

Presentations

Monday – October 19, 2015 Council Meeting

PRESENTATIONS:

1. City Charter - Presented by Attorney Robert Restaino

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

Council Members:						
The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of September, 2015.						
					<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012		Vital Statistics			\$ 4,300.00	\$ 4,300.00
A1255-004 A013		Copies of Records			\$ 937.73	\$ 937.73
A1255-004 A013		Certificates of Marriage			\$ 580.00	\$ 580.00
A2501-014 A046		Electrician - Exam Fee			\$ 125.00	\$ 125.00
A2501-016 A047		Stationary Engineers			\$ 150.00	\$ 150.00
A2501-016-A047		BOILERS			\$ 50.00	\$ 50.00
A2501-016 A047		Stationary Engineers Test Fee			\$ 320.00	\$ 320.00
A2542-000 A053		Dogs/NYS Agr. & Mkts	\$ 290.00		\$ -	\$ 290.00
A2542-000 A053		Additional Dogs			\$ 2,929.00	\$ 2,929.00
A2545-001 A054		Marriage License/NYSHD	\$ 1,305.00		\$ 435.00	\$ 1,740.00
A1255-002 A123		Commissioners of Deeds			\$ 5.00	\$ 5.00
A2501-599 A130		Pawn Broker			\$ 450.00	\$ 450.00
A2545-023 A318		Hunters/NYS DEC RAU	\$ 3,616.97		\$ -	\$ 3,616.97
A2545-023 A318		Hunters Fees			\$ 208.03	\$ 208.03
A1255-003 A499		Notary Fee			\$ 12.00	\$ 12.00
A1255-005 A528		Dog Release			\$ 300.00	\$ 300.00
TA63008 A597		Marriage Performance			\$ 400.00	\$ 400.00
A1255-006-A696		Photos/passport-license			\$ 18.00	\$ 18.00
TOTAL:			<u>\$ 5,211.97</u>		<u>\$ 11,219.76</u>	<u>\$ 16,431.73</u>
Check #	<u>16039</u>	NYS Dept. of Arg. & Mkts		\$ 290.00		
Check #	<u>16010</u>	NYS Health Department		\$1,305.00		
Check #	<u>ET</u>	NYS DEC RAU		\$3,616.97		

Agenda Item #2

The following claims have been filed in the Office of the City Clerk during the month of September 2015. The claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

Gizzarelli, Joe 512 62 nd Street	In reference to vehicle damage
Edmondson, DaQuan 2910 Highland Avenue, 19B	In reference to vehicle damage.
Joseph, Ester M. 1535 Niagara Avenue	In reference to property damage.
Iusi, Frances M. 509 66 th Street	In reference to personal injury.
Beck, Daniel J. & Debra c/o Francis M. Letro, Esq.	Index # E156198/2015
Biro, Diane 7210 Williams Rd. #301	In reference to vehicle damage.
Banas, Marilyn 2261 Linwood Avenue	In reference to property damage
Friend, Deborah F. 616 73 rd Street	In reference to personal and property issues.

NOTICE OF APPEAL

Niagara Falls Water Board	Index # E156011/2015
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SUPPLEMENTAL SUMMONS

Kovacich, Francis 486 103 rd Street	Index # E153119/2014
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SUMMONS

New York Central Mutual Fire Insurance Co. a/s/o Anna Hartman	Index # CV-0888-15
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NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDTORY ELECTRONIC FILING

Daniel J. & Debra Beck	Index # E156933/2015
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Agenda Item #3

RE: Purchase of Vehicles for Police Department

Council Members:

The Superintendent of Police advises that it is necessary now to purchase six (6) new vehicles for use in the department. The six vehicles that are being replaced are old, have many miles on them and are out of compliance with acceptable police standards. The total cost of the six (6) vehicles inclusive of upfitting the vehicles, inside and out and marking them with graphics is \$242,937.65.

Funding is available from Casino Revenues.

