

Presentations

Wednesday, February 19, 2014 Council Meeting

PRESENTATIONS:

Old Stone Chimney: Interpretation – Paul Gromosiak

Niagara Falls City Charter Overview – Tom O'Donnell

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ADMINISTRATIVE UPDATE:

Special Notice

February 10, 2014

Members of the City Council

and

Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, February 19, 2014 at 5:00 p.m. and 6:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To act on the City Council agenda for the February 18, 2014 - 5:00 p.m. and 6:00 p.m. meetings.

Respectfully submitted,

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CHARLES WALKER

Council Chairperson



Hylton, Loretta 2474 Weston	Personal injuries sustained from falling on an icy sidewalk.
Tweed, Justin 816 87 <sup>th</sup> St	Automobile damages sustained from a City tree
Baumgarden, Annette 633 McKinley Parkway Buffalo, NY 14220	Automobile damages sustained from hitting a pot hole.
Currie, Kenneth 1851 Linwood Ave.	Automobile damages sustained from hitting a pot hole.
Smith, Cy 458 24 <sup>th</sup> St.	Property damages sustained from a City tree.
Yates Jr., Richard G. 3732 Upper Mtn Rd. Sanborn, NY 14132	Automobile damages sustained from a City plow.
Niagara Falls Water Board 5815 Buffalo Ave.	Property damages sustained from a City plow

**NOTICE OF PORDER TO SHOW CAUSE**

Sahota International, LLC c/o Robert M. Restino	Index#152004
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**NOTICE OF ORDER**

GMA Properties, LLC c/o Trevor P. Duffy, Esq.	Index#150598
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**SUMMONS**

Welland, Gertrude M. c/o Lipsitz Green Scime Cambria LLP	Index#151966
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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 January 2014.

			<u>CONTROLLER</u>	<u>TC</u>
A1255-001				\$
A012	Vital Statistics		\$ 3,864.00	3,864.00
A1255-004				\$
A013	Copies of Records		\$ 596.75	596.75
A1255-004				\$
A013	Certificates of Marriage		\$ 380.00	380.00
A2501-014				\$
A046	Electrician - Active		\$ 1,625.00	1,625.00
A2501-016				\$
A047	Stationary Engineers		\$ 960.00	960.00
A2542-000				\$
A053	Dogs/NYS Agr.& Mkts	\$ 188.00	\$ -	188.00
A2542-000				\$
A053	Additional Dogs		\$ 2,169.00	2,169.00
A2545-001				\$
A054	Marriage License/NYSHD	\$ 855.00	\$ 285.00	1,140.00
A2501-009				\$
A127	Helicopter		\$ 750.00	750.00
A2545-010				\$
A128	Petroleum - Retail		\$ 70.00	70.00
A2545-010				\$
A128	Petroleum - Wholesale		\$ 200.00	200.00
A2545-023				\$
A318	Hunters/NYS DEC RAU	\$ 641.55	\$ -	641.55
A2545-023				\$
A318	Hunters Fees		\$ 12.45	12.45
A1255-003				\$
A499	Notary Fee		\$ 4.00	4.00
A1255-005				\$
A528	Dog Release		\$ 100.00	100.00
TA63008				\$
A597	Marriage Performance		\$ 600.00	600.00

**TOTAL:**

\$ 1,684.55

\$ 11,616.20

\$ 13,

Check #	<u>66322</u>	NYS Dept.of Arg. & Mkts	\$ 188.00
Check #	<u>66314</u>	NYS Health Department	\$ 855.00
Check #	<u>ET</u>	NYS DEC RAU	\$ 641.55

**RE: City Council Agenda Item: Award of Demolition Contract CD2014-1**

**Utility Abandonment, Asbestos Abatement and Demolition of Various Properties**

**Council Members:**

The following bids were opened by the Department of Community Development on February 6, 2014 for the demolition of twenty (20) structures identified on the attached list.

<b><u>CONTRACTOR</u></b>	<b><u>BID AMOUNT</u></b>
Regional Environmental Demolitions, Inc.	\$456,822.00
Empire Dismantling, Inc.	529,150.00
Metro Contracting, Inc.	592,700.00

It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolitions, at their base bid amount of \$456,822.00.

