

Wednesday, January 15, 2014 Council Meeting

PRESENTATIONS:

Seth Piccirillo - 2014 Third Street Economic Development Projects - Moving Forward

ADMINISTRATIVE UPDATE:

The following claims have been filed in the Office of the City Clerk during the month of December 2013 the claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

MacDonald, Ryan
c/o F. David Rusin, Esq. of Counsel

Personal injuries sustained from a bicycle fall on the bike path.

Jackson, Glory
2903 23rd St

Automobile damages sustained from a fire truck

Grentzinger, John M.
6 South 67th St. Apt.B

Automobile damages sustained from hitting a pot hole.

Walker, Cordaro T.
c/o Cheryl M. Reed, Esq.

Personal injuries sustained from an automobile accident.

Hesson, Paul C.
9113 Buffalo Ave.

Property damages sustained from city plow.

Maroney, Mark
1344 Elmwood Ave

Personal property missing.

Pucci, Deborah
c/o Viola, Cummings & Lindsay LLP

Personal injuries sustained from falling on a sidewalk

Rienall, Charles L.
1635 Caravelle Dr.

Automobile damages sustained from hitting a pot hole.

Killifer III, Maurice
623 15th St. Apt.,#1

Automobile damages sustained from City vehicle

Alston, Robert
1558 Benjamin Dr.

Property damages sustained from City snow plow.

SUMMONS

Kathleen A. Martin and
John Martin, her spouse
c/o Lynn M. Bochenek, Esq.

Index#151719

Agenda Item #2

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

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				\$
A012	Vital Statistics		\$ 3,810.00	3,810.00
A1255-004				\$
A013	Copies of Records		\$ 520.00	520.00
A1255-004				\$
A013	Certificates of Marriage		\$ 790.00	790.00
A2501-007				\$
A043	Auction		\$ 150.00	150.00
A2501-014				\$
A046	Electrician - Active		\$ 5,225.00	5,225.00
A2501-014				\$
A046	Electrician - Inactive		\$ 680.00	680.00
A2501-016				\$
A047	Stationary Engineers		\$ 1,990.00	1,990.00
A2542-000		\$		\$
A053	Dogs/NYS Agr.& Mkts	174.00	\$ -	174.00
A2542-000				\$
A053	Additional Dogs		\$ 1,864.00	1,864.00
A2545-001	Marriage	\$		\$
A054	License/NYSHD	1,777.50	\$ 592.50	2,370.00
A2545-010				\$
A128	Petroleum - Retail		\$ 280.00	280.00
A2545-021				\$
A316	Vending		\$ 1,270.00	1,270.00
A2545-023		\$		\$
A318	Hunters/NYS DEC RAU	9.45	\$ -	9.45
A2545-023				\$
A318	Hunters Fees		\$ 0.55	0.55
A1255-003				\$
A499	Notary Fee		\$ 16.00	16.00
A1255-005	Dog Release		\$ 400.00	\$

A528
TA63008
A597

Marriage Performance

\$ 1,950.00

400.00
\$
1,950.00

TOTAL:

\$
1,960.95

\$ 19,538.05

\$
21,499.00

Check #	<u>65965</u>	NYS Dept.of Arg. & Mkts	\$ 174.00
Check #	<u>65929</u>	NYS Health Department	\$1,777.50
Check #	<u>ET</u>	NYS DEC RAU	\$ 9.45

**RE: City Council Agenda Item:
Demolition Contract CD2013-2
Proposed Change Order 1**

Council Members:

The City encountered some unforeseen conditions in the course of this demolition contract. At 1515 Ashland Avenue, a wall with 425 square feet of asbestos containing material (“ACM”) was discovered concealed behind another wall. This is an unusual occurrence, and results in additional work. The existence of the concealed wall could not have been foreseen by the asbestos services contractor. The removal and disposal of additional asbestos containing material represents an additional cost to the City

The demolition contract does not provide a unit price for removal and disposal of ACM. January, 2012 was the last time the City paid for additional ACM removal and disposal in a demolition contract change order. A different demolition contractor performed that contract, and the City paid \$9.00 per square foot for removal and disposal. This proposed change order request is for removal and disposal of the ACM at a cost of \$5.88 per square foot, or \$2,499.00.

The building at 1363 Pierce Avenue presented unusual difficulties. The roof of the neighboring building was attached to the Pierce Avenue building, and the neighboring building abutted the building to be demolished. The demolition of the 1363 Pierce Avenue building required additional work to prevent damage to the neighboring building. The change order request for the additional work is \$2,965.00.

This is the fourth demolition contract since 2011 which Regional Environmental Demolition, Inc. has performed for the City. In one prior contract, a change order was necessary to remove a building from the contract pursuant to a court order prohibiting the demolition. If approved, this change order will be the first for this contractor for additional work and an additional payment. The work reflected in this change order was unforeseen and necessary, and the cost is reasonable.

Funds are available for this change order under CD1.8666.0000.0450.500 (CDR399).

Will the Council vote to approve demolition contract CD2013-2 change order 1 in the total amount of \$5,464.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

SUBJECT: Bid #29-13 Tree Removal Services

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

TO: Bently Tree Care, LLC
9351 Route 20
Ripley, NY 14775

FOR: Removal of trees on City margins, including
stump removal and ground restoration: \$92,495.00

The City Purchasing Agent 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 sixteen (16) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid.

If Council approves, funding will be provided thru Casino Funds that will be transferred into Department of Public Works-Forestry account code A8560.0000.0449.599.

Will the Council so approve?

Agenda Item #5

RE: Approval of agreement with the County of Niagara for the current In Rem

Council Members:

Attached is a proposed Agreement with the County of Niagara for the current In Rem which sets forth the terms for the distribution of proceeds from the sale of properties acquired in the In Rem.

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

AGREEMENT

THIS AGREEMENT made this ____ day of January, 2014, between the CITY OF NIAGARA FALLS, NEW YORK, a municipal corporation situate within the County of Niagara, New York, hereinafter called the "CITY", and the COUNTY OF NIAGARA, NEW YORK, being a municipal subdivision of the State of New York, hereinafter called the "COUNTY".