Will the Council so approve?

Agenda Item #4

**RE: City Council Agenda Item:
Niagara City Lofts South Junior Project:
Accept Restore NY Grant
Tax Exemption and PILOT
Loan of Restore NY Funds to Project**

Council Members:

The Niagara City Lofts project will close this year, with CB Emanuel's Niagara City Lofts Project to start thereafter. It is expected that the project will be completed in 2017. This project will result in the conversion of the South Junior property into 61 housing units, with 10 of the units at market rate and 51 with rents limited due to the financing. In addition, there will be approximately 18,000-square-feet of commercial/community space, including a renovated auditorium, natatorium and boy's gym open to lease. The City participation in the project requires a number of Council actions.

Acceptance of Restore NY Grant

The State has approved a \$5 Million Restore NY Grant for this project. The City will act as a pass through agent. Under the terms of the grant agreement, the City is obligated to prohibit transfer of that the property for five (5) years. There is a \$5 million recapture penalty that the City is exposed to if a prohibited transfer takes place within five (5) years. This obligation will be implemented by the City taking a mortgage on the property. In addition, the City will act as pass through for the grant draw requests. In this manner, the City can insure that the grant agreement terms are followed.

Loan of Restore NY Grant Funds to Project

The City will loan the \$5 Million in grant funds to the Project. The assistance is in the form of a loan so that the funds will generate tax credits which can be sold to investors. An outright grant will not generate tax credits or investment.

The loan will be at a 1% interest rate, with interest only payable annually for 15 years. The interest will be paid from Project cash flow, under a payment hierarchy. At the conclusion of the loan term, the principal and any unpaid interest will be payable to the City. Payment will be limited to Project assets, so payment in full is not guaranteed. As a practical matter, the City is passing through the State grant, so payment to City of the interest and principal of the loan is not a paramount concern.

The terms of the loan agreement will require the continuation of the City playground on the property. The developer will also continue to allow overflow parking for the NACC on the property, with the NACC continuing to provide insurance for the parking use.

Housing PILOT and Commercial Space Designation

The owner of the project real estate will be a Housing Development Fund Company under Article 11 of the Private Housing Finance Law. Under §577 of the PHFL, the City may exempt all or part of the real property from local real estate taxes, excluding special assessments. CB Emanuel is required to own and operate the property for 15 years after project completion, as a provision of the awarded New York State Department of Homes and Community Renewal tax credits. In addition, CB Emanuel has agreed to grant \$150,000 to Niagara Falls Neighborhood Housing Services (NHS) at project completion for home owner repairs within the NHS target area.

It is proposed that all of the real property attributable to housing be exempt from the standard tax rate, as approved by the Niagara Falls City Council in 2014. The commercial portion of the property will be taxable and will be assessed under a separate SBL number. The exempt housing portion of the property will be subject to a PILOT agreement requiring the payment of 6%

of the net rents (total rent less utilities paid by the owner) annually as a payment in lieu of taxes.

Will the Council vote to

1. Accept the Restore NY grant;
2. Approve the loan of Restore NY grant funds to the Niagara City Lofts project; and
3. Approve the grant of the tax exemption and PILOT agreement as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same that are acceptable in form and content to the Corporation Counsel?

ATTACHMENTS ARE ON FILE IN THE CITY CLERK'S OFFICE

Agenda Item #5

SUBJECT: Second Hand Dealers

Chapter 338 of the Codified Ordinances states: “338.03...City Council may grant a license to carry on the business of secondhand dealer within the City...”

The following have submitted applications for secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Mike’s Buy & Sell Shop
2101 Pine Ave
Niagara Falls, NY 14301

Will the Council so approve?

Agenda Item #6

SUBJECT: **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 635 13th STREET**

**[Physician verification of wheelchair dependency and/or severe
restriction of movement, has been received]**

Submitted By: Clara Palka, 635 13th Street

It is requested that City Council approve this recommendation.