Funding is available from the following accounts

\$90,000 – CDBG (CD1.8666.0000.0450.500

\$366,822 – H0910.2009.0910.0449.599

Will the Council vote to award contract CD2014-1 to Regional Environmental Demolitions, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

**CD 2014-1 List of Structures for Demolition**

1. 927 Center Avenue
2. 602 Niagara Street
3. 1500 Ontario Avenue
4. 515 Walnut Avenue
5. 528 – 10<sup>th</sup> Street
6. 2809 – 10<sup>th</sup> Street
7. 1310 – 18<sup>th</sup> Street
8. 1419- 18<sup>th</sup> Street
9. 3227 Ely Avenue
10. 2928 Highland Avenue
11. 1311 Michigan Avenue
12. 1337 Ontario Avenue
13. 1121 Pierce Avenue
14. 1639 Weston Avenue
15. 1136 Willow Avenue
16. 414 – 7<sup>th</sup> Street
17. 414½ – 7<sup>th</sup> Street
18. 432 – 8<sup>th</sup> Street
19. 412 – 10<sup>th</sup> Street
20. 144 – 56<sup>th</sup> Street

Agenda Item #4

**RE:                   City Council Agenda Item:**  
**Hyde Park Playground Equipment Replacement**  
**Community Development Block Grant Funding**

**Council Members:**

The Community Development Department has identified \$52,300 in past year United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding that is eligible for Hyde Park Playground equipment replacement. Replacement of Hyde Park Playground equipment is consistent with the recently completed City Parks Master Plan.

Funding is being re-programmed from the following sources:

2011 Single Family Housing Rehabilitation - \$25,000

2013 Un-programmed Funding (As a Result of 1212 Niagara Street – Year 2000) – \$27,300

The proposed CDBG funds must be allocated and expended on CDBG eligible projects to meet HUD timeliness requirements. Public service programs are not eligible for these re-programmed funds because the City is currently at its 2014 public services cap of 15 percent of the total CDBG allocation.

Reallocation will ensure that these funds are dedicated to a project that meets the CDBG national objectives and delivers a community benefit in 2014.

Will the Council vote to allow the reallocation of \$52,300 in CDBG funding to replace Hyde Park Playground Equipment?

To: Niagara Falls City Council  
From: Seth Piccirillo, Dir. of Community Development  
Re: Pre-Demolition Salvage – Access and Indemnification Contract – Isaiah 61 Project  
Date: 2/10/14

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Council Members:

Continuous evaluation of traditional municipal demolition practices is a necessity. In 2012, the Niagara Falls Community Development Department successfully began bidding smaller demolition contracts, 10-20 houses, to reduce costs. Adopting a pre-demolition salvage strategy now is another logical way to change our demolition strategy to help create employment, commerce, and save building materials. The Community Development Department proposes an access and indemnification agreement with the Isaiah 61 Project, Inc. (I61) for pre-demolition salvage. This builds on the City's job creation/home renovation partnership with the organization.

The agreement will give I61, a fully insured home renovation non-profit organization, access to specific City owned residential properties on the pre-demolition list. The Community Development Department, in consultation with the Code Enforcement Office, will identify ten structures that I61 can enter for salvage purposes. Fully licensed I61 employees, not students, will be able to remove non-structurally significant materials from the house for re-sale purposes. Community Development will decide what materials cannot be taken from the structure, as it also oversees pre-demolition environmental services contracts.

The materials will then be sold at the I61 Re-Use store, to be opened this year, generating sales tax and offering a community benefit. Currently, no such store exists in the City of Niagara Falls. In addition, the re-sale store will create three new jobs within I61, offered to graduates of its job-training program. In partnership with the City of Niagara Falls, the permanent home of the I61 Re-Use Store will be the 3721 Highland Avenue Fire House. The Re-Use store will create commerce in a currently vacant, city owned building, returning it to the tax roll.

The salvaged building materials have a minimalist value. The materials are within structures that the City is paying to demolish. The staff time associated with assessing the actual value per item and creating a public salvage proposal would be higher than the potential collected value. The Community Development Department consulted with the New York Conference of Mayors (NYCOM) Legal Staff to confirm that such an approach would not conflict with the New York State Constitution. An initial ten house agreement allows the City to evaluate this approach without a long-term commitment. Contracting with an insured organization, with which the City has other performance-based agreements, makes more managerial sense. All salvage work would occur prior to pre-demolition environmental testing, so this contract will have no impact on required abatement. As the removed materials will not be structurally significant, a substantial increase in demolition contract cost is not expected. As stated above, the Community Development Department bids demolition contracts in 10-20 house increments, and any pre-demolition salvage impact will be tracked and will happen prior to environmental testing.

