



City of Niagara Falls, New York

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

November 18, 2013

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, November 25, 2013 at 4:30 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To review and act on amendments to the Mayor's Proposed 2014 Budget.

Respectfully submitted,

GLENN CHOOKOKIAN
Council Chairperson

NOV 25 2013



13 NOV 18 AM 10:25
NIAGARA FALLS
CITY CLERK

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of October, 2013.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 3,832.00	\$ 3,832.00
A1255-004				
A013	Copies of Records		\$ 884.75	\$ 884.75
A1255-004				
A013	Certificates of Marriage		\$ 1,430.00	\$ 1,430.00
A2501-014				
A046	Electrician - Exam Fee		\$ 250.00	\$ 250.00
A2501-016				
A047	Stationary Engineers		\$ 1,890.00	\$ 1,890.00
A2501-021				
A048	Amusement Games		\$ 3,750.00	\$ 3,750.00
A2542-000				
A053	Dogs/NYS Agr.& Mkts	\$ 371.00	\$ -	\$ 371.00
A2542-000				
A053	Additional Dogs		\$ 3,699.00	\$ 3,699.00
A2545-001				
A054	Marriage License/NYSHD	\$ 3,217.50	\$ 1,072.50	\$ 4,290.00
A2550-001				
A056	Loading Zone		\$ 170.00	\$ 170.00
A1255-002				
A123	Commissioners of Deeds		\$ 5.00	\$ 5.00
A2545-021				
A316	Vending		\$ 11,040.00	\$ 11,040.00
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 870.15	\$ -	\$ 870.15
A2545-023				
A318	Hunters Fees		\$ 50.85	\$ 50.85
A1255-003				
A499	Notary Fee		\$ 10.00	\$ 10.00
A1255-005				
A528	Dog Release		\$ 400.00	\$ 400.00
TA63008	Marriage Performance		\$ 3,800.00	\$ 3,800.00

A597				
A1255-006-				
A696	Photos/passport-license		\$ 18.00	\$ 18.00
TOTAL:		<u>\$ 4,458.65</u>	<u>\$ 32,302.10</u>	<u>\$ 36,760.75</u>

Check #	<u>65175</u>	NYS Dept.of Arg. & Mkts	\$ 371.00
Check #	<u>67150</u>	NYS Health Department	\$3,217.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 870.15

Agenda Item #2

RE: Extension of Stipulated Order On Consent by and between The Attorney General of the State of New York (“AG”) and The City of Niagara Falls (“City”) and the City of Niagara Falls Police Department (“NFPD”)

Council Members:

The Stipulated Order on Consent (“Order”) entered into by and between the City and AG is for a three (3) year period of time and expires on or about November 30, 2013. The Order requires, among other things, that the NFPD to amend its internal policies and procedures primarily involving the use of force, use of force reporting and internal reviews of the use of force reports and the implementation of those policies and procedures. The Order further calls for the implementation of various training protocols. In total, the Order called for approximately thirty-nine (39) items to be addressed and delivered to the AG’s office for review with input from the independent auditor appointed to oversee compliance with the Order. There are several of these deliverables which, for various reasons, have not been submitted by the NFPD to the AG for review and several which have been submitted but not commented on. It is therefore necessary to extend the Order.

The AG’s office has discussed this extension with the Corporation Counsel as well as the Superintendent of Police. The AG’s office is willing to agree to an extension of a maximum period of time of two (2) years provided that the Order will end sooner in the event the AG’s office determines that the City has come into substantial compliance with the Order. The Superintendent of Police projects that the NFPD may need approximately one more year to come into substantial compliance and will closely monitor NFPD’s activities in this regard with the goal of coming into substantial compliance as soon as possible.

In addition to the term of the Order, the AG and the City believe it beneficial to amend Part 15 of the Order addressing the adjudication of complaints/claims filed with the AG and/or the NFPD. Please recall that there were approximately twenty seven (27) complaints/claims filed against the NFPD within a three (3) year period prior to the effective date of the Order. Rather than convene an arbitration panel, at the City’s expense, to evaluate and adjudicate those individual complaints/claims with the City paying the amount of any awards made by the arbitrators for those complaints/claims as is presently contained in the Order, the AG wishes to assume the responsibility to evaluate and adjudicate those complaints/claims itself and determine which complaints/claims have merit and which do not. In the event that a complaint/claim is determined to have merit, the AG will determine the amount of the award. The maximum amount of money the City will be required to pay for all twenty seven (27) complaints/claims is \$110,000.00, the source of which will be the City’s risk retention fund. In this regard, the City will transfer to the trust account of the office of the AG the sum of \$110,000.00 for this purpose. In the event that the entire sum of \$110,000.00 is not distributed in awards made by AG to the twenty seven (27) complainants/claimants, any balance will be returned to the City together with an accounting of awards made. The office of the AG will obtain releases from the twenty seven (27) complainants/claimants running to the City.

The other remaining terms and conditions of the Order will remain in full force and effect.

Will the Council so approve and authorize the Mayor to execute an agreement extending the Stipulated Order on Consent in form and content satisfactory to the Corporation Counsel?

Agenda Item #3

**RE: City Council Agenda Item:
Niagara City Lofts PILOT Agreement**

Council Members:

CB Emmanuel Realty LLC is in the process of acquiring and revitalizing the former South Junior school building. The result will be 62 units of housing, along with commercial space, community facilities and space proposed to be used by Niagara Falls Memorial Medical Center.

Restoration of the building will save the School District taxpayers approximately \$1.3 million in estimated demolition costs, result in abatement of ongoing asbestos issues, and eliminate an ongoing source of neighborhood blight.

The project is applying for a New York State Housing and Community Renewal tax credit allocation and will be subject to a rent regulatory agreement. The PILOT commitment is needed for the tax credit application due December 5th.

The development is being structured under Article 11 of the Private Housing Finance Law (PHFL). An Article 11 Housing Development Fund Company will hold legal title to the real estate. Under §577 of the PHFL, the City may exempt all or part of the real property of the project from local real estate taxes, excluding special assessments.

