-006 A042	Tour Driver/Guide		\$ 4
A2501-014 A046	Electrician - Active		\$ 1
A2501-016 A047	Stationary Engineers		\$ 1
A2501-016 A047	Stationary Engineers Test Fee		\$ 1
A2542-000 A053	Dogs/NYS Agr.& Mkts	\$ 256.00	\$
A2542-000 A053	Additional Dogs		\$ 2,6
A2545-001 A054	Marriage License/NYSHD	\$ 922.50	\$ 3
A1255-002 A123	Commissioners of Deeds		\$
A2545-010 A128	Petroleum - Retail		\$ 2
A2545-010 A128	Petroleum - Storage		\$
A2545-010 A128	Petroleum - Wholesale		\$ 4
A2545-023 A318	Hunters/NYS DEC RAU	\$ 23.62	\$
A2545-023 A318	Hunters Fees		\$
A1255-005 A528	Dog Release		\$ 3
TA63008 A597	Marriage Performance		\$ 6
TOTAL:		<u><u>\$ 1,202.12</u></u>	<u><u>\$ 13,6</u></u>

Check #	<u>31835</u>	NYS Dept.of Arg. & Mkts	\$ 256.00
Check #	<u>31815</u>	NYS Health Department	\$ 922.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 23.62

**OFFICIAL TALLY SHEET
CITY OF NIAGARA FALLS, NEW YORK**

BID # 2019-09 **SALE OF STREET MILLINGS**
BID OPENING: **MARCH 19, 2019 11:00 AM**

ITEMS	Redland Quarries of New York dba LAFARGE North America, Inc. 75 Pineview Drive Amherst, NY 14228 716-505-5300	Buffalo Fuel Corporation 4870 Packard Road Niagara Falls, NY 14304 716-278-2000 ext. 123
ONE (1) ITEM:		
Unit price per ton of street millings generated during the 2019 paving season:	\$2.00 per ton	\$2.10 per net ton
Vendor's chosen destination point (street address): <i>(Must be within seven miles of City limits)</i>	Lafarge/Redland Quarry 8875 Quarry Road Town of Niagara, NY 14304	1501 College Avenue Niagara Falls, NY 14305 and 4870 Packard Road Niagara Falls, NY 14304

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

**OFFICIAL TALLY SHEET
CITY OF NIAGARA FALLS, NEW YORK**

RFQ # 2019-05 **PURCHASE OF CONIFEROUS TREES**
RFQ OPENING: **FEBRUARY 21, 2019** **10:00 A.M.**

ITEMS (3)	EST. QTY.	DESCRIPTION	Schichtel's Nursery, Inc. 7420 Peters Road Springville, NY 14141	Wayside Nursery, Inc. 8962 Porter Road Niagara Falls, NY 14303
1.	30	White Spruce (Picea Glauca) Purchase Price/Tree:	\$90.00	\$118.00
2.	40	Eastern White Pine (Pinus Strobus) Purchase Price/Tree:	\$78.00	\$118.00
3.	40	Eastern Hemlock (Tsuga Canadensis) Purchase Price/Tree:	\$78.00	\$118.00

NOTES:

**OFFICIAL TALLY SHEET
CITY OF NIAGARA FALLS, NEW YORK**

BID # 2019-06 **CLEARING AND CUTTING OF LOTS**
BID OPENING: **MARCH 5, 2019** **11:00 AM**

ITEM #	EST. QTY	DESCRIPTION:	K J Smith Enterprises, Inc. 3616 Highland Avenue Niagara Falls, NY 14305 716-622-2656 ken@KJSmithInc.com	Niagara Gra 2637 Niaga Niagara Fal 716-731-98 NiagaraGra
1.	500	Clearing and cutting lots/parcels 0.30 acres or smaller in size (unit price per lot):	\$48.00/lot	
2.	25	Clearing and cutting lots/parcels 0.31 through 1.00 acre in size (unit price per lot):	\$58.00/lot	
3.	25	Clearing and cutting lots/parcels larger than 1.00 acres in size (unit price per acre):	\$68.00/acre	
		Copy of current and valid New York State Pesticide Applicator License ("NYS PAL")	NYS Commercial Pesticide Applicator License Name: Charles V. Calabro Number: C9665254 Expiration Date: 01/21/2020 Categories/Subcategories of Certification: 3A – Turf & Ornamental 6A – Structural & Industrial Right of Way	A NYS Com was not pro