Will the Council so approve the I61 access and indemnification contract?

Submitted by,

\_\_\_\_\_  
Seth Piccirillo, Dir. Community Development

\_\_\_\_\_  
Donna Owens, City Administrator

\_\_\_\_\_  
Mayor Paul Dyster

Anderson\_\_\_\_\_Choolokian\_\_\_\_\_Grandinetti\_\_\_\_\_Touma\_\_\_\_\_Walker\_\_\_\_\_

Agenda Item #6

**RE: City Council Agenda Item: Sale of 452 Memorial Parkway  
Community Development Home Ownership Auction**

**Council Members:**

452 Memorial Parkway is currently a city owned vacant house. It was included in the September 14, 2013 Niagara Falls Community Development Home Ownership Auction. Artina K. Deakyne was the successful bidder at \$2,650. Property sale was approved by the Niagara Falls Planning Board on January 22, 2014 (Approval of Recommendation Letter Attached).

Purpose of sale: Sale with return vacant, city owned property to the tax roll, prevent a city funded demolition, allow the rehabilitation of a blighted structure and increase home ownership.

Home Ownership Auction Stipulations: (1) Purchaser must live in the home as the prime occupant for no less than five years. (2) Purchaser must agree to rehabilitate the property to code within one year of signing the sale agreement with the City of Niagara Falls. (3) Purchaser must submit a detailed repair/rehabilitation plan to the Community Development within 60 days of the auction date.

Tasks completed prior to Planning Board submission: (1) MiKelly Construction completed a full rehabilitation cost estimate. (2) The Niagara Falls Inspections Department completed a full code violation report. (3) The Community Development Department completed a financial resources review and qualified the successful bidder for the United States Department of Housing and Urban Development Deferred Home Loan Program: \$30,000 home renovation. \$10,000 led based paint assessment and abatement. (4) Niagara Falls Planning Board recommended disposition on January 22, 2014. Upon City Council approval, the successful bidder will enter into a legal agreement with the City of Niagara Falls, including the stipulations above.

Will the Council vote to allow the sale of 452 Memorial Parkway?

Agenda Item #7

**SUBJECT:        Consultant Services Agreement for Phase IV Hyde Park Ice Facilities  
                     Renovation of Existing Locker Rooms**

In 2009 Request for Proposals were issued by the City for architectural and engineering professional services for the Rehabilitation of Hyde Park Ice Pavilion. The original firm chosen, based on a NYSDOT merit selection process, was DiDonato Associates, P.E., of Buffalo, NY.

The City has negotiated an extension of their services for the next phase including coordination with the ongoing Rink 1 reconstruction approved by Council, slated to start this summer.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to DiDonato Associates at its Proposal Price of \$94,500.00 Funding is available through Casino Revenues.

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

Agenda Item #8

*RE: Firing Range/Training for Niagara Falls Police Department (“NFPD”)*

Council Members:

The Superintendent of Police has requested certain pieces of equipment for firing range/training for members of the NFPD. Attached is an itemized list of the requested equipment totaling \$40,100.00. This equipment was contained in the NFPD 2014 Capital Budget. Casino revenues is the source of this funding.

Will the Council so approve?

**Capital Project for Police Department**

**2014**

**Firing Range / Training**

<u>ITEM</u>	PRICE
Tasers with Camera's x10	24000.00
Slings for Rifles	800.00
Rifle and Pistol Magazines	1000.00
Range Maintenance	3000.00
Cleaning and Charging Barrel	500.00
Air Compressor for Cleaning Gun	500.00
Flashlights for Patrol Rifles	2500.00
Air Soft Training Guns and Ammo	4000.00
Maintenance kits for service pistols x 167	3800.00
<b>TOTAL</b>	<b>40100.00</b>

**Capital Project for Police Department**

**2014**

**Firing Range / Training**

<u>ITEM</u>	PRICE
Tasers with Camera's x10	24000.00
Slings for Rifles	800.00
Rifle and Pistol Magazines	1000.00
Range Maintenance	3000.00
Cleaning and Charging Barrel	500.00
Air Compressor for Cleaning Gun	500.00
Flashlights for Patrol Rifles	2500.00
Air Soft Training Guns and Ammo	4000.00
Maintenance kits for service pistols x 167	3800.00
<b>TOTAL</b>	<b>40100.00</b>

Agenda Item #9

*RE: Thermal Imaging Cameras for Niagara Falls Fire Department (“NFFD”)*

Council Members:

The Fire Chief is requesting that the sum of \$34,644.00 be made available to his department for the purchase of thermal imaging cameras as well as a truck mount charger. This is pursuant to the attached quote. These items were included in the NFFD 2014 Capital Budget. Funding is available from casino revenues.