WITNESSETH:

WHEREAS, the CITY has instituted an action In Rem for the foreclosure of certain tax liens against various parcels of land situate within the City of Niagara Falls, New York, pursuant to the provisions of Article 11, Title 3 of the Real Property Tax Law of the State of New York; Niagara Falls 2010 In Rem Index No. 151237; and

WHEREAS, the provisions of said law authorize and empower tax districts having an interest in various parcels to enter into an agreement making provisions for conveyance of said parcels without public sale, and upon such terms as said districts may agree upon between themselves; and

WHEREAS, the parties hereto have conferred and negotiated as to the method of handling the various parcels included in said action.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth in the performance of which each of the parties agrees and consents, the parties hereto do agree as follows:

1. Provided that no answer is filed by an individual or any other tax district relating to a parcel, the CITY and COUNTY consent that a sale at public auction be waived and that the Court shall, in its discretion, dispense with sale and direct the City Controller of the CITY to make and execute to the CITY a conveyance of all parcels as to which no answer, other than the answer of the COUNTY, is interposed, which conveyance shall vest in CITY a fee simple absolute title subject to the rights and interest of COUNTY as set forth in this Agreement.

2. Upon delivery of such conveyance, the CITY shall, within a reasonable time, make reasonable efforts to sell said parcels so conveyed, at public auction for cash, or in its discretion, to sell at private sale, provided the terms and conditions of such private sale shall be submitted to and approved by the COUNTY. Upon delivery of such conveyance, the CITY shall advertise said parcels for sale as soon as practicable.

3. The interests of the CITY and COUNTY in each parcel or in the proceeds of the sale thereof shall be that proportion of the parcel or proceeds of the sale thereof that the unpaid taxes, tax liens and other charges assessable against the parcels owed to or owned by the CITY and COUNTY respectively bear to the total CITY and COUNTY taxes and tax liens in arrears and other charges unpaid and assessable against each parcel. For purposes only of calculating the respective interests of the CITY and COUNTY in each parcel or in the distribution of the proceeds thereof, no penalties or interest shall be computed on any unpaid tax or tax lien.

4. The date to determine the respective interests or liens of the CITY and COUNTY and the amounts thereof, shall be the date of conveyance to the CITY.

5. The CITY shall collect the proceeds of sale, and after deducting School Taxes for the Niagara Falls School District which the CITY has paid pursuant to Real Property Tax Law Section 1332, in addition to any taxes or assessments which CITY may have paid while title to any parcel was in the CITY, and also after deducting the disbursements of this action, which shall include the filing and recording fees, actual title searches, charges incurred, certification of

copies of delinquent tax lists, special guardian allowance, cost of publishing the notice to redeem, publishing of the lists of parcels for sale by the CITY, and the cost of Internal Revenue Deed Stamps to be affixed on deeds resulting from such sale, the sum of \$50.00 per parcel for costs of collection, and any other necessary cost incurred, and unless full tax payments can be made to CITY and COUNTY from the proceeds of the sale, shall distribute the net proceeds between CITY and COUNTY in the agreed proportion. Any surplus remaining from the proceeds of the sale of each parcel after payment of all tax liens to the CITY and COUNTY, shall be the property of the CITY. The CITY shall provide the COUNTY with an accounting of the proceeds of sale upon completion thereof.

6. The provisions of the Real Property Tax Law of the State of New York as now in effect or as hereinafter amended shall determine when and if parcels remaining unsold by the CITY shall be placed on the assessment roll.

7. Should any parcel of property remain unsold by CITY at the end of two (2) years from the date of conveyance to the CITY, the CITY shall, during the third year after said date, advertise and hold a public auction of each parcels and shall distribute proceeds of such sale in the agreed proportions. CITY may, at its sole discretion, retain parcels for municipal purposes, provided that CITY furnish the COUNTY TREASURER with a statement that the CITY is retaining such parcels with a statement of anticipated use.

8. Upon the expiration of the third year from the date of conveyance to CITY, all the right, title and interest of the COUNTY for unpaid taxes existing prior to the above date of conveyance to the CITY, shall cease and the COUNTY shall have no further interest in any parcels then remaining unsold, and no further interest in the proceeds of sale of any parcel thereafter sold by the CITY.

9. CITY shall not permit any parcel to be removed from such list of delinquent taxes by way of installment agreements or redemption or otherwise upon which there are unpaid COUNTY tax liens until receiving written notice from the County Treasurer that satisfactory arrangements for payment of such COUNTY tax liens have been made.

10. If any answer should be interposed in the action In Rem other than by the COUNTY, as a result of which it shall be necessary that judgment in said action direct that there be a sale at public auction by the City Controller of the CITY, the proceeds of sale, less an amount equal to the total costs of advertising and all other disbursements incurred in such sale, divided by the number of parcels placed for sale, shall be distributed in accordance with the method of distribution of proceeds of sale set forth hereinabove.

11. The provisions of this agreement shall relate to and be binding upon the parties hereto in reference to the 2010 In Rem Action, (Petition and Notice of Foreclosure filed 10/03/13) Index No. 151237.

12. This Agreement may be modified or amended only by written instrument, duly executed by the authorized officer of each of the parties hereto, as authorized by the City Council of Niagara Falls and the Niagara County Legislature.

IN WITNESS WHEREOF, the CITY and COUNTY have executed this Agreement, the day and year first above written.

ATTEST:

CITY OF NIAGARA FALLS, NEW YORK

CAROL A. ANTONUCCI
City Clerk

By: _____
PAUL J. DYSTER
Mayor

ATTEST:

COUNTY OF NIAGARA, NEW YORK

KATHERINE D. ALEXANDER
Assistant County Attorney

By: _____
KYLE R. ANDREWS
Niagara County Treasurer

STATE OF NEW YORK)
COUNTY OF NIAGARA : ss.:
CITY OF NIAGARA FALLS)

On the _____ day of _____, in the year 2014, before me, the undersigned a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF NIAGARA : ss.:
CITY OF LOCKPORT)

On the _____ day of _____, in the year 2014, before me, the undersigned a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

Agenda Item #6

RE: Funding for DPW Overtime for Special Events

Council Members:

The Director of the Department of Public Works (“DPW”) is requesting that the sum of \$33,000.00 be made available to the department’s Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This \$33,000.00 includes \$30,000.00 of overtime and \$3,000.00 for FICA.

Will the Council so approve?