NOTES:

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

**CITY OF NIAGARA FALLS
NEW YORK**

March 28, 2019

TO: City Council
FROM: Mayor Paul A. Dyster
**SUBJECT: LETTER OF AWARD FOR 91ST STREET PARK BALL DIAMOND
IMPROVEMENT PROJECT**

The following were the result of bids received on March 26, 2019 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Henwood Construction Inc. 9138 Rivershore Drive Niagara Falls NY 14304	\$125,000.00*
Scott Lawn Yard Inc.	\$191,515.00
Mark Cerrone Inc.	\$192,100.00
Wayside Nursery Inc.	\$198,750.00

*Upon review of all the received bids, there were a number of irregularities found in the low bid from Henwood Construction Inc. Specifically their bid bond was not endorsed, their total bid price was entered in differing amounts in their proposal, and no acknowledgement was made of Addendum 1, which was a cost-adding addendum. Based on these irregularities we have rejected their bid.

Therefore, it is the recommendation of the undersigned that this project be awarded to the second low bidder Scott Lawn Yard Inc. at their total bid of \$191,515.00. Funding is available from the following sources; \$50,000.00 from tourism fund balance and \$141,515.00 from tribal revenue reserves.

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

Respectfully submitted,

Mayor Paul A. Dyster

Nicholas Melson City Administrator

John Gerlach, P.E. City Engineer

Funding Approval:

Daniel Morollo, City Controller

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

March 28, 2019

The City Council
Niagara Falls, New York

RE: DPW fee schedule

Council Members:

The Director of the Department of Public Works is requesting that the City Council approve the attached fee schedule which will be effective May 1, 2019. This fee schedule is intended to track with the changes to the City Ordinance Chapter 911 approved by the City Council at its last meeting.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER
Mayor

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

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

March 28, 2019

The City Council
Niagara Falls, New York

*RE: Contribution to the Aquarium of Niagara toward expenses in development of
new exhibits*

Council Members:

The Aquarium of Niagara has requested that the City assist it in funding the expenses it will incur in the development of a new exhibit. This exhibit is called "Explorer's Reef." Attached hereto is a copy of the request from the Aquarium for this purpose.

The Aquarium is requesting funding totaling \$166,000.00 over a period of two (2) years. \$83,000.00 is requested immediately and \$83,000.00 is requested one (1) year from now.

Funding is available from tourism fund balance. This request has already been reviewed and approved by the Tourism Advisory Board.

Will the Council so approve and authorize the Mayor to execute any agreements as concerns this funding provided the same are in form and content satisfactory to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER
Mayor

Funding is in place

Daniel Morello
City Controller

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

March 28, 2019

The City Council
Niagara Falls, New York

RE: Engagement of RDS Services LLC

Council Members:

The Director of Human Resources is recommending that the City engage the services of RDS Services LLC to reopen previously closed retiree drug subsidy plan years in an effort to recover any additional subsidies to which the City may be entitled. There is no requirement for the City to pay any dollars up front for this service. Any fees will be earned by RDS Services LLC which will equate to 25% of each subsidy payment received as a result of the re-opening. The term is for one (1) year and will renew for one (1) year if there are no objections. Attached hereto is a copy of the proposed agreement.

Will the Council so approve and authorize the Mayor to execute a professional services agreement to engage RDS Services LLC provided the same is in form and content satisfactory to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER
Mayor

CHJ/lmr

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

Please be advised that Mayor Paul A. Dyster, on March 21, 2019, duly approved the following:

Resolution 2019-30 relative to Amending Schedule 8 of the Zoning Ordinance regarding 665, 671, and 675 71st Street.

Resolution 2019-31 relative to Amending Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling".

Resolution 2019-32 relative to Amending Schedule 8 of the Zoning Ordinance regarding 550 Main Street and 557, 561, 565, 569 and 571 Third Street.

Witness my Hand and Seal this 26th day of March 2019.

