

April 18, 2016

Monday – April 18, 2016 Council Meeting

**PRESENTATIONS:**

1. 10<sup>th</sup> Anniversary of Beautify Niagara City-wide Cleanup – May 7<sup>th</sup>  
Thomas Lowe, ReNU Niagara, Director & Lana Perlaman, NBC Vice Chair
  
  2. City Council's Casino Spending Plan  
Council Chair & Council Members
- 

**ADMINISTRATIVE UPDATE:**

None

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of March 2016.

The claims were subsequently referred to the Office of the Corporation Counsel.

**NOTICE OF CLAIM**

Carter, Lisa N.  
1007 Centre Avenue

In reference to vehicle damage caused by a  
city snowplow.

Stybak, Richard C.  
2737 South Avenue

In reference to property damage caused by a  
city tree.

Sanchez, Christina  
5644 Bowmiller Rd.

In reference to vehicle damage caused by a  
city Police Dept. vehicle.

Lockport, NY 14094

c/o Geico General Insurance Company

Sanchez, Christina M.

c/o Lipsitz Green Scime Cambria LLP

In reference to personal injuries caused by a  
vehicle accident with a City Police Dept.



Agenda Item #3

**SUBJECT: LETTER OF AWARD - 2016 SIDEWALK REPLACEMENTS AT VARIOUS LOCATIONS**

The following is the result of bids received on April 5, 2016 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$145,300.00
Roman Construction Development	\$177,700.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. Please note that all costs will be totally reimbursable by NYS CHIPS funds.

Presently, the contractor has agreed to extend the unit prices of his bid to utilize **both** the maximum available CHIPS funding for sidewalks (\$200,000.00), and the usual \$20,000.00 allotment from the Niagara Falls Water Board, obtained via the standard yearly intra-agency agreement. This will allow the City to enter into a contract with Yarussi Construction, Inc. for a total of \$220,000.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City Of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

Agenda Item #4

**SUBJECT: LETTER OF AWARD FOR 2016 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT (VARIOUS LOCATIONS)**

The following was the result of bids received on April 5, 2016, for the above referenced project:

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Mark Cerrone Inc. 2368 Maryland Ave. Niagara Falls NY 14305	\$378,957.00
Yarussi Construction Inc.	\$387,357.00
J.R. Swanson Plumbing Co. Inc.	\$499,294.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc. at their Base Bid of \$378,957.00. Please note that this amount is funded by a combination of both CHIPS (\$208,105.00) and Casino Revenue (\$170,852.00) sources. Funding is available in codes H0315.2015.0315.0449.599 and H0621.2006.0621.0300.000 respectively.

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 #5

**SUBJECT:     Consultant Services Agreement for NYSDOT**  
**Local Preventative Maintenance Bridge Program**  
**Bridge Washing & Sealing – PIN 5761.42**

Based upon the New York State Department of Transportation standard merit selection procedure, CHA Consulting Inc. has been selected as the City's consultant for the above referenced program.

Funding for the Construction Inspection component is federally eligible at the standard 80% Federal and 20% Local reimbursement procedure.

It is the recommendation of the undersign that the Project Proposal, Design report, Final Plans & Specs and Construction Administration & Inspection be awarded to CHA Consulting Inc. at the proposed price of \$20,000.00.

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 #6

*RE:* Funding for Niagara Military Affairs Council (“NIMAC”)

Council Members:

The City has been asked once again by the NIMAC to contribute the sum of \$40,000 to it in its efforts aimed at securing the future of the Niagara Falls Air Reserve Station. As you know, the Niagara Falls Air Reserve Station is Niagara County’s largest public employer. NIMAC is requesting the City to contribute this sum to retain this important asset and the 3,000 plus jobs it represents in Niagara.

Attached hereto is a letter from NIMAC in this regard.

Funding is available from Casino Revenues.

Will the Council so approve?



**NIAGARA MILITARY  
AFFAIRS COUNCIL**  
SUPPORTING NIAGARA'S MILITARY  
PAST • PRESENT • FUTURE

Niagara Military Affairs Council  
P.O. Box 231  
Niagara Falls, NY 14304-0231  
Phone & Fax 716.283.4006

April 5, 2016

Mayor Paul A. Dyster  
City Hall  
795 Main Street  
Niagara Falls, NY 14303

Mayor Dyster:

On behalf of the Niagara Military Affairs Council (NIMAC), I would like to thank you and the City of Niagara Falls for your support of the development and growth of the Niagara Falls Air Reserve Station (NFARS).

Your support of \$40,000.00 annually from the Seneca Gaming funds has been instrumental in our success of obtaining new missions and a future for the NFARS. We respectfully request your continued financial support as we continue to advocate for the future of the installation.

One thing we have learned over the years is that our success is due to our continued efforts and your enduring support. Last year gave us unprecedented access to Air Force leadership and we were happy to see the Air Force choose NFARS and the 914th for a new mission. The NFARS is a busy place with both wings transitioning in to new missions which also has an additional positive affect on our local economy. The change in missions also brings opportunity for add on missions we will continue to advocate for this coming year.

The installation continues to be the largest employer in Niagara County with a significant number of families living in the City of Niagara Falls. We will remain vigilant on behalf of the 3000+ men and women employed at the NFARS.

If you would like to meet with us for a report on our activities we would be glad to at your convenience.