Typically a grant of exemption is accompanied by a PILOT agreement. The property is currently generating zero taxes.

Niagara Lofts has requested a PILOT payment formula of 10% of the total rents paid by or on behalf of the tenants, less utilities paid by the landlord. The CB Emmanuel Realty formula results in an annual projected payment of about \$45,000.00.

In 2009, the City received a competitive Restore NY grant of \$5 million specifically for the rehabilitation of this building. There is also the possibility of additional Restore NY funds being available for this project.

The exemption is requested for the longer of 30 years or the length of the debt service for the permanent mortgage. Any grant of a tax exemption will terminate should the project not be subject to a rent regulatory agreement or otherwise not qualify under the Private Housing Finance Law.

The sale of the School District South Junior building is subject to a referendum December 4th. The tax exemption would not be an immediate grant, but would take effect only upon the closing of the financing for the project and transfer of the real estate to a qualified Housing Development Fund Company. The grant would expire should all such contingencies not be resolved by December 31, 2014.

Will the Council vote to approve the granting of a PILOT agreement with the contingencies agreed to by the developer, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #4

RE: Fire Alarm System at Ice Pavilion

Council Members:

The Director of the Department of Public Works is requesting that the sum of \$30,645.00 be made available from casino revenues for the purpose of upgrading the Fire Alarm System in various areas at the Ice Pavilion. Attached is a copy of the request from the Director. These casino revenues will be transferred to H.0819.2008.0819.0449.599.

Will the Council so approve?



City of Niagara Falls, New York

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

November 18, 2013

To: City Controller Maria Brown Corporation Counsel Craig Johnson

From: Director David L. Kinney 

Subject: Contracted Work at Ice Pavilion

As per our conversation today please find attached 3 proposals for work needed at the Ice Pavilion to reduce the fire alarm errors due to fogging in the rinks and also to comply with minimum fire regulations in the "Meeting Room."

The proposals are as follows:

1) Ice Pavilion Meeting Room Fire Alarm System Modification	\$ 7,015.00
2) Ice Pavilion Duct Detector Weatherproofing	5,625.00
3) Ice Pavilion Upgrade and Enhance Beam Detectors	18,005.00
Total	\$30,645.00

Thank you for identifying funding from the Tribal Casino Funds which will be transferred to H.0819.2008.0819.0449.599 to complete these vital modifications and upgrades upon City Council approval.

Note that Simplex Grinnell does hold NYS bid award PT63104 which expires August 26, 2020.

cc: Mayor
 City Administrator
 DPW Deputy Director
 Skilled Trades Crew Leader

DLK/t

Agenda Item #5

RE: Grant Award to Niagara Falls City Police Department (NFPD)

Council Members:

The Superintendent of Police advises that the Niagara County District Attorney's Office has been awarded \$24,345.00 in grant money for the purchase of equipment for the Video Recording of Statements. Attached hereto is a copy of correspondence to District Attorney Violante in this regard. NFPD has been approved to participate in this initiative and is being given a grant in the amount of \$4,618.00 in order to do so. There is no City match required.

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



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
Alfred E. Smith Office Building
80 South Swan Street
Albany, New York 12210
<http://criminaljustice.ny.gov>

ANDREW M. CUOMO
GOVERNOR

MICHAEL C. GREEN
EXECUTIVE DEPUTY COMMISSIONER

November 15, 2013

The Honorable Michael J. Violante
District Attorney
Niagara County District Attorney's Office
County Courthouse
175 Hawley Street
Lockport, NY 14094-2740

Dear District Attorney Violante:

I am pleased to advise you that the Niagara County District Attorney's Office has been awarded \$24,345 to support Niagara County with the purchase of equipment for the Video Recording of Statements. The following local law enforcement agencies have been approved to participate in the initiative:

- Lewiston Town Police Department (\$5,000)
- Lockport City Police Department (\$4,266)
- Niagara County Sheriff's Office (\$1,099)
- Niagara Falls City Police Department (\$4,618)
- Niagara Town Police Department (\$5,000)
- North Tonawanda City Police Department (\$4,362)

We also wanted to make you aware that a press release is scheduled to be issued about these awards, so it is possible you may get inquiries from local reporters on the award.

The goal of the Video Recording of Statements initiative is to enhance law enforcement efforts and prosecution outcomes through videotaping of interviews and interrogations *from beginning to end*. Participating law enforcement agencies will be expected to produce substantiated information, both statistical and programmatic, on the effectiveness of the initiatives implemented by the grant program. This information is essential to demonstrate the successful outcomes of the Video Recording of Statements initiative.

In the very near future, an Office of Program Development and Funding (OPDF) Criminal Justice Program Representative (CJPR) will contact your office to assist you in the development of the grant contract. In the event that an approved participant declines to participate in the initiative with your office the CJPR will guide you on how to proceed in submitting your budget.

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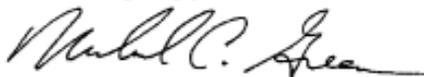
Please note the following requirements are part of the final contract conditions:

- **Reports and Vouchers:** Grantees are required to submit quarterly progress reports and vouchers within 30 days of completion of each quarter.
- **M/WBE:** Effective April 1, 2013, all NYS grant recipients must demonstrate good faith efforts to promote opportunities for minority- and women-owned businesses and the employment of minority group members and women in the performance of DCJS contracts. Grantees receiving in excess of \$25,000 must submit a M/WBE Equal Employment Opportunity Staffing Plan (DCJS-3300), a Local Assistance M/WBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301) and a Local Assistance M/WBE NPS Discretionary Budget Determination Worksheet (DCJS-3309). Your program representative will advise you if the forms submitted during the application process are acceptable, or will assist you if revisions are needed. M/WBE forms 3300, 3301 and 3309 may be found on the DCJS public website at <http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>.