DATE: March 27, 2019
TO: The City Council
FROM Lisa A. Vitello
SUBJECT: Commissioner of Deeds

The following have requested City Council approval for Commissioner of Deeds for a term from April 3, 2019 to April 3, 2021.

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

Eugene Pucci (City Marshal) 8612 Third Ave, Niagara Falls, NY 14304

Respectfully submitted,

Lisa A. Vitello
LAV/cs

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

March 28, 2019

The City Council
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Jackylin Jean Austin

Date Claim Filed:	May 31, 2016
Date Action Commenced:	May 23, 2017
Date of Occurrence:	April 26, 2016
Location:	Hyde Park Boulevard near intersection with North Avenue.
Nature of Claim:	Motor vehicle accident.
City Driver:	James R. Shaughnessy
Status of Action:	Trial scheduled to commence on November 12, 2019.
Recommendation/Reason:	Best interest of City.
Amount to be Paid:	\$5,000.00
Make Check Payable to:	Viola, Cummings & Lindsay, LLP, as Attorneys for Jackylin Jean Austin.
Conditions:	Stipulation of Discontinuance as to all parties and General Release to City must be approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement be paid under the terms set forth above. Will the Council so approve?

Respectfully submitted,

CRAIG H. JOHNSON
Corporation Counsel

March 28, 2019

The City Council
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Niagara Frontier Transportation Authority located at 181 Ellicott Street, Buffalo, NY 14203.

Date Claim Filed:	February 28, 2019
Date Action Commenced:	N/A
Date of Occurrence:	January 22, 2019
Location:	Pine Avenue & Packard Road.
Nature of Claim:	Damage to bus shelter by city plow while plowing sidewalk.
City Driver:	Rohan Plummer
Status of Action:	N/A
Recommendation/Reason:	City employee damaged bus shelter.
Amount to be Paid:	\$8,127.00
Make Check Payable to:	Niagara Frontier Transportation Authority
Conditions:	General Release to City approved by Corporation Counsel.

It is the recommendation of this Department that the above settlement be paid under the terms set forth above. Will the Council so approve?

Respectfully submitted,

CRAIG H. JOHNSON
Corporation Counsel

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

RESOLUTION No. 2019-

***RELATIVE TO BAND SHELL/PORTABLE STAGE FEE WAIVER FOR 3RD ANNUAL
“SUMMERFEST AT THE SAL”***

BY:

Council Member Ezra P. Scott, Jr.
Council Member Christopher Voccio
Council Chairman Andrew Touma

WHEREAS, On August 11th, 2019 from 11:30am until 7:00pm EST located at Sal Maglie Stadium, the Niagara Falls Firefighters Christmas Toy Fund will be holding the 3rd Annual “Summerfest at the Sal” to benefit the Niagara Falls Firefighters Christmas Toy Fund; and

WHEREAS, we respectfully request that the City Council again helps our charitable efforts by waiving whatever fees may be applied for use of the Band Shell/portable stage that will be used at this event to showcase the musical performances; and

NOW, THEREFORE, BE IT RESOLVED that this City Council does hereby grant the request to waive Band Shell/portable stage fees for the 3rd Annual “Summerfest at the Sal” event.

RESOLUTION No. 2019-

***RELATIVE TO HOME RULE REQUEST CALLING FOR STATE LEGISLATION TO
ALLOW THE CITY OF NIAGARA FALLS TO COLLECT ANY UNPAID HOUSING,
BUILDING AND FIRE CODE VIOLATION PENALTIES, COSTS AND FINES THROUGH
PLACEMENT BY THE CITY CONTROLLER'S OFFICE ON THE CITY'S
ANNUAL TAX LEVY***

BY:

Council Chairman Andrew Touma
Council Member William Kennedy
Council Member Ezra P. Scott, Jr.
Council Member Kenny Tompkins
Council Member Christopher Voccio

WHEREAS, it is requested that the State Real Property Tax Law be amended by adding a new provision to allow the City of Niagara Falls to place unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy; and

WHEREAS, Senator Robert Ortt introduced Senate Bill No. S4415 as attached hereto, and Assemblyman Angelo Morinello introduced Assembly Bill A6345, as attached hereto which would authorize and empower the City of Niagara Falls to place unpaid housing, building and fire code violation penalties, costs and fines on the City's annual tax levy; and

WHEREAS, in order for the Legislative process to continue, this City Council is asked to adopt a Home Rule Request.