Agenda Item #7

RE: Lighting for Sal Maglie Stadium

Council Members:

The Director of DPW is requesting that improvements be made to two lower sets of lights on poles 4 and 6 at Sal Maglie Stadium. The Director advises that this work is necessary in order to remedy a recurring problem. The sum of \$15,054.00 is requested in order to accomplish this work and the vendor submitting the best estimate was Ferguson Electric.

Funding is available from H0912.2009.0912.0419.006.

Will the Council so approve the expenditure of these funds for this purpose and the hiring of Ferguson Electric to perform the work?

RE: Engineering Services

Council Members:

The City has been without a City Engineer for quite some time. While the City is in the process of conducting a search for a City Engineer, it is necessary for the City to engage the services of a consulting engineer to be available to the City on an “as needed” basis in order to assist the city engineering staff members with project development and tracking in order to move projects forward. Attached hereto is a proposal from the Clark Patterson Lee firm which provides a description of the services it offers and a brief summary of professional experience. The attachment also contains a summary of the hourly rates charged by Clark Patterson Lee staff. Fees will be charged the City on an hourly and “as needed” basis, not to exceed \$94,000.00 for one (1) year. This agreement may be extended for one (1) year.

Funding is available from casino revenue.

Will the Council so approve?



December 16, 2013

Paul A. Dyster, Mayor
City of Niagara Falls
City Hall
745 Main Street
Niagara Falls, New York 14302-0069



Dear Mayor Dyster:

We appreciated the opportunity to meet you and your staff and introduce Clark Patterson Lee to your City. Through our conversations, we have gained a sense of what it would be like to work with you, and our interactions have led to a genuine enthusiasm about developing a working relationship with the City of Niagara Falls.

Who We Are – Clark Patterson Lee is a full-service architecture and engineering firm that has been in business since 1975. We are uniquely organized to provide the full spectrum of professional services required to manage a wide variety of transportation related projects. As the primary contact for this contract, I will ensure that the services needed by the City will be delivered by our most qualified professionals in an effective and efficient manner.

Our Client-Focused Approach – As the Principal-in-Charge, I will be personally committed and involved throughout your projects. This level of consistent experienced leadership assures you of having someone who understands your need to manage financial resources, meet project goals, create operational efficiency, conserve energy and develop a plan that advances your mission. Our emphasis on a team approach ensures that your projects will get the full attention they deserve.

An Experienced Team – Clark Patterson Lee is a multi-disciplinary firm comprised of dedicated architectural and engineering professionals. Our in-house team is fully networked and coordinated to deliver thorough and complete support for your projects.

We know that times are tough in New York and municipalities across the state are searching for better and more efficient ways to do business. We know you are taking steps to improve fiscal stability, consolidate services, and identify ways to make service delivery more effective. No option is off the table when it comes to reconciling limited resources with high expectations for public services. It is within this context that we propose a better model for providing professional consulting services to our municipal clients. Our approach is based on a unique business structure that facilitates the provision of professional services on an as-needed basis, without the typical retainer charged by most firms. We have successfully partnered with dozens of municipalities under this type of agreement. It is an arrangement that continues to set us apart from our colleagues at other professional firms.

Here is how it would work: We provide you with a not-to-exceed fee on an annual or another agreed upon timeframe. Services are provided on an as-needed basis. We will prepare a draft agreement, including proposed rates in accordance with this proposal for your review. The specific services and proper mix of



personnel will be determined based on a request for assistance, and we will provide periodic (as you determine appropriate) accounting of the services rendered, and will bill on a monthly basis. There may be periods of time where no assistance by our staff is required. Your projects will receive focused personal attention, delivered by capable and energetic staff. By pairing young professionals with seasoned senior leadership, we can serve your community at a reasonable cost. Our goal is to develop an enduring relationship with the City, one that will keep you on the path of sustainable recovery.

Mr. Jaros and I have investigated your concerns and David has discussed various approaches with you and your staff to address your needs. We suggest a term agreement approach with a few specific work items that would address your situation, until a new City Engineer is retained. We propose to supply support services as follows:

1. Set up a project tracking system: This system will be set up by David F. Jaros and implemented by City of Niagara Falls' staff with support from Clark Patterson Lee.

Mr. Jaros has 40 years of progressive, responsible engineering experience with extensive expertise in supervision of technical departments including analyzing, planning, estimating, budgeting, designing, and construction of major construction projects. Experience includes extensive coordination with public officials, government officials, including regulatory agencies, and concerned citizens regarding construction projects. Mr. Jaros' experience has also included coordination of diverse engineering assignments with multiple public clients including; Erie County, the City of Buffalo, City of Niagara Falls and the Town and City of Tonawanda.

2. Set up and coordinate a Department of Engineering staff meeting to review and update progress. This meeting will be organized by Christopher G. Sichak or David F. Jaros.

Mr. Sichak is a versatile Project Manager/Engineer with 14 years of experience in the planning, design and construction of transportation projects. His work has included a range of designs for bridge and highway projects including reconstruction, rehabilitation, roadway realignment, utility relocation, and guiderail installation. Specific tasks have included geometry layout, drainage design, hydraulic analyses, maintenance and protection of traffic, substructure and superstructure design, and contract document preparation. In addition, Mr. Sichak is well versed in construction documentation, having experience as a resident engineer and construction inspector.

3. Set up and coordinate a progress meeting with the Department of Engineering and all other City Departments with projects needing engineering review or implementation. This meeting will be organized by David F. Jaros. Mr. Jaros has extensive managerial experiences and a thorough understanding of Niagara Falls Department operations and procedures, as he was the City's Director of Operations and Technical Services from July 1984 to 1992.

4. Supply a professional engineer to assist the City in all facets of engineering activities including, but not limited to design, inspection, planning, estimating, budgeting, and maintaining project schedules. We propose to supply Chris Sichak, P.E. to operate from City Hall one day (8 hours) per week for the duration of the contract. He will get priorities from the Department of Engineering staff and will attend both meetings.

5. Clark Patterson Lee will provide you additional, highly experienced staff on an as-needed basis. All work will be done with appropriate staff. The specific services and proper mix of personnel will be determined based on the request for assistance. There may be periods of time where no assistance is required. Our goal is to develop a plan to supply support services at a reasonable cost.