DCJS looks forward to working with you on this important initiative during the coming year. Should you have any questions, please have a member of your staff contact the CJPR indicated in the Grants Management System (GMS) assigned to this project.

On behalf of DCJS, congratulations on your Video Recording of Statements award! The Division looks forward to working with your office in developing and adopting methods that will enhance the integrity of the criminal justice system and improve public safety.

Very truly yours,



Michael C. Green
Executive Deputy Commissioner

MCG:ams:pr

Agenda Item #6

RE: Acquisition of CO2 Detectors for Fire Department

Council Members:

The Fire Chief advises that it is necessary to purchase 20 new CO2 gas detector units for the Fire Department together with test and calibration equipment and is requesting the sum of \$4,898.96 for this purpose. Attached hereto is a quote from the vendor. Funding is available from casino revenues.

Will the Council so approve?



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QUOTE

Attn: Mark Fontanella CITY OF NIAGARA FALLS FIRE CO FINANCE DIVISION PO BOX 69 NIAGARA FALLS, NY 14302 Phone: (716) 286-4722 Fax: Email: Mark.Fontanella@niagarafallsny.gov Carrier: FEDEX GROUND PPD ADD Terms: NET 30 DAYS Lead Time: two weeks	Quote Number: DS-12475-R7X9 Quote Date: 11/4/2013 8:18:14 AM Customer Care Rep: Kathy Cafarella Customer Care Email: kcafarella@divalsafety.com Outside Sales Rep: Mark Rabent Sales Rep Email: mrrabent@divalsafety.com Quote Valid Until: 11/10/2013
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G010101000		Rae Systems ToxiRae III single gas detector, 0-500 ppm, CO - NYS Contract PC61968	20.00	\$162.80	EA	\$3,256.00
T010100000		Rae bump test and calibration station for ToxiRae III	1.00	\$1,083.28	EA	\$1,083.28
6001000000		Calibration gas CO 103L, 50ppm	3.00	\$186.56	EA	\$559.68
*** The above pricing is on NYS Contract PC61968 ***						

Quote Total: \$4,898.96

Rochester
845 West Avenue, Building 7
Rochester, New York 14611

Syracuse
6179 East Molloy Road
E. Syracuse, New York 13057

Houston
3131 Federal Road
Pasadena, Texas 77504

Philadelphia
220 Garfield Avenue
West Chester, Pennsylvania 19380

www.DIValSafety.com

Agenda Item #7

RE: Security Services at New Road Corporation Yard for November and December of 2013

Council Members:

The Director of the Department of Public Works has advised that there is a shortfall in his budget line for security services at the New Road Corporation Yard as a result of the award of a bid which exceeded the amount budgeted for these services. The shortfall for November and December of 2013 is \$24,500.00. Funding is available from the City Council Contingency line A.1990.7630.0449.599. These funds should be transferred to account A.1490.0001.0449.004.

Will the Council so approve?

Agenda Item #8

RE: Financial Restructuring Board

Council Members:

In correspondence to the City Administrator dated October 9, 2013 the State of New York Financial Restructuring Board for local governments notified the City that the City of Niagara Falls is a municipality that is fiscally eligible to participate in this new program. Attached is a copy of that correspondence and an explanation of the program. Upon request by the City, the Board may undertake a comprehensive review of the City's finances and operations and recommend ways to improve its fiscal stability and the delivery of public services. The Board also has the ability to offer grants and/or loans of up to \$5 million dollars in this regard. If the City agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aforementioned aid.

Will the Council so approve and authorize the Mayor to execute any pertinent agreements in order to obtain the assistance of the Board?

New York State  State Agencies  Search all of NY.gov 



Financial Restructuring Board

for Local Governments

The Financial Restructuring Board for Local Governments is a ten-member panel available year round to offer assistance to eligible municipalities. The Board is chaired by the Budget Director and includes the State Comptroller, the Attorney General, the Secretary of State, and six other members appointed by the Governor. Of these six appointees, one is recommended by the Temporary President of the Senate, and one is recommended by the Speaker of the Assembly. At least one of the Governor's appointees is required to have significant municipal financial and restructuring experience.

Any county, city (except New York City), town, or village deemed a Fiscally Eligible Municipality by the Board may request, by resolution of its governing board with the concurrence of its chief executive, a Comprehensive Review from the Board. If the Board decides to undertake a Comprehensive Review of a municipality, it can request any information necessary to understand the municipality's finances and operations. Based on this information, the Board would make recommendations to that municipality on improving its fiscal stability, management, and the delivery of public services. In addition, the Board could offer grants and/or loans of up to \$5 million through the Local Government Performance and Efficiency Program for undertaking certain recommendations. If the municipality agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aid.

The Board also serves as an alternative arbitration panel for binding arbitration. If a municipality is a Fiscally Eligible Municipality and eligible for binding arbitration with a municipal union (e.g. police, fire, or deputy sheriff unions), the municipality, by resolution of its governing board with the concurrence of its chief executive, and the municipal union may jointly agree to have the Board serve as its binding arbitration panel. The Board would make a just and reasonable determination of the matters in dispute by majority vote. The determination would be final and binding on the municipality and municipal union.

LATEST NEWS

- The Financial Restructuring Board will hold its [second Board meeting](#) on Tuesday, November 19, 2013 at 11:30 a.m. in Room 250 of the State Capitol
- The Financial Restructuring Board held its [first Board meeting](#) on Monday Sept 23, 2013 at 1:00 p.m. in Room 250 of the State Capitol
- September 12, 2013: [Governor Cuomo Announces Appointments to Financial Restructuring Board and Launch of FRB.NY.GOV.](#)
- June 2013: [Agreement reached to create Financial](#)



Robert L. Megna
Chair

STATE OF NEW YORK
FINANCIAL RESTRUCTURING BOARD
for LOCAL GOVERNMENTS
STATE CAPITOL, ROOM 135
ALBANY, NEW YORK 12224

October 9, 2013

Ms. Donna Owens
City Administrator
PO Box 69
Niagara Falls, NY 14302

Dear City Administrator Owens:

As you may know, the Financial Restructuring Board for Local Governments was recently established and held its first meeting on September 23rd. The Board is a ten-member panel available year round to offer assistance to eligible municipalities.