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

RESOLUTION No. 2019-

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 5761.81, BUFFALO AVE. (RT 384); RAINBOW BLVD TO 450 FT WEST OF 24TH ST.

BY:

Council Chairman Andrew Touma
Council Member Kenny Tompkins

WHEREAS, a Project for the Buffalo Ave. (Rt. 384); Rainbow Boulevard to 450 feet west of 24th Street, P.I.N. 5761.81 (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); Rainbow Boulevard to 450 feet west of 24th Street, Preliminary Engineering (Design I-VI).

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 funds are hereby re-appropriated from excess funding remaining from Buffalo Avenue Phase 3 and made available to cover the cost of participation in the above phase of the Project; and it is further

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

RESOLUTION No. 2019-

***REGARDING THE ABANDONMENT OF A PORTION OF THE OLD FALLS STREET
RIGHT OF WAY ADJACENT TO 304 – 1ST STREET***

BY:

Council Chairman Andrew Touma
Council Member William Kennedy
Council Member Ezra P. Scott, Jr.
Council Member Kenny Tompkins
Council Member Christopher Voccio

WHEREAS, the City Council of the City of Niagara Falls desires to abandon a portion of the Old Falls Street Right of Way adjacent to 304 – 1st Street; and

WHEREAS, the City Council did, by resolution, give notice of its intention to abandon a portion of the aforementioned right of way and did direct the City Clerk to publish notice of such intention and that a public hearing would be held by the City Council at its meeting to be held in the Council Chambers on April 3, 2019 at 6:00 p.m. eastern daylight time and advise that all persons interested would be heard on that said time and place; and

WHEREAS, the hearing was duly held on April 3, 2019 at 6:00 p.m. eastern daylight time in regards to said abandonment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that a portion of the Old Falls Street Right of Way adjacent to 304 – 1st Street, is hereby abandoned, the said abandoned right of way portion subject, however, to reservation of right of and for the City of Niagara Falls, the Niagara Falls Water Board and any utility companies, their successors and assigns to use, maintain, repair, replace and continue to maintain their services and operations in said abandoned right of way. The said right of way portion is bounded and described as follows:

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

1. Commencing at the point of intersection of the southerly right of way of Old Falls Street with the easterly right of way of Rainbow Boulevard; thence
2. 5.00 feet north along the easterly right of way of Rainbow Boulevard to a point; thence
3. Easterly at a 90° angle to a point on the westerly right of way of First Street; thence
Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

RESOLUTION No. 2019-

***RELATIVE TO HOME RULE REQUEST, REDUCTION OF SPEED LIMIT IN
DOWNTOWN NIAGARA FALLS***

BY:

Council Chairman Andrew Touma
Council Member William Kennedy
Council Member Ezra P. Scott, Jr.
Council Member Kenny Tompkins
Council Member Christopher Voccio

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator Robert Ortton introduced Senate Bill No. S202, as attached hereto, and Assemblyman Angelo Morinello introduced Assembly Bill A4657, as attached hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area, as described in both bills, in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt a Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S202 and Assembly Bill A4657, entitled “An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls”, and this City Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this City Council is directed to complete and certify the Home Rule Requests and forward copies to the New York State Legislature as required.

TO: The Council
FROM: Mayor Paul A. Dyster
DATE: March 21, 2019
SUBJECT: Bid #2019-09 Sale of Street Millings

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

TO: Santarosa Holdings, Inc.
dba Buffalo Fuel Corporation
4870 Packard Road
Niagara Falls, New York 14304
FOR: Sale of street millings generated during the 2019 paving season: \$ 2.10 per 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. The above referenced company submitted the highest price for the millings. The two (2) other bids received were from LaFarge North America, Incorporated at \$ 2.00 per ton and Modern Corporation at \$ 1.85 per ton.

Will the Council so approve?