DEC 20 2013



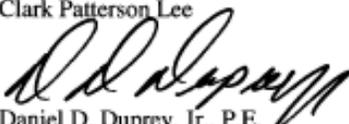
We have prepared the following rate schedule for your review. I suggest a not-to-exceed fee of \$94,000 for one (1) year with a one (1) year extension clause. I can assure you that the services needed by your City will be delivered by our most qualified professionals in an effective and efficient manner.

Clark Patterson Lee Hourly Rate Schedule	
Title	Hourly Rate
Daniel D. Duprey, Jr., P.E., Principal-in-Charge	No Charge
Daniel D. Duprey, Jr., P.E., Principal-in-Charge - Plan review, approval, P.E. stamp and signature	\$130.00
Jennifer L. Michniewicz, P.E., PTOE, Project Manager	\$97.50
David F. Jaros, P.E., Client Liaison/Quality Control Manager	\$92.50
Christopher G. Sichak, P.E., Senior Structural Engineer	\$92.50
David B. Askinazi, P.E., Senior Highway Engineer	\$92.50
Jason L. Havens, P.E., Highway Engineer	\$92.50
Karlee Oehlbeck, E.I.T., Junior Highway Engineer	\$52.50
Richard W. Packman, EIC IV/Chief Inspector	\$62.50
Richard W. Packman, Senior Inspector	\$52.50
Anthony Gugino, Senior Inspector III	\$52.50
Lisa A. Barrett, EIC IV	\$62.50
David J. Hastings, E.I.T., Senior Inspector III	\$52.50
Wendover "Cory" Neefus, IV, P.E., Senior Inspector III	\$52.50
Gary M. Short, Surveyor	\$52.50
Jorma S. Schlack, Surveyor	\$52.50

* Proposed rates include all labor, overhead, profit and miscellaneous expenses.

Thank you for the opportunity to submit our qualifications. I am deeply proud of our ability to provide you with quality service at a fair rate. This is what we do, and we do it well. If you have any questions or require any additional information, please feel free to contact me via email at dduprey@clarkpatterson.com or by phone at 716.852.2100, extension 1033.

Very truly yours,
Clark Patterson Lee


Daniel D. Duprey, Jr., P.E.
Executive Vice President



Agenda Item #9

RE: Agreement for Grant Writing Services

Council Members:

In some prior years, the City entered into a non-exclusive Consulting Agreement with an individual to provide grant writing and grant administration services to the City. It is recommended in calendar year 2014 the City enter into an agreement with that same individual to provide those services. The fee for those services is not to exceed \$35,000.00. Funding is available from casino revenues adopted 2014 budget in Department of Planning and Economic Development, A8020.4720.0451.000. Attached hereto is a copy of a proposal from the grant writer.

Will the Council authorize the Mayor to enter into and execute an agreement with the grant writer in a form acceptable to the Corporation Counsel?



Sherry L. Shepherd-Corulli
Grant Specialist

8130 W. Rivershore Drive
Niagara Falls, NY 14304
Phone 716-807-4604
Fax 716-283-8946
sscorulli@gmail.com

PROPOSAL FOR PROFESSIONAL SERVICES

1. Grant Research, Development, and Writing

- Meet regularly with key personnel to determine funding needs and priorities, and to develop, advance, and complete applications*
- Research and evaluate grant opportunities and availability of funds
- Gather information necessary to draft grant narrative
- Prepare narratives and budgets
- Gather and/or prepare ancillary submission materials, including letters of support for grant application
- Submit final application to City representatives for their submission to the funding source

The information gathering phase will require a working relationship with City of Niagara Falls personnel in order to obtain information required to complete grant narrative.

2. Grant Administration

- Work with funding agency on contract preparation and execution
- Prepare bids, quotes and requests for proposal as required
- Monitor grant budgets
- Coordinate tasks to be performed with successful contractors
- Voucher funding agency for reimbursement of grant expenditures
- Perform reporting functions as required by funding agencies

City departments shall provide information required as needed to meet all grant administration requirements.



Sherry L. Shepherd-Corulli
Grant Specialist

8130 W. Rivershore Drive
Niagara Falls, NY 14304
Phone 716-807-4604
Fax 716-283-8946
sscorulli@gmail.com

PROPOSAL FOR PROFESSIONAL SERVICES

* The number of meetings shall be limited to five per week to be held in locations within a twenty-five mile radius of City Hall. Reimbursement of mileage expenses for locations in excess of the twenty-five mile radius shall be required of the City.

FEES

- Grant Writing and Administration: \$35,000.00
 - Grant Writing: Up to five grants per year*
 - Grant Administration: Up to twenty-five grants per year*
 - Grant Research: Up to ten grants per year*

* *Work performed in excess of these amounts is addressed in Term #3 below.*

TERMS

- 1) Term of contract shall begin Jan. 1, 2014 and end Dec. 31, 2014 and be extended annually for one year upon mutual agreement of the parties.
- 2) Payments for grant writing and/or administration services are to be pro rata, lump-sum made on a monthly basis at a rate of \$30.00 per hour. Reimbursable expenses shall be billed and payable as incurred.
- 3) Required work in excess of the amounts stated above shall be payable at the rate of \$50 per hour.
- 4) Expenditures incurred beyond the agreed upon amount(s) will be submitted for reimbursement only with prior approval by the City.

Agenda Item #10

RE: Restoration of Stipend for Electrical Inspector

Council Members:

The Director of Code Enforcement advises that a \$1,200.00 stipend for the City Electrical Inspector was inadvertently omitted from the 2014 Budget. The purpose of the stipend is to compensate the City's Electrical Inspector for time spent, after hours, at meetings of the City's Electrical Board and for overseeing the exam for Master Electrician, including reviewing applications for the exam and attending the exam. Funding is available from Fund Balance.

Will the Council so approve?

Agenda Item #11

RE: Debt Management Policy

Council Members:

The City Controller has undertaken the task of preparing a Debt Management Policy to be followed by those individuals in and outside of City government who are involved in the process of incurring City debt. Attached hereto is a copy of that policy.

Will the Council approve the implementation of the attached Debt Management Policy?

