

Agenda Item #1

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

TO: Laca Equipment, Inc.
901 West Pike Street
Jackson Center, OH 45334

FOR: Items 5, 6, 7 and 11 as per the attached tally sheet.

TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231

FOR: Item 1, 2, 3, 4, 9, 10, 12, and 13 as per the attached tally sheet.

TO: Joe Johnson Equipment
62 LaGrange Avenue
Rochester, NY 14613

FOR: Item 8 as per the attached tally sheet.

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 six (6) vendors. Six (6) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code: A8170.0000.0419.005

**RE: AGENDA ITEM: Adoption of Community Development
2013 Annual Plan & Budget
Revised Version**

A copy of the proposed 2013 Niagara Falls Community Development Department (CD) Action Plan is attached with a detailed breakdown of program administrative costs. The CD Action Plan was tabled by the Niagara Falls City Council at the October 15, 2012 City Council Meeting. This draft reflects revisions submitted to Seth Piccirillo, Director of Community Development, by the City Council, through Department Liaison, Councilman Charles Walker. Only the Community Development Block Grant Section of the Action Plan was revised. The first document details the original draft plan amount, the new draft amount, and the monetary change per project. The revisions were presented to CD on October 23, 2012.

All Council Members received the ORIGINAL DRAFT Action Plan via memo on October 6, 2012 and September 7, 2012, to allow ample time for review. The proposed budget is the key component of the City's 2013 Annual Plan and Strategy, a United States Department of Housing and Urban Development (HUD) mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2013 Annual Plan is the end result of a lengthy, detailed, and well advertised, citizen participation process that included four neighborhood based meetings in June 2012 designed to encourage comments, suggestions, and ideas from various community groups, residents, business persons, and other interested parties. The DRAFT Action Plan was made available for public review on August 31, 2012, a public hearing was held on September 6, 2012, and a month long public comment period concluded on October 6, 2012. The public hearing reviewed the plan specifics, and a copy of the public hearing minutes is included with this agenda item. The Annual Plan was originally submitted for vote at the earliest possible date, as the public comment period ended on October 6, 2012.

CD will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2013 that may change once U.S. Congressional funding appropriations are announced at a date to be determined.

Community Development Block Grant	\$2,189,900
HOME Investment Participation Program	\$315,000
HOME Program Income	\$62,000
Emergency Shelter Grant	\$156,000
Section 8 Leased Housing Program	\$3,100,000
PROJECTED FEDERAL REVENUE	\$5,822,900

CD is cutting **\$135,000** in 2013 salaries and can transfer and additional **\$85,000** in 2013 salary costs to outside grant funding sources. CD will continue to solicit outside grant funding to further offset administrative costs. This will help pay a greater portion of employee salaries, reduce the need for general fund assistance, and protect the City from future HUD entitlement reductions. If the post April 2012 trend continues, CD will not require and general fund contribution in out years.

Moving forward, Community Development's (CD) goal is a sustainable budget every year. The 2012 revenue to expenditure gap was **\$383,000**. Recent CD administrative actions and the proposed 2013 budget are meant to ultimately eliminate reliance on casino revenues, whether collected or uncollected. The proposed changes also direct HUD funding to more appropriate activities.

The 2013 budget proposal requests that the City of Niagara Falls fund all Carnegie Building utility/maintenance costs (\$18,300), and \$75,000 of CD's annual retirement costs, for a total of **\$93,300**. The requested retirement contribution represents 39% of the department's total retirement costs (\$195,000). The proposed gap would be \$289,070, or **75% less**, than the 2012 CD administrative budget gap.

The Consolidated Plan, including the proposed budgets, must be adopted by the City Council and submitted to HUD by November 15, 2012. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the United States Treasury. There is value in early submittal, as HUD must receive and approve plans from around the Country. Therefore, Council's approval at this time will represent the officially adopted CDBG, HOME, and Emergency Shelter budgets for FY 2013. The Section 8 Leased Housing is renewed automatically by HUD but must still be adopted at this time by the City Council.

Will the City Council vote to so approve the 2013 Annual Plan and Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

Agenda Item #3

In December of 2011, the Niagara County Brownfield Development Corporation (NCBD) awarded funding of \$200,000, with no City funds required, to the City of Niagara Falls for asbestos abatement and remediation at the former 39th Street school (555 39th St). The City Council approved acceptance of the grant on January 9, 2012. This funding is from the United States Environmental Protection Agency (USEPA) Brownfields Program and is subject to the Cooperative Agreement between NCBD and USEPA.

Through a Request for Qualifications, the City of Niagara Falls has received nine Qualification Statements. The Planning and Environmental Office requested the top four to submit proposals for Engineering Services related to estimating, abatement, remediation, and possible demolition of the former 39th Street school site.