Agenda Item #7

SUBJECT: **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1114 13th STREET**

**[Physician verification of wheelchair dependency and/or severe
restriction of movement, has been received]**

Submitted By: Shalandra Rankin, 1114 13th Street

It is requested that City Council approve this recommendation.

Agenda Item #8

SUBJECT: **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 1119 NORTH AVENUE**

**[Physician verification of wheelchair dependency and/or severe
restriction of movement, has been received]**

Submitted By: April Wynn, 1119 North Avenue

It is requested that City Council approve this recommendation.

Agenda Item #9

SUBJECT: **AGENDA ITEM:**

At the Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3030 ORLEANS AVENUE**

**[Physician verification of wheelchair dependency and/or severe
restriction of movement, has been received]**

Submitted By: Joyce Quinn, 3030 Orleans Avenue

It is requested that City Council approve this recommendation.

Agenda Item #10

SUBJECT: **AGENDA ITEM:**

At a Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

INSTALL A 25' LOADING ZONE (8 AM TO 6 PM) IN FRONT OF 1919 PINE AVENUE (ST. VINCENT DePAUL DISCOUNT STORE)

Request was made to facilitate a place for delivery vehicles & clientele to load/unload merchandise in front of 1919 Pine Avenue.

Submitted By: Alfred Frosolone, Volunteer Treasurer, St. Vincent DePaul Society, Niagara District

It is requested that City Council approve this recommendation.

Agenda Item #11

SUBJECT: **AGENDA ITEM:**

At a Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON 97th STREET
BETWEEN NIAGARA FALLS BOULEVARD & MARINE MEMORIAL
DRIVE**

A Petition from the residents of this block was received with 92% signatures.

Submitted By: John Beer, 1549 97th Street & Petition/Residents of Block

It is requested that City Council approve this recommendation.

Agenda Item #12

SUBJECT: **AGENDA ITEM:**

At a Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON DORCHESTER
ROAD BETWEEN SEYMOUR AVENUE & VANRENSELAER AVENUE**

A Petition from the residents of this block was received with 70% signatures.

Submitted By: Androulla Wojciechowski, 3034 Dorchester Road &
 Petition/Residents of Block

It is requested that City Council approve this recommendation

Agenda Item #13

SUBJECT: AGENDA ITEM:

At a Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**KRULL PARKWAY, BETWEEN 82ND STREET & MILITARY ROAD:
ELIMINATE THE “NO STANDING ANYTIME” RESTRICTION ON
THE NORTH SIDE OF THE STREET & THE EXISTING OVERNIGHT
PARKING ON THE SOUTH SIDE ONLY WITH “NO PARKING
TUESDAY 7 AM TO 1 PM” RESTRICTION, AND ALLOW TWO SIDED
DAY PARKING WITH ALTERNATE OVERNIGHT PARKING**

This request will allow two sided day parking with alternate overnight parking on this 30’ standard width road changing it from the current one sided (south side) only day & night parking.

A letter submitted by the ownership of The Milpine Garden Townhouses, the only property owner on the street, was received making this request.

Submitted By: Maureen Smith, Rental Agent, Milpine Garden Townhouses,
8509 Krull Parkway

It is requested that City Council approve this recommendation.

Agenda Item #14

SUBJECT: **AGENDA ITEM:**

At a Traffic Advisory Commission meeting held on October 6, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL OVERNIGHT PARKING ON WILLOW AVENUE BETWEEN
22ND STREET & 24TH STREET (SOUTH SIDE ONLY) WITH “NO
PARKING MONDAY 7 AM TO 1 PM” RESTRICTION**

A Petition from the residents of this block was received with 67% signatures.

Submitted By: Joe Harris, 2244 Willow Avenue & Petition/Residents of Block

It is requested that City Council approve this recommendation.