**CITY OF NIAGARA FALLS, NY
OFFICE OF THE CITY CONTROLLER
DEBT MANAGEMENT POLICY**

General Purpose:

In support of its mission, the City of Niagara Falls, NY maintains a long-term capital strategic plan. The establishment of a Debt Policy is to provide formal written guidelines and constraints as well as to demonstrate sound "in-place" financial practices to accompanying the long-term capital strategic plan and outline the following:

The use of City debt

The amount of City debt

The process for issuing debt

The ability to borrow to conform to federal, state and local laws and bond documents

The following policy provides a summary of the City's Debt Management Policy and applies only to City of Niagara Falls, NY, supported debt. The Mayor and City Council recognize there are no absolute rules or easy formulas that can substitute for a complete review of all information affecting the City's debt position. This policy includes well intended prescribed structures or constraints, however it is not intended to limit financial flexibility or limit the City's ability to achieve debt management goals. The City's debt decisions should be the result of deliberative consideration of all factors involved. The attached policy is a "living" document that will change over time to meet the changing needs of our City and its taxpayers.

EST.: 12.3.2013

**CITY OF NIAGARA FALLS, NY
OFFICE OF THE CITY CONTROLLER
DEBT MANAGEMENT POLICY**

Credit Rating:

The City shall seek to improve its current bond rating with its three current rating agencies; Fitch Ratings, Standard and Poor's and Moody's Investors so borrowing costs are minimized and access to credit is preserved. It is imperative that the City demonstrates to its rating agencies, investment bankers, creditors and taxpayers that City officials are making good sound financial decisions and following a prescribed multi-year financial plan. The City will follow a policy of full disclosure with the rating agencies of all present and future financial conditions.

Conflicts of Interest:

The City recognizes the importance that elected and appointed City officials, and all others associated with the issuance of City debt, not only avoid the reality of a conflict of interest, but the appearance thereof as well. City officials must consistently conduct themselves with the best interests of the City and taxpayers. Elected and appointed City officials should avoid even the appearance of an association between politics and public finance that can erode the confidence of the taxpayers, rate payers and voters. Elected and appointed City officials must adhere to the New York State General Municipal Law Section 800-809: Conflicts of Interest of Municipal Officers and Employees.

Transparency:

Disclosure of compensation provided related to services in the debt issuance process will be inclusive and disclosure of relationships between those parties involved in the issuance of City debt.

Taxpayer Equity:

City of Niagara Falls taxpayers and citizens who benefit from projects/equipment financed by bonds should be considered as a source of the related debt service funding. Taxpayer equity can be defined as an educated prediction of the bonds sold as they relate to the change in the ability of the taxpayer to pay the government what is owed. Taxpayer equity should be a consideration for setting rates in determining future net revenues for bond coverage ratios. The City will always give consideration to limit tax revenues to finance debt.

From year 2004 through the present, the City of Niagara Falls source of related debt service funding has been revenues received from the Seneca Niagara Casino Local Share of Slot Revenues in accordance with New York State Laws 99-h.

Selection of Professional Services:

The City will use the services of qualified internal staff and outside advisors to assist in the analysis, evaluation and decision process. The City shall evaluate the performance of providers of professional services (i.e. underwriters, bond counsel, underwriter's counsel, financial advisor, etc.) paid in conjunction with a bond transaction. Compensation for all professional fees related to bond issuances should be finalized no later than two weeks prior to the date of each bond pricing. The Payment of professional fees is subject to the successful execution of a bond issuance or similarly-related transaction.

**CITY OF NIAGARA FALLS, NY
OFFICE OF THE CITY CONTROLLER
DEBT MANAGEMENT POLICY**

Decision Analysis for New Money Bond Sales:

The City's qualified internal engineering staff and/or the use of outside planners, architects, engineers and other qualified consultants must determine the proper amount needed to borrow for a capital project. Once a reasonable amount of the project is determined, a bond resolution must be approved by the majority of the City's Council members authorizing the funding in order for the project to proceed.

The City will analyze the future debt service payments to all repayment sources such as:

- Casino
- General fund budget
- Other financing sources
- Affordability of debt-borrowing v. PAYGO

Analysis of savings

- Every project proposed for financing through general obligation bonds should be accompanied by a fully analysis of any future energy, productivity, operating and maintenance costs, etc. associated with the project.

Uses of General Obligation Bond Sales:

The use of debt plays a critical role in ensuring adequate funding for the City's Capital Plan as well as providing cost-effective source of funding for other purposes.

It is the City's intent to limit bond proceeds use to:

- Capital Projects-Planning, design, land acquisition, & buildings
- Permanent structures
- Attached fixtures of equipment
- Movable pieces of equipment
- Working Capital
- Refunding Bonds
- All other costs permitted by New York State Local Finance Law

The City prohibits the use of long term borrowing for operational expenses

Method of Sale:

The City will limit its Debt Instruments to the following:

- Bonds-General Obligation, Revenue and Other
- Notes
- Capital Leases

Bonds will be sold on a competitive basis to minimize interest expense, unless it is the best interest of the City to conduct a negotiated sale. Competitive sales will be the preferred method. Negotiated sales may occur when selling bonds for a defeasance of existing debt, for current or advanced refunding of debt, or for other appropriate reasons.

**CITY OF NIAGARA FALLS, NY
OFFICE OF THE CITY CONTROLLER
DEBT MANAGEMENT POLICY**

Method of Sale: (continued)

The City and their financial advisors will determine what is the most cost effective and advantage in the borrowing such as:

- Structural requirements such as use of a call feature v. a non-callable feature
- Principal payment requirement-periodicity, timing of the first installment for cash flow purposes and relationship to other expenditures
- Periodic interest payment requirement
- Amortizing new money bonds-The City will adhere to periods of probable usefulness where applicable
- Final maturity of new money bonds-stated in maximum years to maturity v. useful life of the project
- Portfolio Approach to Outstanding Debt-targeted share of variable rate v. fixed rate debt
- Variable Rate Debt-what is the maximum rate of interest

Tax-exempt debt cannot be issued for a longer maturity schedule than a conservative estimate of the useful life of the asset to be financed. The City will attempt to keep the average maturity of general obligation bonds at or below 30 years. Absent of a compelling justification otherwise, it shall also have a call option not greater than ten years.

Short Term Financing/Capital Lease Debt

The City will not use short-term borrowing to finance operating needs except in the case of an extreme financial emergency which is beyond its control and there is no available Undesignated Fund Balance to cover the cost. Short-term financing or capital lease debt will be considered to finance certain equipment when the aggregate cost of equipment to be purchase exceeds \$100,000.

The term of short-term financing will be limited to the useful life period of the vehicle or equipment, but in no case will exceed five years.