Respectfully submitted,

Mayor Paul A. Dyster

Nicholas A. Melson
City Administrator

Douglas A. Janese, Jr.
Purchasing Agent

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

TO: The Council
FROM: Mayor Paul A. Dyster
DATE: March 21, 2019
SUBJECT: Quotation # 2019-05 Purchase of Coniferous Trees

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

TO: Schichtel's Nursery
7420 Peters Road
Springville, New York 14141-9405
FOR: Purchase of 110 trees to be planted within the City of Niagara Falls, New York,
per the attached tally sheet **\$8,940.00**

In addition to the 110 trees being purchased, Forestry reports that they still have, forty-two (42) trees of the 259 trees in inventory that require planting due to deteriorating weather conditions at year's end in 2018.

Planting of the purchased trees and the remaining trees (152 total) will be completed by the City's Forestry Division on overtime.

It is anticipated that the total labor cost to plant the 152 trees will be **\$6,347.69**. This expenditure includes FICA and the contractually obligated overtime meals.

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

Quotation packages were sent to sixteen (16) vendors. Three (3) responses were received, including one no bid response. Please reference the attached tally sheet for quotation submission details.

TO: The Council
FROM: Mayor Paul A. Dyster
DATE: March 27, 2019
SUBJECT: Bid #2019-06 Clearing and Cutting of Lots

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

TO: K. J. Smith Enterprises
3616 Highland Avenue
Niagara Falls, New York 14305
FOR: Clearing and cutting of various lots within the City of Niagara Falls

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 bid packages were sent to ten (10) vendors. Two (2) responses were received. One of the responses was rejected following a review of the vendor's qualifications by the Department of Public Works, which revealed that the vendor lacked the required New York State Pesticide Applicator's License. Please reference the attached tally sheet for bid submission details.

Funds for this expenditure are included in the DPW Grass Cutting/Clean Up account code A.8510.0000.0449.000.

Will the Council so approve?

Respectfully submitted,

Mayor Paul A. Dyster

Nicholas A. Melson
City Administrator

Douglas A. Janese, Jr.
Purchasing Agent

KENNEDY_____ **SCOTT**_____ **TOMPKINS**_____ **VOCCIO**_____ **TOUMA**_____

Kennedy _____ **Scott**_____ **Tompkins**_____ **Voccio**_____ **Touma**_____

CITY OF NIAGARA FALLS, NEW YORK

TO:City Council

FROM:Mayor Paul A. Dyster

DATE:March 28, 2019

RE:City Council Agenda Item: State Contract Purchases (PC 67834) for city parks

The Community Development Department has undertaken an aggressive plan of park improvements throughout the City of Niagara Falls. This council agenda item would allow the purchase of ancillary park equipment/structures that have been approved by the Niagara Falls City Council as part of past Niagara Falls Community Development Action Plans. It is NFCD's recommendation that the items be purchased via the New York State Office of General Services Playground Equipment, and Related Products Statewide Contract. MRC Companies, Inc. is a qualified vendor as part of the statewide contract (**NYS CONTRACT PC 67834**). The total amount that the Niagara Falls City Council is being asked to authorize is as detailed below. These items would be fully funded by United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds

Item	Cost
Modular Restroom - Gill Creek Park	\$50,000
Park Shelter (Replacement) - Hyde Park	\$31,000
Picnic tables and benches	\$37,000
Signage - Center Court Park	\$3,500
Signage - Garden Avenue Park	\$3,500
Signage - Hyde Park	\$15,000
Park wayfinding, bike racks	\$14,000
Trash receptacles	\$18,000
Total	\$172,000

Will the Council vote to approve this purchase and Mayor to execute any documents necessary to effectuate the same?

Respectfully submitted,

Paul A. Dyster, Mayor

Nicholas Melson, City Administrator

Seth A. Piccirillo
Director of Community Development

Tourism

The Aquarium of Niagara serves Western New York as the region's only aquarium within 250 miles in the United States. Its living collection and education programs serve the community in many forms including as a cultural destination, education center, venue for family activities and tourist attraction. Additionally, the Aquarium needs to regularly introduce innovative projects, such as Explorer's Reef, to generate return visits from previous guests and encourage first-time visitors to come to the Aquarium.