Agenda Item #15

SUBJECT: INFORMATIONAL ITEM:

At a Traffic Advisory Commission meeting held on October 6, 2015 the Commission:

TABLED:

- 1) Request submitted by Bryan DalPorto, Superintendant of Police, Niagara Falls Police Department to **INSTALL ON HIGHLAND AVENUE: A) A “10 MINUTE PARKING” RESTRICTION ON THE WEST SIDE BETWEEN CENTER AVENUE & EASTON DRIVE; AND ON THE EAST SIDE BETWEEN GARDEN AVENUE & CALUMET AVENUE; B) “NO STANDING ANYTIME” RESTRICTION ON THE EAST SIDE BETWEEN CENTER AVENUE & GARDEN AVENUE.**

The Commission tabled this request pending further information from Chief DalPorto and possible input from area residents and business owners that will be affected by this request.

Agenda Item #16

RE: Sue-Perior Concrete & Paving, Inc. vs. City of Niagara Falls

Council Members:

This is a breach of contract action regarding the reconstruction of Tenth Street and Cedar Avenue.

Sue-Perior filed this action seeking approximately \$1.8 Million from the City. The City filed counter-claims and this is scheduled for trial in January, 2016.

It is the recommendation of this Department that the Council approve this settlement.

The original contract was awarded in the amount of \$3,523,000. Sue-Perior has been paid to date the amount of \$2,811,281.63. With the payment of the settlement amount of \$250,000, the amount paid is still substantially less than the original contract amount. This also resolves outstanding unpaid payments requests from the contractor totaling \$414,636.16. As this project involves federal and state funding reimbursements, the City will be pursuing reimbursement through the New York State Department of Transportation.

Will the Council so approve payment in the amount of \$250,000 to Duke, Holzman, Photiadis & Gresens LLP, as attorneys, subject to receipt of a Stipulation of Discontinuance and General Release in a form acceptable to the Corporation Counsel?

Agenda Item #17

RE: Request for Approval to Settle and Pay Claim of Joel N. Smith
3063 Livingston Avenue, Niagara Falls, NY 14303

Council Members:

Date Claim Filed:	February 27, 2015
Date Action Commenced:	N/A
Date of Occurrence:	February 27, 2015
Location:	3063 Livingston Avenue, Niagara Falls, NY
Nature of Claim:	Damage to parked vehicle sustained in collision with City vehicle.
City Driver:	Scott R. Bruno
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,107.27
Make Check Payable to:	Joel N. Smith
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 #18

RE: *Request for Approval to Settle and Pay Claim of McNeil and Company
a/s/o Upper Mountain Fire Co.
PO Box 5670, Cortland, NY 13045*

Council Members:

Date Claim Filed:	October 31, 2014
Date Action Commenced:	N/A
Date of Occurrence:	September 20, 2014
Location:	4400 Royal Avenue, Niagara Falls, NY
Nature of Claim:	Vehicle damage sustained during mutual aid firefighting.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$27,844.45
Make Check Payable to:	<i>McNeil and Company a/s/o Upper Mountain Fire Co.</i>
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 #19

**RELATIVE TO AMENDING THE DATES OF THE 2016 PROPOSED BUDGET
MEETING SCHEDULE**

BY:

Council Chairman Andrew Touma

WHEREAS, the Niagara Falls City Council approved Resolution No. 2015-78 (*Relative to the 2016 Proposed Budget Meeting Schedule*) during its October 5, 2015 Council meeting; and

WHEREAS, Thursday, November 5, 2015 & Friday, November 13, 2015, Budget Meetings will not be held,

NOW, THEREFORE, BE IT RESOLVED, by the City Council that Thursday, November 5, 2015 and Friday, November 13, 2015 Budget Meetings are cancelled.