CITY OF NIAGARA FALLS, NY OFFICE OF THE CITY CONTROLLER DEBT MANAGEMENT POLICY

Debt Management:

Constitutional Debt Limit Consideration

Prior to any bond issuance, the City must consider its current percentage of its debt limit exhausted and its debt margin.

In accordance with New York State Constitutional Debt Limit, the City will limit the total of its general obligation debt to 7% of the 5 year average of the City's total homestead and non-homestead assessed valuation.

Required Financial Communication and Continuing Disclosure

Significant financial reports affecting or commenting on the City's finances will be forwarded to all rating agencies.

City's annual audited financials-an important financial tool that provides assurance that all financial activity is recorded with accuracy and integrity and gives the year end result of the financial position of the City.

City's Official Statement ("OS")-The OS is the City's principal means for and official form for disclosing certain financial information. The OS is used in connection with the issuance of the bonds, and to provide timely notice of material events (as defined by the Securities and Exchange Commission), for the benefits of the investors in the secondary market. The continuing disclosure typically consists of information relevant to the security of the bonds then being offered for sale.

Refunding Parameters:

- Discount rate for calculating present value of future savings
- Present value savings-as a percentage of refunded par
- Time to call exercise
- Time left to maturity after exercise date
- Amortization of refunding bonds relative to refunded bonds will be considered. I.e. average life, final maturity of refunding a bond v. refunded.
- The City will determine appropriateness of using a non-callable bond only to enhance a savings
- Structure of allowing or disallowing negative nominal savings in any future year

Other considerations the City will consider in its debt management:

- Bond Arbitrage
- Record Retention
- Periodic review and updating of this policy

Agenda Item #12

RE: Reorganization in Finance Division of City Controller's Office

Council Members:

The City Controller's Office, Finance Division, has in its structure an Account Clerk Grade 7 position at an annual salary of \$33,169 plus benefits. It is requested that the Account Clerk Grade 7 position be eliminated and replaced with a Senior Account Clerk Grade 12 position. The annual salary for the Senior Account Clerk Grade 12 position is \$38,589 plus benefits. The reason for this is that the individual presently working in the Account Clerk Grade 7 position has been doing the work of a Senior Account Clerk Grade 12 position for quite some time. She has also successfully passed the Senior Account Clerk Grade 12 exam a few years ago.

As a result of a retirement of a Grade 17 employee, this reorganization may be done at this time and still achieve a savings of \$4,510.00. It was not possible to do this during the budget process because the Grade 17 employee who retired did not notify the Human Resources Department of her decision to retire in time to accomplish this.

It is requested that this reorganization be effective immediately upon approval of the City Council.

Will the Council so approve the elimination of an Account Clerk Grade 7 position and the creation of a Senior Account Clerk Grade 12 with accompanying salary of \$38,589 plus benefits, effective immediately?

**RE: City Council Agenda Item—
NF-International Railway Station & Intermodal Transportation Center Project
Contract Amendment for Engineering & Construction Services
Wendel Duchscherer, Architects, and Engineers, Inc.**

Council Members:

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 by City Council on July 25, 2005, which was extended on February 11, 2010 and again on November 13, 2012. The latter extension covered “pre-obligation” requirements of the Federal Railroad Administration and additional “pre-construction” design and bidding activities.

Since then the above Project was publicly bid for construction. However, as of October the Project bids were rejected without award. Since October the Consultant has worked with City Planning and Engineering to reduce Project scope and associated construction cost without a wholesale design change to meet the City’s current budget constraints.

Accordingly there is attached hereto a proposal for those additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project as soon as possible.

These additional value engineering and re-bidding work tasks should total \$350,000.00. A more detailed explanation of work activities in this additional phase are contained the letter and services summary provided by Susan Sherwood, Wendel Project Manager, dated December 30, 2013, is attached hereto.

The local funding share for this contract and any amendments thereto has previous Council approval. The source of local funding is casino funds. Further, any non-local share, greater than 15.6%, is available for full reimbursement under the terms of the existing NYS-DOT Supplemental Agreement No. 2 (Comptroller's Contract No. D017307 for the NF Intermodal Transportation Center Project –PIN 5756.28), which specifically stipulates for reimbursement of eligible expenditures to the City up to \$4,366,856.83.

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



December 30, 2013

Thomas DeSantis
City of Niagara Falls
Department of Economic Development
Office of Planning & Environmental Services
City Hall Room 347
745 Main Street
Niagara Falls, NY 14302-0069

Subject: Niagara Falls International Railway and Intermodal Transportation Center
Wendel Project No. 2558-08D
Value Engineering and Re-Bid Phase Services

Dear Mr. DeSantis:

On behalf of the Wendel Design Team, we are pleased to submit our proposal for Value Engineering and Re-Bid Phase Services with respect to this project. Per your direction we have completed the Value Engineering (VE) Effort and prepared a Re-Design Scope of work in an effort to reduce the scope of the project and associated construction cost to meet the City's current budget constraints. As you are aware, we have exhausted all VE ideas presented without a wholesale design/program change, which as we understand it, is off the table per direction from yourself and the Mayor. Accordingly, we have prepared a Project Budget Summary which outlines the current budget gap that still remains after all of the City's accepted VE items have been incorporated. This budget summary shows that we are still approximately \$2.5m over budget with our base bid and additional funding will be required to proceed once bids are received. In accordance with your last directive, we are proceeding ahead with all accepted VE ideas and are working towards a 1/20/14 bid date as we have previously communicated to you.

Per the City's direction last week, we are revising the DHS 1st floor as agreed to with DHS and will carry a Deduct Alternate for Wendel's recommended VE changes to the DHS 2nd floor while we negotiate additional changes with DHS.

The attached proposal includes the Design Team's effort to perform the VE analysis, revise the contract documents to incorporate the City's accepted VE options and re-bid the project. As such, we have assembled the following documents for your review and approval:

1. Scope of Services
2. Assumptions to Scope of Services and Professional Fees
3. Summary of Professional Fees
4. Re-Design Scope of Work
5. Project Budget Summary and Approximate Funding Gap

We hope this proposal is acceptable to you, and we are able to execute a contract amendment and continue work as you have requested. Please do not hesitate to contact us if you have any questions or require additional information.

If you have any questions or wish to discuss this with me, please feel free to call.