The Aquarium of Niagara sees this experience as one of the institution's most valued commodities. Visitors to Western New York have become increasingly less interested in goods and services, and instead seek out interactive experiences. This project will ensure continued success by staging an engaging first impression that embraces our guests in a personal and memorable experience, all while promoting our zoological mission. This project will result in exceptional visitor satisfaction and contribute to the Aquarium's master plan, which emphasizes consistent strategic growth through the progressive installation of dynamically themed galleries and interactive experiences. Important interpretative messaging will supplement the experience, as guests will learn how we care for all of the animals living at the Aquarium of Niagara and how everyday actions can protect them in the wild. The proposed project will bring awareness to the value of conserving essential coastal habitats and promote everyday actions to advocate for conservation of marine and aquatic species.

The Aquarium of Niagara currently sees over 300,500 visitors on an annual basis, and is proudly supported by numerous tourism partners in Niagara Falls. Most substantially, the Aquarium is partnered with New York State Parks as an attraction within the Niagara Falls USA Discovery Pass. This critical partnership contributes substantially to the Aquarium's annual attendance. The successful completion of this project will continue to grow the Aquarium's annual attendance, serving the City of Niagara Falls as a destination for tourists and residents.

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

RDS SERVICES, LLC

AGREEMENT FOR RETIREE DRUG SUBSIDY RE-OPENING SERVICES

THIS AGREEMENT FOR RETIREE DRUG SUBSIDY RE-OPENING SERVICES ("Agreement") is entered into by and between RDS Services, LLC, a Michigan limited liability company ("RDS") and City of Niagara Falls ("Plan Sponsor") and/or ("Plan Authorized Representative") and shall be effective as of _____, 2019 ("Effective Date").

Definitions and Contract Amendment:

The term "Plan Authorized Representative" shall mean: City of Niagara Falls

The term "Plan Sponsor" will have the same meaning as "Plan Authorized Representative" in the contract's terms and conditions.

The term "Plan Authorized Representative" will have the same meaning as "Plan Sponsor" in the contract's terms and conditions.

By substituting the "Plan Authorized Representative" for the "Plan Sponsor", the "Plan Authorized Representative" City of Niagara Falls agrees to pay the agreed upon gross remuneration of 25% of the subsidy recovery to RDS Services, LLC. All other terms of the compensation agreement with the producer will remain the same.

Terms and conditions:

Plan Sponsor, through the ("Plan Authorized Representative") maintains a group health program (hereinafter referred to as the "Plan") under which eligible individuals are able to obtain certain retiree health care benefits. Plan Sponsor desires to engage RDS to assist Plan Sponsor with certain requirements and opportunities with respect to the Re-Opening of previously closed RDS Application plan years, and RDS desires to provide such assistance, all on the terms and subject to the conditions set forth in this Agreement.

NOW THEREFORE, the parties agree as follows:

**SECTION 1
SERVICES AND RESPONSIBILITIES**

RDS Services. During the term of this Agreement, RDS shall provide to Plan Sponsor the services described on Exhibit A to this Agreement (collectively, "RDS Services"). In performance of the RDS Services, RDS shall rely on any communication and/or data reasonably believed by it to be genuine, including necessary information received from Plan Sponsor in a timely manner and in good order. For purposes hereof, "timely manner" means a reasonable period of time as may be necessary for sorting, processing, analyzing, entering and/or posting of information received.

Responsibilities of Plan Sponsor. Plan Sponsor (or its designee(s) other than RDS) shall serve as the administrator, fiduciary and primary decision maker for the Plan, with all of the rights and responsibilities for administering the Plan in connection with the Retiree Drug Subsidy Program, and RDS shall have no such authority or responsibility except as may be specifically provided in this Agreement. During the



NIAGARA FALLS FIREFIGHTERS CHRISTMAS TOY FUND

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

To Whom It May Concern,

I am writing today to discuss an upcoming event that is being coordinated by Niagara Falls City Council Member Kenny Tompkins, in partnership with the Niagara Falls Firefighters Christmas Toy Fund. This will be the third annual "Summerfest at the Sal" to benefit the Niagara Falls Firefighters Christmas Toy Fund and it will be a music festival and car show that will take place on August 11th, 2018 from 11:30 am until 7 pm, at Sal Maglie Stadium.