**RELATIVE TO APPOINTMENT
TO THE HISTORIC PRESERVATION COMMISSION**

BY:

Council Chairman Andrew Touma

WHEREAS, there is currently one vacant seat on the Historic Preservation Commission, due to the resignation of Christopher Stoianoff.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Historic Preservation Commission effective for the unexpired term that expires on the date opposite her name shown below:

<u>APPOINTMENT</u>	<u>TERM:</u>
Michelle Kratts 8804 Lindbergh Avenue Niagara Falls, New York 14304	12/31/2018

Agenda Item #21

SUPPORT FOR SENATE AND ASSEMBLY BILLS TO PROVIDE LOW COST HYDRO POWER TO HOSPITALS AND MUNICIPAL HOUSING AUTHORITIES LOCATED IN NIAGARA AND ORLEANS COUNTIES

WHEREAS, Assemblyman Ceretto and Senator Ortt have sponsored legislation to provide low cost hydropower available to hospitals and municipal housing authorities that are located in the counties of Niagara and Orleans; and

WHEREAS, This low cost hydropower would be made available from the Niagara Project; and

WHEREAS, This City Council believes that the availability of low cost hydropower is important to hospitals and municipal housing authorities located in the counties of Niagara and Orleans.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby support Assembly Bill #3780-A and Senate Bill #4414-A, copies of which are attached hereto.

AND BE IT FURTHER RESOLVED that this City Council does hereby request that the City Clerk send copies of this resolution of support to Assemblyman Ceretto and Senator Ortt.

STATE OF NEW YORK

3780--A

2015-2016 Regular Sessions

IN ASSEMBLY

January 27, 2015

Introduced by M. of A. CERRITO, HAWLEY -- Multi-Sponsored by -- M. of A. DIPIERNO -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitteed to said committee

AN ACT to amend the public authorities law, in relation to establishing the power authority of the state of New York shall make low cost hydropower available to certain hospitals

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

1 Section 1. The opening paragraph of subdivision 13 of section 1065 of
2 the public authorities law, as amended by chapter 645 of the laws of
3 2006, is amended to read as follows:
4 Notwithstanding any other provision of law to the contrary but subject
5 to the terms and conditions of federal energy regulatory commission
6 licenses, to allocate or reallocate directly or by sale for resale, two
7 hundred fifty megawatts of firm Niagara project hydroelectric power as
8 "expansion power" and four hundred forty-five megawatts of firm Niagara
9 project hydroelectric power as "replacement power" to businesses within
10 the state located within thirty miles of the Niagara project, and four
11 hundred ninety megawatts of firm and interruptible power from the Saint
12 Lawrence-PDR project as "preservation power" sold to businesses located
13 within the counties of Jefferson, Saint Lawrence and Franklin, provided
14 that the amount of expansion power allocated to businesses in Chautauque
15 county on January first, nineteen hundred eighty-seven shall continue to
16 be allocated in such county and, provided further that up to seventy
17 megawatts of replacement power, up to thirty-eight and six-tenths mega-
18 watts of preservation power from the Saint Lawrence-PDR project which is
19 relinquished or withdrawn after the effective date of chapter three
20 hundred thirteen of the laws of two thousand five which amended this
21 subdivision and, for the period ending on December thirty-first, two
22 thousand six, up to twenty megawatts of other power from the Saint