Scope of Services

Value Engineering and Re-Bid Phase Services

A. Value Engineering (VE) Services

- i. Prepare a draft VE list of Design Team recommended Value Engineering ideas that can be removed/revise from the project in an effort to reduce the overall cost of the work, but maintain the overall program and aesthetic design concept to the greatest extent possible.
- ii. Meet with the City to review the draft list and project budget summary and to allow the City to either accept or reject the VE ideas based on their project goals and objectives.
- iii. Engage the services of Baer and Associates to update and correlate the 100% complete estimate with the actual bids received, and to estimate the value of the various City accepted VE options.
- iv. Engage the services of SJB Services to take additional soil borings across the project site to allow the classification of the existing fill and native soils.
- v. Engage the services Watts Engineers to conduct additional testing of the soil samples recovered during drilling operations, to assess the classification of the existing fill and native soils present and to revise the project specifications as required to allow contractors to better understand the removal and disposal requirements for the existing fill and native soil materials that will be encountered during construction operations.
- vi. Meet with the City to review the results of the VE analysis and further refine and update the VE list and project budget summary with City accepted VE options.
- vii. Prepare design concepts for City approval on VE items which involve program (example DHS floor plans revisions, etc.) and/or aesthetic impacts (example clock tower, passenger platform canopies, UGRR amphitheater, etc.)
- viii. Engage Baer and Associates to update the accepted VE cost estimates and finalize the VE list and project budget summary for City Approval.
- ix. Prepare a Re-design Scope of Work for City approval that outlines the City's accepted revisions to the contract drawings and specifications.

B. Re-Bid Phase Services and Contract Preparation

During this phase, the bid documents will be revised to incorporate all City accepted VE options and will be distributed to Single-Prime General Contractors. Bids will then be evaluated by Wendel and its sub-consultants and a recommendation will be made regarding the successful bidder.

- i. Revise contract drawings and specifications to incorporate all City accepted VE options
- ii. Assemble bid drawings and specifications and assist the City with advertisement and solicitation for bid.
- iii. Conduct Pre-Bid walk-thru at the site and issue meeting minutes.
- iv. Receive and answer Contractor's RFI's during the bid period.

Scope of Services

Value Engineering and Re-Bid Phase Services

- v. Prepare and distribute contract clarifications and addendums.
- vi. Organize and conduct the opening of bids.
- vii. Assist the City with tabulating and evaluating the bids
- viii. Confirm responsiveness of bids and review qualifications of two lowest responsible bidders, including experience verification and reference checks.
- ix. Attend pre-award meetings with the recommended successful bidder to review their bids and scope of work.
- x. Make bid award recommendation to the City and assist with preparation of Notice of Intent to award contract.
- xi. Assist City with preparing the Construction Contract for the successful General Contractor.
- xii. Prepare and distribute RFP for 3rd party Materials Testing, Special Inspections and Radiation Contaminated Soils Testing services.
- xiii. Prepare a conformed set of contract drawings and specifications containing addendums and supplemental information and distribute to successful Contractor.

C. ASSUMPTIONS TO SCOPE OF SERVICES

- i. VE and Re-Bid Phase services are based on a construction budget of approximately \$22,000,000.00 and a re-bid phase duration of 2 months maximum.
- ii. Construction Phase Services will be a part of a separate future proposal and contract amendment.
- iii. Construction documents will be prepared assuming the project will be bid to a Single-Prime General Contractor, responsible for all trades.
- iv. Front End bid specifications and contracting requirements will be provided by the City, NYSDOT and FRA Microsoft Word format.
- v. The City will provide all legal review of all contract documents as well as insurance requirements and special contracting requirements.
- vi. Professional services not specifically outlined above are not included in this scope of services, but could be included as additional services. Examples of these services include, but are not limited to, the following:
 - 1. Assistance with securing permits from authorities having jurisdiction over project
 - 2. Additional surveying, geotechnical engineering, archeological and/or environmental testing, investigations and professional design services not outlined above.

Scope of Services
Value Engineering and Re-Bid Phase Services

PROFESSIONAL FEES

<u>Item</u>	<u>Fee</u>	<u>Fee Type</u>
Wendel VE Services (Completed)	\$50,000.00	T&E Estimate
Wendel Re-Design Services	\$155,000.00	T&E Estimate
Wendel Re-Bid Phase Services	\$75,000.00	T&E Estimate
SJB Drilling Services (Completed)	\$5,000.00	T&E Estimate
Baer and Associates VE Services (Completed)	\$25,000.00	T&E Estimate
Watts Testing and VE Services (Completed)	\$25,000.00	T&E Estimate
<u>Reimbursable Expenses</u>	<u>\$15,000.00</u>	<u>T&E Estimate</u>
Total	\$350,000.00	Estimate

Professional Fee Notes:

1. Reimbursable expenses include out-of-pocket expenses directly related to this project, including mileage, out of town travel, hotel/lodging, printing costs, postage, etc. , and will be billed as such.
2. Should Wendel be required to perform additional services beyond those outlined above, we will be compensated on an hourly or fixed sum basis for a mutually agreed to scope of services.
3. Time and Expenses (T&E) estimated budgets may require fee adjustments, up or down, depending on the actual level of effort required and/or requested.

Agenda Item #14

**SUBJECT: CHANGE ORDER #1 AND FINAL - \$60,933.43
ROYAL AVENUE REPAVING & RESURFACING PROJECT**

A contract for the above referenced project was awarded to L.J. Quigliano, Inc. 2395 Lockport Road Sanborn NY 14132 on June 10, 2013, in the amount of \$777,320.83.

Subsequent to award and throughout the project, the City and its contractor responded to requests for access and egress, for both supplies and personnel, from the businesses at the easterly end of the project area. Multiple rescheduling, alley rehabilitations, apron relocations and temporary asphalt placements comprised a majority of the extra tasks not included in the project's original scope. Additionally, the existing curbstone and subgrade soils slated for reuse within the industrial corridor were found to be unsuitable, requiring additional effort and materials on the contractor's behalf.

The cost associated with the extra tasks and quantities for the reconstruction of Royal Avenue is \$60,933.43, bringing the final contract total to \$838,524.26.