Will the Council so approve?



The #1 Name in Safety & Industrial Supplies

DiVal Safety Equipment, Inc. • 1721 Niagara Street • Buffalo, New York 14207 • Tel 800.343.1354 • Tel 716.874.9060 • Fax 716.874.4686



## QUOTE

Customer Information		Quote Information	
Attn: Mark Fontanella NIAGARA FALLS FIRE DEPARTMENT 3115 WALNUT AVENUE  NIAGARA FALLS, NY 14302 Phone: (716) 286-4722 Fax: Email: Mark.Fontanella@niagarafallsny.gov Carrier: FEDEX GROUND PPD ADD Terms: NET 30 DAYS Lead Time: 3-4 weeks		Quote Number: DS-16331-R3F4 Quote Date: 1/28/2014 9:57:25 AM Customer Care Rep: Kathy Cafarella Customer Care Email: kcafarella@divalsafety.com Outside Sales Rep: Mark Rabent Sales Rep Email: mrabent@divalsafety.com  Quote Valid Until: 2/6/2014	

ITEM	PIC	DESCRIPTION	QTY	PRICE	U/M	TOTAL
K50		K50 320x240 Thermal Imaging Kit - includes two batteries, lanyard and software	6.00	\$4,989.00	ea	\$29,934.00
Truck Charger		Flir Truck mount Charger	6.00	\$785.00	ea	\$4,710.00

Quote Total: **\$34,644.00**

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

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

**Houston**  
 3131 Federal Road  
 Pasadena, Texas 77504

**Philadelphia**  
 220 Garfield Avenue  
 West Chester, Pennsylvania 19380

[www.DiValSafety.com](http://www.DiValSafety.com)



Agenda Item #10

*RE: Computer Equipment and Upgrades for Niagara Falls Police Department (“NFPD”)*

Council Members:

The Superintendent of Police is requesting certain new computers and upgrades, some of which are in order to comply with the Consent Decree with the Office of the NYS Attorney General. Attached hereto is an itemized list of the requested computer equipment and upgrades which totals \$42,250.00. This computer equipment was included in the NFPD 2014 Capital Budget. Casino revenues is the source of funding for this equipment.

Will the Council so approve?

Capital Project for Police Department

2014

COMPUTERS / IT

<u>ITEM</u>	PRICE
NEW COMPUTERS AND UPGRADES FOR OPS PER CONSENT DECREE REQUIREMENTS	8,500.00
IMPACT – UPGRADE TO SYSTEM	8,750.00
REPLACE AND/OR UPDATE COMPUTERS FROM XP SYSTEM TO WINDOWS 7 INSIDE POLICE DEPARTMENT	25,000.00
TOTAL	42,250.00



Agenda Item #11

*RE: Appropriation of Additional Dollars to address Systemic problem involving Frozen Water Lines in the 500 Block of 72<sup>nd</sup> Street and the 400 Block of 77<sup>th</sup> Street*

Council Members:

During the City Council meeting on February 3, 2014 the City Council appropriated the sum of \$45,000.00 in order to remedy the weather-related frozen water line emergency problem that arose in the 500 block of 72<sup>nd</sup> Street and the 400 block of 77<sup>th</sup> Street. Recall that the Mayor declared a Limited State of Emergency and issued an Emergency Order which has now been supplemented due to additional properties being adversely affected. The City reserved the right to add or subtract properties from the list of adversely affected properties that existed at that time. Water service has been restored to the properties contained on the original list. There are, however, additional properties that are adversely affected by this systemic problem resulting in frozen water lines. It is therefore requested that an additional \$21,000.00 be made available to the Department of Code Enforcement in order to continue the services of the low bidder, Gross PHC (Erie-Niagara Mechanical), to take appropriate action, pursuant to its low bid, to remedy this emergency problem. It is also requested that an additional \$1,000.00 be made available to the Department of Code Enforcement overtime line in anticipation of follow up inspections that must be performed.

Funding is available from H0812.2008.Road Reconstruction

Will the Council so approve?