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

LHD07140-03-9

1 Lawrence-FDR project which is unallocated as of the effective date of
2 chapter three hundred thirteen of the laws of two thousand five which
3 amended this subdivision, shall be allocated by the authority together
4 with such other funds of the authority as the trustees deem feasible and
5 advisable for energy cost savings benefits pursuant to the twelfth
6 undesignated paragraph of this section and, provided further that law
7 cost hydropower be made available to hospitals and municipal housing
8 authorities that are located in the counties of Niagara and Orleans.
9 Provided, however, that the amount of replacement, preservation power,
10 or the additional twenty megawatts of Saint Lawrence-FDR power for the
11 period ending December thirty-first, two thousand six made available for
12 such purpose, used for energy cost savings benefits that are relin-
13 quished by or withdrawn from a recipient thereof shall be offered by the
14 authority proportionately for a period of six months for reallocation to
15 applicants who qualify respectively for replacement or preservation
16 power allocations as provided in this subdivision. If such power is not
17 allocated within such period it shall be allocated for the purpose of
18 energy cost savings benefits pursuant to subdivision (h) of section one
19 hundred eighty-three of the economic development law. The authority
20 shall negotiate contracts on reasonable terms and conditions to renew or
21 extend every permanent contract allocation of expansion power in effect
22 on the effective date of this subdivision and, to the extent consistent
23 with such contracts, the authority shall negotiate contracts on reason-
24 able terms and conditions to extend or renew all other allocations or
25 allotments of such power in effect on such date. The authority shall
26 negotiate contracts on reasonable terms and conditions to renew or
27 extend for a period of at least five years every permanent contract
28 allocation of replacement power in effect on the effective date of chap-
29 ter three hundred thirteen of the laws of two thousand five which added
30 this sentence and that would expire by its terms on or before the end of
31 the initial federal energy regulatory commission license for the Niagara
32 project, provided that, in negotiating the terms and conditions of such
33 contracts, the authority may consider a business' compliance with all
34 current contractual obligations, including employment and power usage
35 commitments. Contracts entered into pursuant to this subdivision shall
36 contain reasonable provisions providing for the partial or complete
37 withdrawal of the power in the event the recipient fails to maintain
38 mutually agreed levels of employment, investment, and power utilization.
39 Expansion or replacement power relinquished by businesses or withdrawn
40 by the authority shall be allocated directly or by sale for resale by
41 the authority to businesses within the state located within thirty miles
42 of the Niagara project provided, that the amount of power allocated to
43 businesses in Chautauque county on January first, nineteen hundred
44 eighty-seven shall be allocated in such county. Preservation power that
45 is relinquished by businesses or withdrawn by the authority shall be
46 allocated directly or by sale for resale by the authority within the
47 counties of Jefferson, Saint Lawrence and Franklin. Allocations made
48 pursuant to this paragraph shall be made in accordance with criteria
49 established by the trustees. Such criteria shall address the expansion
50 of industry and employment pursuant to paragraph (a) of this subdivision
51 and the revitalization of existing industry pursuant to paragraph (b) of
52 this subdivision.
53 § 2. This act shall take effect immediately.

STATE OF NEW YORK

4414--A

2015-2016 Regular Sessions

I N S E N A T E

March 19, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to establishing the power authority of the state of New York shall make low cost hydropower available to certain hospitals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph of subdivision 13 of section 1005 of
2 the public authorities law, as amended by chapter 645 of the laws of
3 2006, is amended to read as follows:
4 Notwithstanding any other provision of law to the contrary but subject
5 to the terms and conditions of federal energy regulatory commission
6 licenses, to allocate or reallocate directly or by sale for resale, two
7 hundred fifty megawatts of firm Niagara project hydroelectric power as
8 "expansion power" and four hundred forty-five megawatts of firm Niagara
9 project hydroelectric power as "replacement power" to businesses within
10 the state located within thirty miles of the Niagara project, and four
11 hundred ninety megawatts of firm and interruptible power from the Saint
12 Lawrence-PDR project as "preservation power" sold to businesses located
13 within the counties of Jefferson, Saint Lawrence and Franklin, provided
14 that the amount of expansion power allocated to businesses in Chautauqua
15 county on January first, nineteen hundred eighty-seven shall continue to
16 be allocated in such county and, provided further that up to seventy
17 megawatts of replacement power, up to thirty-eight and six-tenths mega-
18 watts of preservation power from the Saint Lawrence-PDR project which is
19 relinquished or withdrawn after the effective date of chapter three
20 hundred thirteen of the laws of two thousand five which amended this
21 subdivision and, for the period ending on December thirty-first, two
22 thousand six, up to twenty megawatts of other power from the Saint