Upon request, the Board may undertake a comprehensive review of the municipality's finances and operations and recommend ways to improve its fiscal stability and the delivery of public services. If recommendations made by the Board are accepted, up to \$5 million per municipality may also be made available. The Board may also serve, upon joint request of an eligible local government and municipal union, as an alternative binding arbitration panel.

Based upon information previously submitted to the Office of the State Comptroller and the criteria set forth in the Board's governing statute, your local government has been determined to be a fiscally eligible municipality. If you would like to request assistance from the Board, please visit its website at <https://frb.ny.gov/>. There you will find detailed information about the Board, including an online application. In addition, please feel free to e-mail the Board at info@frb.ny.gov, or contact my office at (518) 474-2300.

Sincerely,

A handwritten signature in cursive script that reads "Robert L. Megna".

Robert L. Megna
Chair, Financial Restructuring Board

New York State State Agencies Search all of NY.gov



Financial Restructuring Board

for Local Governments

Fiscally Eligible Municipalities

A "fiscally eligible municipality" shall mean any county, city, excluding a city with a population greater than one million, town, or village that the board, on a case by case basis, determines would benefit from the services and assistance which the board has legal authority to offer. In evaluating whether a municipality is a fiscally eligible municipality, the board shall consider the average full value property tax rate of such public employer and the average fund balance percentage of such public employer and such other criteria as the board deems relevant.

Local Finance Law §160.05 (2)

A Fiscally Eligible Municipality is any county, city (except New York City), town, or village that the Board determines would benefit from its services and assistance. In evaluating whether a municipality is a Fiscally Eligible Municipality, the Board is to consider the average full value property tax rate, the average fund balance percentage, and any other criteria that the Board deems relevant.

If a municipality has an average full value property tax rate greater than the average full value property tax rate of 75 percent of the other municipalities or if a municipality has an average fund balance percentage below five percent, it is automatically considered a Fiscally Eligible Municipality. A list of all municipalities (PDF), their average full value property tax rate, their average fund balance percentage, and whether they are automatically considered a Fiscally Eligible Municipality is available.

If a municipality has not reported to the State Comptroller the information necessary to calculate its average full value property tax rate or its average fund balance percentage, the municipality cannot be deemed a Fiscally Eligible Municipality. A list of municipalities that have not reported this information (PDF) is available. These municipalities cannot be deemed a Fiscally Eligible Municipality.

Average Full Value Property Tax Rate

The average full value property tax rate measures how high property taxes are in a given municipality relative to the municipality's taxable property value. This is an indicator of the property tax burden facing a municipality's taxpayers – the higher the rate, the higher the burden.

It is calculated for each municipality by dividing the amount of property taxes levied by the full value of taxable real estate for each of the last five years. These five full value property tax rates are then averaged to determine the average full value property tax rate.

Average Full Value Property Tax Rate Calculation Example

2012 Full Value Property Tax Rate	= 2012 Property Taxes Levied ÷ 2012 Full Value of Taxable Real Estate
	= \$1,061,208 ÷ \$112,550,881
	= .0094287 or \$9.4287 per \$1,000

2011 Full Value Property Tax Rate	$= 2011 \text{ Property Taxes Levied} \div 2011 \text{ Full Value of Taxable Real Estate}$ $= \$1,040,400 \div \$109,272,700$ $= .0095211 \text{ or } \$9.5211 \text{ per } \$1,000$
2010 Full Value Property Tax Rate	$= 2010 \text{ Property Taxes Levied} \div 2010 \text{ Full Value of Taxable Real Estate}$ $= \$1,040,400 \div \$106,090,000$ $= .0098068 \text{ or } \$9.8068 \text{ per } \$1,000$
2009 Full Value Property Tax Rate	$= 2009 \text{ Property Taxes Levied} \div 2009 \text{ Full Value of Taxable Real Estate}$ $= \$1,020,000 \div \$103,000,000$ $= .0099029 \text{ or } \$9.9029 \text{ per } \$1,000$
2008 Full Value Property Tax Rate	$= 2008 \text{ Property Taxes Levied} \div 2008 \text{ Full Value of Taxable Real Estate}$ $= \$1,000,000 \div \$100,000,000$ $= .0100000 \text{ or } \$10.0000 \text{ per } \$1,000$
Average Full Value Property Tax Rate	$= (2012 \text{ Full Value Property Tax Rate} + 2011 \text{ Full Value Property Tax Rate} + 2010 \text{ Full Value Property Tax Rate} + 2009 \text{ Full Value Property Tax Rate} + 2008 \text{ Full Value Property Tax Rate}) \div 5$ $= (.0094287 + .0095211 + .0098068 + .0099029 + .0100000) \div 5$ $= .0097319 \text{ or } \$9.7319 \text{ per } \$1,000$

If the average full value property tax rate is greater than the average full value property tax rate of 75 percent of the other municipalities, the Board must find that the municipality is a Fiscally Eligible Municipality.

If a municipality has not reported to the State Comptroller the information necessary to calculate the average full value property tax rate, the municipality cannot be deemed a Fiscally Eligible Municipality.

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Average Fund Balance Percentage

The average fund balance percentage measures how much a municipality has remaining in its General Fund relative to how much it spends from its General Fund over the past five years. This is an indicator of a municipality's ability to pay for unexpected costs or pay for increased costs without raising taxes.

It is calculated for each municipality by dividing the total fund balance in the General Fund by the total expenditures from the General Fund for each of the last five years. These five fund balance percentages are then averaged to determine the average fund balance percentage.