Agenda Item #12

**SUBJECT: CHANGE ORDER #4 AND FINAL - \$175,726.00**  
**PIN 5045.24 – LEWISTON ROAD RECONSTRUCTION II**

A contract for the above-referenced project was awarded to Accadia Site Contracting, Inc. on October 1, 2012 in the amount of \$4,359,854.00.

Subsequent to the long-awaited completion of the road construction project, several tasks not originally included in the project's scope were performed to effectively finish the outstanding signage, signalization and landscaping issues required within the Lewiston Road right-of-way. The cost associated with these extra tasks is \$175,726.00, bringing the final construction total to \$4,869,920.00.

It is important to note that a substantial portion (\$131,205.84) of this change order request is 95% reimbursable by the New York State Department of Transportation via a pending supplemental agreement. Additionally, any remaining costs (\$44,520.16) can and will be added as a damage claim against the original contractor as ongoing litigation continues. Funding is available from Road Construction H0812.2008.

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

Agenda Item #13

***RE: Appointment/ Reappointments to Library Board***

Council Members:

I hereby appoint the following to the Niagara Falls Library Board:

<u>Appointment:</u>	<u>Term Expires:</u>
Miguel J. Marin	12/31/2018

I hereby reappoint the following to the Niagara Falls Library Board:

<u>Reappointments:</u>	<u>Term Expires:</u>
Carmen Granto	12/31/2014
Carrie Hunter Mitchell	12/31/2017
Don King	12/31/2018

Will the Council so approve?

Agenda Item #14

***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	1/29/2014	\$ 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?

Agenda Item #15

RE: One Niagara LLC vs. Board of Assessment Review, et al.

Tax Certiorari Proceedings

Assessment Rolls dated July 1, 2009 through 2013

Council Members:

As the Council is aware, the above referenced taxpayer has commenced tax assessment challenges for the years set forth above for the property located at 360 Rainbow Boulevard.

In addition, there are a number of unpaid taxes included in the City's In Rem Tax Foreclosure and the taxpayer has also commenced a proceeding under Section 556 of the Real Property Tax Law, alleging errors with regard to the 2008 assessment of the property.

After lengthy negotiations, and with the assistance of State Supreme Court Justice Ralph A. Boniello, III, a tentative settlement has been reached. The settlement provides that the challenge under Section 556 referenced above will be discontinued and all of the taxes levied pursuant to assessment rolls prior to July 1, 2009 will be paid in full, together with all penalties and interest.

For the assessment rolls from July 1, 2009 through July 1, 2013, the assessment would be set at \$1 Million. Revised bills reflecting the \$1 Million assessment would be issued for these taxes and they would also be paid in full. All of the above amounts for City and School Taxes total approximately \$1,550,000. (All unpaid County Taxes will also be paid in full.) These payments will occur prior to February 28, 2014.

It is the recommendation of the City Assessor and this Department that this settlement be approved.

Will the Council so approve?

RELATIVE TO ADDRESSING ISSUES WITH CITY CHARTER

BY: Council Chairman Charles Walker

**WHEREAS**, this City Council is aware of the fact that there are in existence several versions of the City Charter; and

**WHEREAS**, issues have arisen which make it apparent that inconsistencies exist in the various versions of the City Charter and that it is necessary to address and eliminate those inconsistencies; and

**WHEREAS**, this City Council believes that it is in the best interests of the City, its taxpayers and residents to have a City Charter that is able to be understood and used by City officials, City taxpayers and City residents as a resource that defines the relationships between the various branches and levels of City government and also as a foundation upon which to base the orderly transaction of City business.

**NOW, THEREFORE, BE IT RESOLVED**, that this City Council does hereby declare a need to address and eliminate the inconsistencies in the various versions of the City Charter that exist; and be it further

**RESOLVED**, that pursuant to Article III, Section 3.2(d) of the City Charter, this City Council does hereby designate itself as a temporary committee to begin the process of addressing and eliminating the inconsistencies between the various versions of the City Charter that exist; and be it further

**RESOLVED**, that this City Council will meet for this purpose on an “as needed” basis for the purpose of undertaking this Charter revision task and will frequently call upon the public to participate in this process and provide input as the process continues.

Agenda Item #17

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

BY:

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

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

WHEREAS, Senator George Maziarz introduced Senate Bill No. S4673 and Assemblyman John Ceretto introduced Assembly Bill A06611, as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

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

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S4673 and Assembly Bill A06611, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

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