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

LBD07140-02-5

1 Lawrence-FDR project which is unallocated as of the effective date of
2 chapter three hundred thirteen of the laws of two thousand five which
3 amended this subdivision, shall be allocated by the authority together
4 with such other funds of the authority as the trustees deem feasible and
5 advisable for energy cost savings benefits pursuant to the twelfth
6 undesignated paragraph of this section AND, PROVIDED FURTHER THAT LOW
7 COST HYDROPOWER BE MADE AVAILABLE TO HOSPITALS AND MUNICIPAL HOUSING
8 AUTHORITIES THAT ARE LOCATED IN THE COUNTIES OF NIAGARA AND ORLEANS.
9 Provided, however, that the amount of replacement, preservation power,
10 or the additional twenty megawatts of Saint Lawrence-FDR power for the
11 period ending December thirty-first, two thousand six made available for
12 such purpose, used for energy cost savings benefits that are rela-
13 quished by or withdrawn from a recipient thereof shall be offered by the
14 authority proportionately for a period of six months for reallocation to
15 applicants who qualify respectively for replacement or preservation
16 power allocations as provided in this subdivision. If such power is not
17 allocated within such period it shall be allocated for the purpose of
18 energy cost savings benefits pursuant to subdivision (h) of section one
19 hundred eighty-three of the economic development law. The authority
20 shall negotiate contracts on reasonable terms and conditions to renew or
21 extend every permanent contract allocation of expansion power in effect
22 on the effective date of this subdivision and, to the extent consistent
23 with such contracts, the authority shall negotiate contracts on reason-
24 able terms and conditions to extend or renew all other allocations or
25 allotments of such power in effect on such date. The authority shall
26 negotiate contracts on reasonable terms and conditions to renew or
27 extend for a period of at least five years every permanent contract
28 allocation of replacement power in effect on the effective date of chap-
29 ter three hundred thirteen of the laws of two thousand five which added
30 this sentence and that would expire by its terms on or before the end of
31 the initial federal energy regulatory commission license for the Niagara
32 project; provided that, in negotiating the terms and conditions of such
33 contracts, the authority may consider a business' compliance with all
34 current contractual obligations, including employment and power usage
35 commitments. Contracts entered into pursuant to this subdivision shall
36 contain reasonable provisions providing for the partial or complete
37 withdrawal of the power in the event the recipient fails to maintain
38 mutually agreed levels of employment, investment, and power utilization.
39 Expansion or replacement power relinquished by businesses or withdrawn
40 by the authority shall be allocated directly or by sale for resale by
41 the authority to businesses within the state located within thirty miles
42 of the Niagara project provided, that the amount of power allocated to
43 businesses in Chautauque county on January first, nineteen hundred
44 eighty-seven shall be allocated in such county. Preservation power that
45 is relinquished by businesses or withdrawn by the authority shall be
46 allocated directly or by sale for resale by the authority within the
47 counties of Jefferson, Saint Lawrence and Franklin. Allocations made
48 pursuant to this paragraph shall be made in accordance with criteria
49 established by the trustees. Such criteria shall address the expansion
50 of industry and employment pursuant to paragraph (a) of this subdivision
51 and the revitalization of existing industry pursuant to paragraph (b) of
52 this subdivision.
53 s 2. This act shall take effect immediately.

Agenda Item #22

**RESOLUTION CALLING FOR A PUBLIC HEARING RELATIVE TO ADOPTING A LOCAL
LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW SECTION 3-C**

BY:

Council Chairman Andrew Touma

Council Member Kristen Grandinetti

Council Member Charles Walker

RESOLVED, that Local Law No. ____ for the year 2015 be introduced, and that a public hearing be held on such Local Law on the 26th day of October, 2015 at 4:00 p.m. Daylight Savings Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

LOCAL LAW NO. _____ FOR THE YEAR 2015

City of Niagara Falls, NY, County of Niagara

A Local Law authorizing a property tax levy in excess of the limit established in

General Municipal Law § 3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Niagara Falls to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorize a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Override

The City Council of the City of Niagara Falls, County of Niagara, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.