Average Fund Balance Percentage Calculation Example:

2012 Fund Balance Percentage	$= 2012 \text{ General Fund Fund Balance} \div 2012 \text{ General Fund Expenditures}$ $= \$865,000 \div \$22,510,176$ $= 3.84\%$
2011 Fund Balance Percentage	$= 2011 \text{ General Fund Fund Balance} \div 2011 \text{ General Fund Expenditures}$ $= \$800,000 \div \$21,854,540$ $= 3.66\%$
2010 Fund Balance Percentage	$= 2010 \text{ General Fund Fund Balance} \div 2010 \text{ General Fund Expenditures}$ $= \$850,000 \div \$21,218,000$ $= 4.01\%$
2009 Fund Balance Percentage	$= 2009 \text{ General Fund Fund Balance} \div 2009 \text{ General Fund Expenditures}$ $= \$800,000 \div \$20,600,000$ $= 3.88\%$
2008 Fund Balance Percentage	$= 2008 \text{ General Fund Fund Balance} \div 2008 \text{ General Fund Expenditures}$ $= \$1,000,000 \div \$20,000,000$ $= 5.00\%$
Average Fund Balance Percentage	$= (2012 \text{ Fund Balance Percentage} + 2011 \text{ Fund Balance Percentage} + 2010 \text{ Fund Balance Percentage} + 2009 \text{ Fund Balance Percentage} + 2008 \text{ Fund Balance Percentage}) \div 5$ $= (3.84\% + 3.66\% + 4.01\% + 3.88\% + 5.00\%) \div 5$ $= 4.08\%$

If the average fund balance percentage is less than five percent, the Board must find that the municipality is a Fiscally Eligible Municipality.

If a municipality has not reported to the State Comptroller the information necessary to calculate the average fund balance percentage, the municipality cannot be deemed a Fiscally Eligible Municipality.

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Municipalities Not Automatically Fiscally Eligible

In addition to municipalities that are automatically Fiscally Eligible because of their average full value property tax rate or their average fund balance percentage, the Board may find additional municipalities to be Fiscally Eligible if it determines that they would benefit from its services and assistance. This determination will be on a case by case basis using available information.

If a municipality is not automatically Fiscally Eligible but would like to be considered one for a Comprehensive Review or a Binding Arbitration Determination by the Board, the municipality should make a [request for a Comprehensive Review](#) or [Binding Arbitration Determination](#) and include documentation on why it should be considered Fiscally Eligible.

Agenda Item #9

RE: Municipal Cooperation Agreement with Niagara Falls Water Board for Safety Specialist

Council Members:

In 2008 the City and Water Board entered into a Municipal Cooperation Agreement to share a Safety Specialist.

The current Agreement expires on December 31, 2013 and has been a benefit to both the City and the Water Board.

It is recommended that the City enter into an Amendment with the Water Board to provide for an additional four (4) year term commencing on January 1, 2014 and ending on December 31, 2017 with the other terms remaining the same.

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

Agenda Item #10

RE: 2014 – 2018 Memorandum of Agreement between the City of Niagara Falls and the Uniformed Firefighters Association, Local 714 (Extension of Impact/Staffing Agreement)

Council Members:

Attached, please find the proposed 2013 Memorandum of Agreement between the City of Niagara Falls and the Uniformed Firefighters Association, Local 714, relative to staffing. The proposed Agreement is a five (5) year extension of the parties' current Agreement relative to minimum staffing requirements in the Niagara Falls Fire Department. The original Agreement, ratified on October 21, 2004, and subsequently extended by the parties on November 20, 2006 and October 22, 2009, respectively, requires the City to incrementally increase the number of on-duty firefighters to twenty seven (27) as of January 1, 2014. The proposed Agreement before you will defer the increase of staffing through the end of the proposed Agreement; rather, staffing is to be maintained at the current level of twenty six (26) firefighters per shift through December 31, 2018.

The staffing requirements in the proposed Agreement will maintain departmental staffing continuity and has been approved and recommended by the Fire Chief.

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

MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF NIAGARA FALLS, NEW YORK
AND
NIAGARA FALLS UNIFORMED FIREFIGHTERS LOCAL 714

Whereas, the City of Niagara Falls, New York ("City") and the Niagara Falls Uniformed Firefighters, Local 714, AFL-CIO ("Union") are parties to a collective bargaining agreement covering the terms and conditions of employment for uniformed firefighters of the Fire Department of the City of Niagara Falls, and

Whereas, under the terms of a Memorandum of Agreement entered into by the parties on October 21, 2004, the City was required to increase the number of on-duty Fire Department members to twenty-seven (27) as of January 1, 2007, and

Whereas, under the terms of the Memorandum of Agreement entered into by the parties on November 20, 2006, the October 21, 2004 Memorandum was amended to require the City to increase the number of on-duty firefighters to twentyseven (27) as of January 1, 2009, and

Whereas, under the terms of the Memorandum of Agreement entered into by the parties on October 22, 2009, the October 21, 2004 Memorandum was amended to require the City to increase the number of on-duty firefighters to twenty-seven (27) as of January 1, 2014, and

Whereas, the Union and the City are desirous of arriving at a mutually agreeable resolution to the foregoing issues,

Now, therefore, the City and the Union agree as follows:

1. Notwithstanding the rights and provisions contained in the October 21, 2004, November 20, 2006 and October 22, 2009 Memorandum of Agreements, the City and the Union

agree that the minimum number of on-duty Fire Department members, as defined in those Agreements, shall be twenty-six (26) for the time period of January 1, 2014 to December 31, 2018.

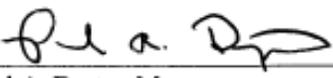
2. The parties further agree that during the period of time set forth above, the City shall not remove from service any departmental equipment presently in service as of the date of execution of this Memorandum of Agreement.

3. This Memorandum of Agreement shall have no precedential value and 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. Furthermore, all other terms and conditions of the October 21, 2004 Memorandum of Agreement shall remain in full force and effect.