Many established and well-known music bands have again donated their time to entertain festival goers and multiple individuals, businesses and community organizations have again committed to sponsor this event by way of cash or in-kind donations. The goal is to establish a yearly entertaining, centrally located, community event that contributes to the quality of life of our citizenry while raising as much money as possible for one of this City's most well-known and beloved charities - the Firefighters Toy Fund. With the help of our supportive City Government, last year's Summerfest at the Sal was wildly successful in accomplishing all of these goals; it was well received, well attended and raised over \$10,000 dollars for the NF Firefighters Christmas Toy Fund and the event has raised \$23,400 in the past two years for the organization.

In accordance with these goals, I am writing this letter to request that the City of Niagara Falls again help our charitable efforts by waiving whatever fees may be applied for our use of the Band Shell/portable stage that will be used at this event to showcase the musical performers.

Again, this event is to benefit the Niagara Falls Firefighters Toy Fund, (a registered 501(c)(3) charity) meaning that all proceeds from the entrance fees and sales of concessions will be given to our charity. To maximize the benefit for the Toy Fund and the children and families we help each Christmas season, we would greatly appreciate the waiving of those fees, which would allow us to continue keeping expenses to a minimum (and monies that we could apply to our charitable programs at a maximum).

Thank you for your attention to this request.

Sincerely,

John O'Malley
2019 Chairman
Niagara Falls Firefighters
Christmas Toy Fund



Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

STATE OF NEW YORK

4415

2019-2020 Regular Session

IN SENATE

March 11, 2019

Introduced by Sen. ORTI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to authorizing the city of Niagara Falls to add unpaid housing code violation penalties, costs and fines to such city's annual tax levy

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The real property tax law is amended by adding a new
- 2 section 905-a to read as follows:
- 3 § 905-a. Collection of unpaid housing code violation penalties; city
- 4 of Niagara Falls; levy. 1. Authorization. In addition to and not in
- 5 limitation of any power otherwise granted by law, the city of Niagara
- 6 Falls is hereby authorized to collect any unpaid housing, building and
- 7 fire code violation penalties, costs and fines through placement by the
- 8 city controller on the city's annual tax levy in accordance with the
- 9 provisions of this section.
- 10 2. Eligibility. In order to be eligible for placement on the city of
- 11 Niagara Falls' annual tax levy such unpaid code violation penalties,
- 12 costs and fines shall have been adjudicated and imposed through a judge-
- 13 ment in a court of competent jurisdiction on an owner of real property
- 14 within the city and recorded by the county clerk, as certified by the
- 15 city's corporation counsel, as the city controller and have remained
- 16 unpaid for one year after the final adjudication and exhaustion of all
- 17 appeals relating to the imposition of the fines for a code violation
- 18 preceding the placement on the city's tax levy.
- 19 3. Minimum amount owed. To qualify for placement on the tax levy the
- 20 amount owed for unpaid code violations must be at least five percent of
- 21 the amount of the tax assessed value of the property.
- 22 4. Levy. Such code violation penalty, cost or fine as set forth in a
- 23 copy of the judgment certified by the corporation counsel to such city
- 24 controller shall be set down in the annual tax levy under the heading

EXPLANATION--Matter in italics (underlined) in new matter in brackets
[] is old law to be omitted.

LMHC9077-03-0

ESOLUTION No. 2019-

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 5761.81, BUFFALO AVE. (RT 384); RAINBOW BLVD TO 450 FT WEST OF 24TH ST.

BY:

Council Chairman Andrew Touma
Council Member Kenny Tompkins

WHEREAS, a Project for the Buffalo Ave. (Rt. 384); Rainbow Boulevard to 450 feet west of 24th Street, P.I.N. 5761.81 (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); Rainbow Boulevard to 450 feet west of 24th Street, Preliminary Engineering (Design I-VI).

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 funds are hereby re-appropriated from excess funding remaining from Buffalo Avenue Phase 3 and made available to cover the cost of participation in the above phase of the Project; and it is further

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

Kennedy _____ Scott _____ Tompkins _____ Voccio _____ Touma _____

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.