Below are qualified Engineering Services bids:

<u>Consultant</u>	<u>Engineering Services Bid</u>
LiRo Engineers, Inc.	\$28,940
LaBella Associates, PC	\$48,500
Core Environmental Consultants, Inc	\$50,400
Bergmann Associates	\$76,900

Based on the above list of qualified proposals for services, it is the recommendation of the undersigned that amount of \$28,940 (lowest cost, qualified bid) be approved by Council for LiRo Engineers, Inc. Funds are available directly from the NCBD, with no funds required from the City.

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 #4

Buffalo Niagara Riverkeeper has received a grant from the United States Forestry Service in the amount of \$397,396 to be used for the re-forestation of two (2) area waterfront parks; one (1) is located in Buffalo and the other is Griffon Park. The Griffon Park Project is proposed to be done in partnership with the City. Attached hereto is a letter from Riverkeeper regarding this. Planning and design is anticipated to take place in late 2012 and early 2013 and the installation of soil, trees and shrubs will occur during the 2013 planting season. The City will be responsible for long term maintenance of these plantings. Approximately \$225,826 is earmarked for Griffon Park.

The principal activity here will be to build up soil berms so that the landfill cap is not breached and plant large caliper trees at the site.

As concerns the soil, trees and shrubs, there will be no cost to the City. This proposal has been circulated to all town departments and none have identified any issues. It is anticipated that appropriate departments will be involved in the planning stages so that long term maintenance issues can be identified early and planned for.

The arrangement between the City and Riverkeeper will be memorialized in writing and will be subject to an Agreement in form and content acceptable to the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding?

Agenda Item #5

Please be advised that, Mayor Paul A. Dyster, on October 16, 2012, duly approved the following:

1. Resolution 2012-78, relative to Amending Chapter 1303 of the Codified Ordinances entitled "Definitions"
2. Resolution 2012-79, relative to Amending Schedule 8 of the Codified Ordinances entitled "Zoning Ordinance"

Agenda Item #7

WHEREAS, in 2006 the City of Niagara Falls passed a local law which amended the City Charter by establishing residency and proximity restrictions in the City of Niagara Falls for sex offenders who have committed criminal offenses against minors; and

WHEREAS, the local law provided a safety zone that restricted convicted sexual predators from being within 1,500 feet of areas that have typically been safe places for children to play and congregate; and

WHEREAS, the local law protected children congregating and playing at public or non-public schools, child care facilities, parks or playgrounds; and

WHEREAS, in 2012, amid statewide legal challenges to this type local law, which have established that the state law preempts local laws, the City of Niagara Falls may have no choice but to repeal the local law it adopted in 2006 for the purpose of protecting its children; and

WHEREAS, the City of Niagara Falls City Council believes that the safety of its children is one of the primary responsibilities it has to the community it serves; and

WHEREAS, the City of Niagara Falls City Council desires New York State to strengthen its laws to protect children from sexual predators; and

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council calls upon the New York State Senate, Assembly and Governor to strengthen its law to protect children from sexual predators; and

BE IT FURTHER RESOLVED, that the City of Niagara Falls City Council calls upon the New York State Senate, Assembly and Governor to broaden the child safety zones in its legislation to a minimum of 1,500 feet; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Andrew M. Cuomo, Senator George D. Maziarz, Senator Mark Grisanti, Assemblyman John Ceretto and all others deemed necessary and proper.

Agenda Item #8

WHEREAS, the Seneca Gaming Compact is an agreement between New York State and the Seneca Nation of Indians; and

WHEREAS, the City of Niagara Falls is considered a ‘third party beneficiary’ to said compact; and

WHEREAS, there is currently a dispute between New York State and the Seneca Nation of Indians where significant monies, at least \$58 million, earmarked for the City of Niagara Falls has not been paid; and

WHEREAS, the absence of these monies are causing fiscal difficulty for the City of Niagara Falls; and

WHEREAS, our state legislators representing Niagara Falls have proposed legislation to allow direct payment of casino funds from the Seneca Nation of Indians to the local host municipalities; and

WHEREAS, the passing of this legislation would untangle the City of Niagara Falls from the dispute and subsequent arbitration between the State of New York and Seneca Nation of Indians; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Niagara Falls does support A.9284/S.866-C which would allow direct payment from the Seneca Nation of Indians to municipalities hosting tribal casinos. Furthermore, the City of Niagara Falls urges Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos to bring this legislation to the floor of their chambers for a vote; and

BE IT FURTHER RESOLVED, that the City of Niagara Falls shall forward copies of this Resolution to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Senator Mark Grisanti, Senator George Maziarz, Senator Tim Kennedy, Assembly Speaker Sheldon Silver, Assemblyman John Ceretto, Assemblyman Robin Schimminger, Assemblyman Ray Walter, Assemblywoman Jane Corwin; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congresswoman Louise M. Slaughter, Congressman Brian Higgins, and Congresswoman Kathy Hochul, and that a response be requested from each elected official.

Agenda Item #9

BE IT RESOLVED, by the City Council of Niagara Falls, New York that Chapter 252 of the Codified Ordinances entitled “Public Works Fees and Fire Protection Special Assessments” is hereby adopted as attached hereto (on file in the City Clerk’s Office).