Dated: October 20, 2013

CITY OF NIAGARA FALLS, NEW YORK

UNIFORMED FIREFIGHTERS, LOCAL 714

By: 
Paul A. Dyster, Mayor

By: 
Jason J. Cafarella, President

Agenda Item #11

RE: 2010 – 2013 Memorandum of Agreement between the City of Niagara Falls and the Uniformed Firefighters Association, Local 714

Council Members:

Attached please find the proposed 2013 Memorandum of Agreement between the City of Niagara Falls and the Uniformed Firefighters Association, Local 714. This proposed Agreement is a four (4) year extension of the parties' Collective Bargaining Agreement.

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

CITY OF NIAGARA FALLS, NEW YORK
LABOR RELATIONS COMMITTEE

UNIFORM FIRE FIGHTERS ASSOCIATION
LOCAL 714

TENATIVE AGREEMENT SUBJECT TO RATIFICATION

1. **Term (§12.07):** 1/1/10 through 12/31/13.
2. **Base Pay (§6.01):** 2010 – 1.5% raise in base pay effective July 1, 2010, 1.5% raise in base pay effective December 31, 2010; 2011 – 1.5%; 2012 – 2%, and; 2013 – 1.0% raise in base pay effective July 1, 2013, 1.0% raise in base pay effective December 31, 2013.
3. **Meal Plan (§8.7 - New):** Add the following: *“Employees are required by the City, as a condition of employment, to contribute financially to meals in the Fire Station, at a charge equal to the value of the meal, irrespective of whether the employee chooses to eat the meal. Employees shall be solely responsible for any financial or tax liability regarding this provision. Accordingly, the City shall be held harmless from any such liability. The City shall not be responsible for maintaining records or providing any administration regarding this provision.”*
4. **Fire Investigators (§8.13 - Fire Prevention and Training)** This section shall be amended to read: *“The City agrees that all fire fighters regularly assigned with a budget vacancy to the Fire Prevention Bureau, and the Training Officer will receive additional compensation of \$900.00 per year.”*

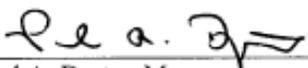
“The title of Fire Prevention Inspector will be established in the Bureau of Fire Prevention. Fire Department personnel assigned to the bureau shall include Firefighters, Scott Air Mechanics, and Senior Fire Alarm Operator. Upon assignment to the above title, employees will receive \$2,500.00 annual stipend.”
5. **Fire Investigators (§8.14 - "On Call" Pay)** This section shall be amended to read: *“The City further agrees that all members of the Bargaining Unit required to work on a stand-by or call-in basis as a part of their regular duties shall receive additional compensation of \$2,000.00 per year.”*
6. **Sick Leave Verification (§11.4)** Delete Sections 11.4.2, 11.4.3 and 11.4.4; add the following: *“The City, at its discretion, will require an employee to verify their illness with verification from their attending physician or medical professional or undergo a medical examination by a medical professional of the City's choosing should the employee utilize three (3) consecutive sick days or ten (10) sick days within a 30 day period. A "Day" pursuant to this subsection shall be one 10 hour day shift or 14 hour night shift depending on the employees regular work schedule.”*

7. **Sick Leave Verification (§11.4.6)** This section shall be amended to read: *"An employee on sick leave, with a valid reason to leave the city, town or village of his residence may do so only by requesting and receiving permission of the City's physician or of the Fire Chief. Such permission shall state the condition under which the approval is granted."*
8. **Personal Time Accrual (§11.6.3 - New):** Add the following: *"Upon election by the employee, unused personal days may be carried over and converted to sick leave days. An employee choosing to carry over personal leave as sick leave days must notify both the Department of Human Resources and their department head prior to December 1st of the previous year."*
9. **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: October 20, 2013

City of Niagara Falls, New York

Uniformed Firefighters Local 714



Paul A. Dyster, Mayor



Jason Cafarella, President

Agenda Item #12

**City Council Agenda Item:
Walnut Avenue Homes PILOT Agreement**

Council Members:

Housing Visions is in the process of the demolition of abandoned, blighted buildings and construction of new homes in the Walnut Avenue area, including revitalization of the former School Board former administration building. The result will be a total of 41 units of housing.

This project will save the School District taxpayers an estimated \$700,000 demolition cost for the former school administration building and adjacent warehouses, and \$50,000 to the City for demolition of 2 vacant City-owned houses. Ongoing maintenance costs for these properties will also be saved.

The project is applying for a New York State Housing and Community Renewal tax credit allocation and will be subject to a rent regulatory agreement. The PILOT commitment is needed for the tax credit application due December 5th.

This development is being structured under Article 11 of the Private Housing Finance Law (PHFL). An Article 11 Housing Development Fund Company will hold legal title to the real estate. Under §577 of the PHFL, the City may exempt all or part of the real property of the project from local real estate taxes, excluding special assessments.

Typically a grant of exemption is accompanied by a PILOT agreement. The properties involved in this project currently pay zero taxes.

Housing Visions has requested a PILOT payment formula of 5.75% of the total rents paid by or on behalf of the tenants, less utilities paid by the landlord. This formula results in an annual payment of about \$16,251.00. This is consistent with agreements Housing Visions has had with other New York State communities.

Planning board and City Council approvals for the sale of the City-owned properties was done at previous meetings. Planning board approved the site plan at its last meeting.

The agreement requested is for 20 years. Any grant of a tax exemption will terminate should the project not be subject to a rent regulatory agreement or otherwise not qualify under the Private Housing Finance Law.

The acquisition of the former School District administration building is subject to a referendum December 4th. The tax exemption would not be an immediate grant, but would take effect only upon the closing of the financing for the project and transfer of the real estate to a qualified Housing Development Fund Company. The grant would expire should all such contingencies not be resolved by December 31, 2014.

Will the Council vote to approve the granting of a PILOT agreement with the contingencies set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #13

**RE: City Council Agenda Item:
Applewalk II PILOT Agreement**

Council Members:

Norstar Development is in the process of the partial demolition and rehabilitation of this aged and substandard housing complex. The result will be 84 revitalized units all brought up housing quality standards. The project is applying for a New York State Housing and Community Renewal Agency tax credit allocation and will be subject to a rent regulatory agreement. The PILOT commitment is needed for the tax credit application, due December 5.