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

**SUBJECT: CHANGE ORDER #1 AND FINAL - \$3,210.00
2013 MS-4 STORMWATER POLLUTION PREVENTION PROGRAM AND
2014 MS-4 STORMWATER POLLUTION PREVENTION PROGRAM REVIEW**

A contract for the above referenced project was awarded to Greenman-Pederson, Inc. (GPI) 4950 Genesee St. Buffalo New York, 14225 on May 14, 2013, in the amount of \$7,500.00.

Prior to the start of GPI's review services, the City initiated the contract with an estimate of project review hours to obtain a dedicated rate and a not-to-exceed dollar amount for award purposes. The **actual** amount of plan review services received, along with any related reimbursables, equals \$3,210.00, bringing the final contract total to \$10,710.00.

Additionally, to accommodate reviews the City will need to perform as 2014 gets under way, the undersigned recommends an allotment of a not-to-exceed amount of \$7,500.00 at this time. This will allow GPI to continue their review services without interruption.

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

Agenda Item #16

**SUBJECT: CHANGE ORDER #1 AND FINAL - \$13,692.85
PEDESTRIAN ACTIVATED TRAFFIC SIGNAL: 2200 BLOCK OF PINE AVENUE**

A contract for the above referenced project was awarded to South Buffalo Electric Inc.1250 Broadway Street Buffalo, New York 14212, on September 4, 2012 in the amount of \$80,731.00.

Subsequent to the start of the signal installation, several alterations to the Maintenance and Protection of Traffic, signage, and even the actual location of the signal poles themselves were altered to accommodate the motoring and pedestrian public, while minimizing the impact this project had on the adjacent businesses. Costs associated with the extra tasks, signage and relocations, when coupled with contract underruns, equal \$13,692.85. Funding can be made available from existing casino funds.

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

**SUBJECT: CHANGE ORDER #1 AND FINAL - \$13,692.85
PEDESTRIAN ACTIVATED TRAFFIC SIGNAL: 2200 BLOCK OF PINE AVENUE**

A contract for the above referenced project was awarded to South Buffalo Electric Inc.1250 Broadway Street Buffalo, New York 14212, on September 4, 2012 in the amount of \$80,731.00.

Subsequent to the start of the signal installation, several alterations to the Maintenance and Protection of Traffic, signage, and even the actual location of the signal poles themselves were altered to accommodate the motoring and pedestrian public, while minimizing the impact this project had on the adjacent businesses. Costs associated with the extra tasks, signage and relocations, when coupled with contract underruns, equal \$13,692.85. Funding can be made available from existing casino funds.

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

Agenda Item #17

**SUBJECT: CHANGE ORDER #1 & FINAL \$18,900.00
2013 DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT II**

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on July 24, 2013 in the amount of \$104,500.00.

Subsequent to the award of this contract, additional streets added to the City's casino-funded portion of the In-House Paving Program required the addition of six (6) new catch basins to be installed that were not a portion of the project's original scope. The costs associated with the extra basins removal, installation and restoration equal \$19,740.00, bringing the final contract total to \$124,240.00. Funding is available in Casino revenue.

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

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$35.52

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	12/12/2013	\$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

RE: Request for Approval to Settle and Pay Claim of GEICO a/s/o Stephen Langdon
170 Franklin Street, Suite 500, Buffalo, NY 142023

Council Members:

Date Claim Filed:	November 9, 2011
Date Action Commenced:	August 30, 2012
Date of Occurrence:	September 2, 2011
Location:	Rainbow Center Parking Ramp
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Matthew Fedak
Status of Action:	Litigation stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,716.03
Make Check Payable to:	GEICO a/s/o Stephen Langdon
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Respectfully submitted,

RELATIVE TO REAPPOINTMENT
TO THE ZONING BOARD OF APPEALS

BY:

Council Chairman Charles Walker

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Zoning Board of Appeals effective immediately:

REAPPOINTMENT

TERM:

Robert Ventry, Jr.
1884 Niagara Avenue
Niagara Falls, NY 14305

12/31/2016

APPOINTMENT

TERM:

James Spanbauer
528 College Avenue
Niagara Falls, New York 14305

12/31/2016

RESOLUTION No. 2014

RELATIVE TO

HONORING THE MEMORY OF REV. JAMES SERIGHT

BY:

Council Chairman Charles Walker
Council Member Robert Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Andrew Touma

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Rev. James Seright, Founder and Executive Director of the New Jerusalem Boys' Reporting Center, a leader in Operation SNUG, and a much-respected member of our community, and

WHEREAS, Rev. Seright remained a model citizen of Niagara Falls until his death, appearing many times before the City Council and Mayor on behalf of programs he believed would benefit our city, and

WHEREAS, our city has benefitted immensely from Rev. Seright's passion for turning around the lives of troubled young men,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council honors the legacy of Rev. Seright and his lifelong commitment to making the City of Niagara Falls a safe place for its residents.

RESOLUTION No. 2014

RELATIVE TO

REMEMBRANCE OF THE BIRTHDAY OF DR. MARTIN LUTHER KING, JR.

BY:

Council Chairman Charles Walker
Council Member Robert Anderson, Jr.
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Andrew Touma

WHEREAS, Dr. Martin Luther King, Jr. stands as an eternal symbol of the struggle against racial inequality and poverty in the United States of America, and

WHEREAS, Dr. King's commitment to nonviolent activism brought about tremendous, positive change in the moral landscape of America, and

WHEREAS, the City of Niagara Falls seeks to honor the legacy and memory of Dr. King in observation of what would have been his 85th birthday, January 15, 2014,

NOW, THEREFORE, BE IT RESOLVED, that all citizens of the City of Niagara Falls be encouraged to observe the birthday of Dr. Martin Luther King, Jr. by living out the principles of love, compassion, and civic engagement that Dr. King professed during his life, as we work toward the betterment of our country and its people.

RESOLUTION No. 2014

RELATIVE TO REAPPOINTMENT
TO THE PLANNING BOARD

BY:

Council Chairman Charles Walker

BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board effective immediately:

<u>REAPPOINTMENT</u>	<u>TERM:</u>
Laurie Davis 1316 24 th Street Niagara Falls, New York 14305	12/31/2016
Willie Dunn 3075 Macklem Avenue Niagara Falls, New York 14305	12/31/2016
<u>APPOINTMENT</u>	<u>TERM:</u>
Charles MacDougall 8227 Bollier Avenue Niagara Falls, New York 14304	12/31/2016