The development is being structured under Article 11 of the Private Housing Finance Law. An Article 11 Housing Development Fund Company will hold legal title to the real estate. Under §577 of the PHFL, the City may exempt all or part of the real property of the project from local real estate taxes, excluding special assessments.

Typically a grant of exemption is accompanied by a PILOT agreement. The complex is currently operating under an approved tax pilot. This request does not increase the number of housing units, rather allow for the elimination of outdated, three story walk-up housing.

Norstar has requested a PILOT payment formula of 10% of the “shelter rents” for the project, defining “shelter rent” as the gross rent, less utilities paid by the landlord and less any Section 8 rent subsidy paid on behalf of the tenant. The Norstar formula results in an annual payment of about \$20,541.00.

The exemption is requested for 40 years, the maximum allowable under the statute. Any grant of a tax exemption will terminate should the project not be subject to a rent regulatory agreement or otherwise not qualify under the Private Housing Finance Law.

There is an unresolved unpaid water bill dating back before 2010. There are also some details to be worked out concerning Leased Housing Project Based Vouchers for the project. Approval of the tax exemption should be contingent on settlement of these issues to the City’s satisfaction.

The tax exemption should not be an immediate grant, but should take effect only upon closing of the financing for the project and transfer of the real estate to a qualified Housing Development Fund Company. The grant should expire should all such contingencies not be resolved by December 31, 2014.

Will the Council vote to approve grant of tax exemption and PILOT agreement with the contingencies as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #14

*RE: GMA Properties, LLC vs. Board of Assessment Review, et al.
Index No. 150598*

Council Members:

This is an assessment challenge regarding property located at 9540 Niagara Falls Boulevard.

The Board of Assessment Review set the final assessment for the 2013-2014 roll for this property at \$400,000.00. The property owner was seeking a value of zero for the property.

During the pendency of this matter, the property was listed for sale and a Purchase Agreement has been entered into in the amount of \$125,000.00 (this includes some adjacent vacant land in the Town of Niagara which is not part of this tax assessment proceeding).

After discussions with the Court a tentative settlement has been reached which would set the assessment for the above referenced property at \$114,500.00 for the 2013-2014 assessment roll.

It is the recommendation of both the City Assessor and this office that this settlement be accepted.

Will the Council so approve?

Agenda Item #15

RE: Request for Approval to Settle and Pay Claim of Empire Funding Services Corp.
4610 Niagara Falls Boulevard, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	October 2, 2013
Date Action Commenced:	N/A
Date of Occurrence:	September 26, 2013
Location:	18 th Street between Weston Avenue and Michigan Avenue
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Tanner Taczak
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$4,054.70
Make Check Payable to:	Empire Funding Services Corp.
Conditions:	General Release to City, approved by Corporation Counsel.

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

Agenda Item #16

RE: Approval of the sale of 715 Walnut Avenue to Robert Pascoal for the sum of \$400.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$400.00. This property was approved for sale by the Planning Board.

Will the Council approve the sale of this premises for this price in an “as is” condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?



City of Niagara Falls, New York

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

November 13, 2013

NIAGARA FALLS PLANNING BOARD

APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Disposition of Property – Real Property Sale

Pursuant to action taken by the Niagara Falls Planning Board on the 13th day of November 2013 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: 715 Walnut Avenue

PURPOSE: Sell property adjacent to Robert Pascoal to expand existing parking lot

A real property disposition recommendation is made with the following condition(s):

- A site plan shall be submitted to the Planning Office for the construction of the parking lot
- Parcels shall be amalgamated – 565 Seventh Street, 713 Walnut Avenue and 715 Walnut Avenue

DATE: November 13, 2013

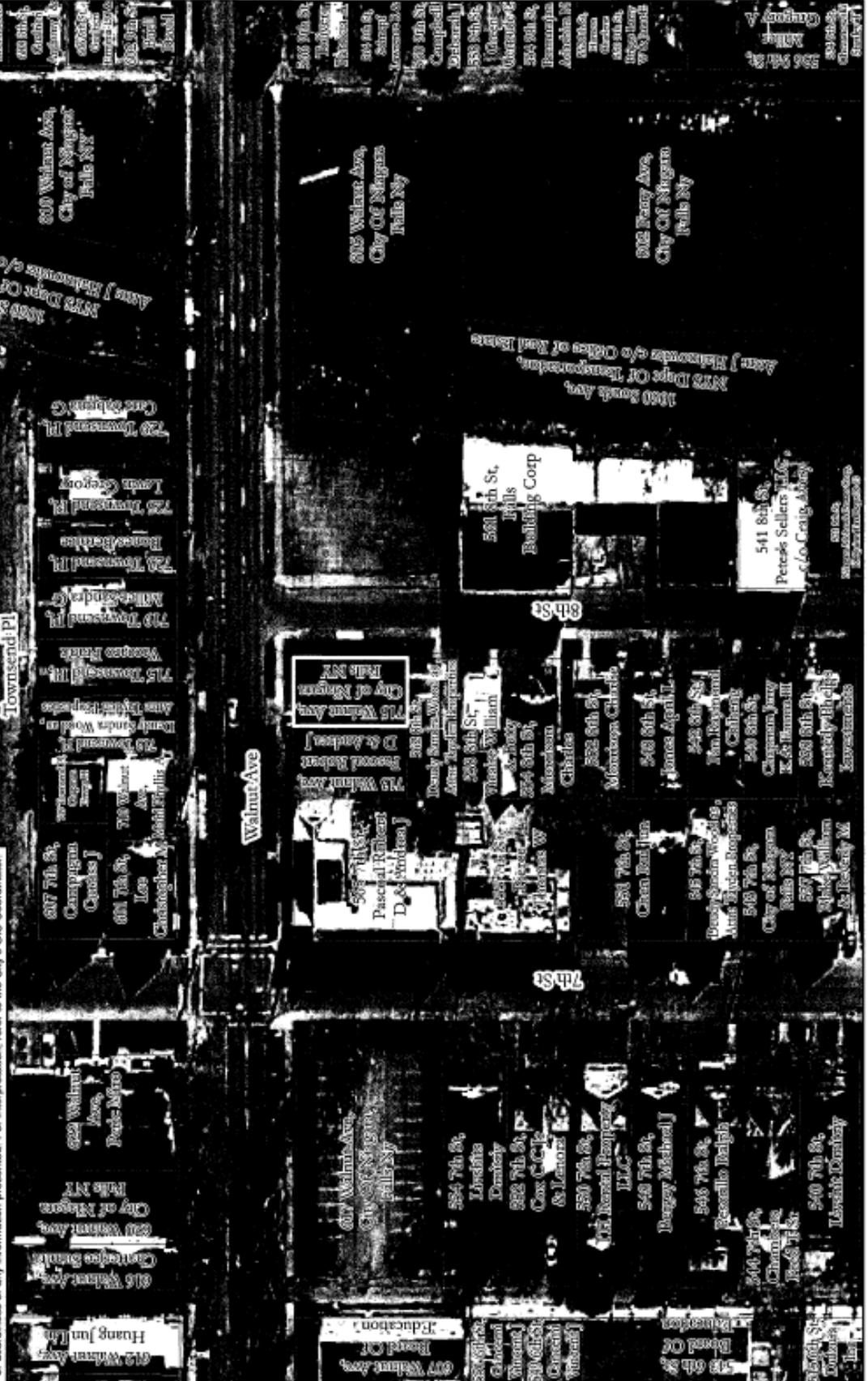

Richard D. Smith, Chairman
Niagara Falls Planning Board

13 NOV 14 PM 1:13
NIAGARA FALLS
CITY CLERK

**Project Area: Purchase Request
for 715 Walnut Avenue
by Robert Pascoal Owner 565 7th St.**



0 25 50 75 Feet
1 inch = 75 feet
ver. 13.06.25
Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, N.Y. disclaims no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented. For interpretation, refer to the City's GIS Coordinator.



Agenda Item #17

SUBJECT: Commissioner of Deeds

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2014 to December 31, 2015.

David Augustyniak	NFPD
Daniel Bird	NFPD
Ronald Cirrito	NFPD
John Conti	NFPD
David Kok	NFPD
Paul Kudela	NFPD
Nicholas Ligammari	NFPD
John Petrishin	NFPD
Robert Rosati	NFPD
Kelly Rizzo	NFPD
Thomas Volk	NFPD
Rebecca Brooks	Dept of Public Works
Patrick Corsaro	City's Clerks
Lora Daniels	WWTP
Raymond Dashineau	Inspections
Susan Knotts	Law Department
Bridgette Myles	Mayors Office
Leonard Cannello	9141 Rivershore Dr., NF NY 14304
Irene Conti	603 38 th St., NF NY 14301
Teresa Kurliovitch	9311 Niemel Dr., NF NY 14304
Herbert Lewis	439 12 th St., NF NY 14303

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

Agenda Item #18

RE: 2719 Livingston Avenue

Council Members:

The above referenced property which contains a garage, was purchased together with the adjoining property at 2724 Orleans Avenue which contains a single family dwelling, on December 3, 2009 from the U.S. Department of Housing and Urban Development.

As part of that transaction the Assessor's office received the RP-5217 Transfer Report which included both parcels. Only the 2724 Orleans Avenue property was transferred in the Assessor's system. The 2719 Livingston Avenue parcel was erroneously left out and remained in the name of HUD. Therefore, when the tax bills were generated, they were sent to HUD and went unpaid.

In September of 2013, this error was brought to my attention and I changed the ownership to Heather Paul and James Lindsay as should have been reflected in 2009. Because the tax bills were not paid by HUD for the past four (4) years, the property was included in the City's recently filed In Rem tax foreclosure.

After the owners received the tax foreclosure notice they contacted my office. They stated that since they did not receive the bills, they were unaware that taxes were going unpaid. They also stated they thought that both parcels had been merged at the time of sale and the taxes which they were paying on 2724 Orleans Avenue included the Livingston Avenue parcel. After reviewing our records, it was determined that these parcels have not yet been legally merged. The unpaid City and School taxes on the Livingston Avenue parcel total \$836.15. The penalties and interest total \$249.07 and there is also the \$150.00 In Rem administration fee. Taxes are current on the Orleans Avenue property and if not for the error which occurred at the time of transfer, it is my opinion that all taxes would have been paid in a timely manner.

Based on the circumstances set forth above, I would recommend that the Council waive the above penalties, interest, together with the In Rem administration fee.

Will the Council so approve?

RELATIVE TO ASSESSMENT REVIEW BOARD APPOINTMENTS

BY: Council Chairman Glenn Choolokian
Council Member Robert Anderson, Jr.
Council Member Samuel Fruscione
Council Member Kristen Grandinetti
Council Member Charles A. Walker

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Assessment Review Board for the term expiring on the date which appears opposite their names:

RE-APPOINTMENTS TERM EXPIRES:

Theresa Costanzo 9/30/2018

BE IT FURTHER RESOLVED, the following individual is hereby appointed to the City of Niagara Falls Assessment Review Board for the term expiring on the date which appears opposite their name due to the resignation of George Noto:

APPOINTMENTS TERM EXPIRES:

Bridget Edwards 9/30/2015

Monday November 25, 2013 Council Meeting

PRESENTATIONS:

CB Emmanuel Realty – Niagara City Lofts

Tom Lowe – Niagara Beautification Commission

ADMINISTRATIVE UPDATE:

Hamister project – contract

Apple Walk II

Walnut Homes

South Junior

Fire Hall renovation - 3721 Highland Ave