Sincerely,

John A. Cooper, Sr.  
Chairman, NIMAC

**BOARD OF DIRECTORS**

John A. Cooper Sr., Chairman  
William Wagoner, Vice-Chairman  
Peter Baska, Secretary  
Fred Cass, Treasurer  
Col Robin Platt, USAF Ret., Director  
Col Thomas Kocough, USAF Ret., Director  
Col Richard Moseley, USAF Ret., Director  
LTC William Ross, USAF Ret., Director  
LTC Conrad Tisa, USAF Ret., Director  
LTC Jeff Galt, USAF Ret., Director  
LTC Joel D'Almeida, USAF Ret., Director  
Sgt Dave Dahlberg, USAF Ret., Director  
Brad Schwaner, Director  
Richard 'Jay' Anderson, Director  
Gary Steinfeldt, Director  
Gary Hart, Director  
Jerry Sligo, Director  
Mayor Art Pappas, Director  
Legislator David Godfrey, Director  
Executive Director NFPA, Kim Mohr, Director  
Supervisor Robert O'Lea, Director  
Russell Petrocci, Director

**Special Counsel**

Maj Gen James W. Knieleowski, USAF Ret.  
Col Mark A. Murphy, USAF Ret.  
Col Walter Gordon, USAF Ret.  
Col John Higgins, USAF Ret.  
Col Jim DeFrancesco, USAF Ret.  
Col Paul Harman, USAF Ret.  
Col Sgt Ross Prueben, USAF Ret.  
Neil E. Hill, Col Ret.

[WWW.NIMAC.ORG](http://WWW.NIMAC.ORG)

Agenda Item #7

***RE: Buffalo Avenue Phase II Pin #5757.16***

Council Members:

The repaving project for the portion of Buffalo Avenue from Interstate 190 to Cayuga Drive is scheduled to be bid later this year.

This is a federally funded highway project in which the City is responsible for 20% of the cost.

There are funds available from the Buffalo Avenue Phase I project which can be re-appropriated to fund the local share of this project.

It is therefore recommended that the Council vote to re-appropriate the sum of \$645,000.00 to fund, in full, the local share of the Buffalo Avenue Phase II project.

Will the Council so approve?

Agenda Item #8

**RE: DEPARTMENT OF CODE ENFORCEMENT – EXPENSES INCURRED IN REPAIR, DEMOLITION OR BOARD OF STRUCTURES WITHIN THE CITY FROM APRIL 1, 2015 TO MARCH 31, 2016**

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall “order an assessment against said premises for several sums herein reported”.

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (**ON FILE IN THE CITY CLERK’S OFFICE**). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

**Agenda Item #9**

RE: City Council Agenda Item: *Highland Business Park Service Contract*

Council Members:

The City currently has previously earmarked economic development funds for the “Highland Business Park Project.” The initial step was the purchase of the former Union Carbide Facility at 3625 Highland Avenue, of which \$272,724 remains. The project has a budget line of \$50,000; for Acquisition, Demolition, Building Renovations, Remediation, Architectural, Engineering and Marketing.

While some general clean up has been carried out by city forces up until now, progressing the Project requires that a series of work activities, both professional and contractual, be undertaken to get the property “market ready.” LaBella Associates, D.P.C. is an Engineering, Architecture, Environmental and Planning firm that has worked on previous with the City Brownfield planning efforts and is currently working on the Buffalo Avenue Brownfield Opportunity Area planning project. Based on this record of performance, LaBella Associates was solicited to provide professional design and construction management services for the upcoming phases of work at 3625 Highland Avenue, relative to achieving the goals of making the property market ready and encouraging its re-development into the Highland Business Park, per the Highland Area BOA Plan.

The scope of work to be performed by LaBella Associates will specifically address: roofing, structural elements, safety maintenance items, to make sure that the buildings are weather tight and ready for future tenancy and includes the following services:

- Engineering and Design Services
- Preparation of contract and bid specifications, and related construction documentation in stabilizing and upgrading the three buildings.
- Site work documents and specifications to ensure proper cleanup of the site.
- Construction Management Services during construction/renovation activities.

The cost of the services to be provided by LaBella to the City will be:

- Engineering and Design Services (Bid Documents and Specifications).... \$8,460
- Construction Inspection and Management..... \$4,320

Funding for the contract is available from previously earmarked economic development funds, which would provide to the City the \$259,944 balance of its commitment to the project.

Will the Council approve and authorize the Mayor to execute the necessary agreements, in the form acceptable to the Corporation Council?

**PROPOSAL FROM LABELLA ON FILE IN THE CITY CLERK’S OFFICE**

Agenda Item #10

*RE: Carpet and Furniture Replacement for Economic Development and Purchasing  
Office*

Council Members:

The Purchasing Agent advises that it is necessary to install new carpeting in the Offices of Economic Development and Purchasing, as it is worn, stained and mismatched. Attempts to remediate and clean the carpeting in-house proved unsuccessful.

Additionally, it is necessary to purchase new workstations for the MIS Department as the cubicles that were being used are no longer useful or safe given their age and condition. The workstation furniture is available on state contract.

Three estimates are being obtained for the carpeting by the Purchasing Agent and the total cost of the purchases is not-to-exceed \$21,137.29. Funding is available from casino interest.

Will the Council so approve?

Agenda Item #11

RE: Request for Approval to Settle and Pay Claim of Raymond A. Bracero  
620 27<sup>th</sup> Street, Niagara Falls, New York 14301

Council Members:

Date Claim Filed:	October 15, 2015
Date Action Commenced:	N/A
Date of Occurrence:	October 14, 2015
Location:	Intersection of Ferry Avenue and Hyde Park Boulevard
Nature of Claim:	Automobile damage sustained during grass trimming
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$275.00
Make Check Payable to:	Raymond A. Bracero
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 #12

RE: Request for Approval to Settle and Pay Claim of DaQuan Edmondson  
2910 Highland Avenue, 19B, Niagara Falls, New York 14305

Council Members:

Date Claim Filed:	September 8, 2015
Date Action Commenced:	N/A
Date of Occurrence:	September 1, 2015
Location:	1100 block of Haeberle Avenue
Nature of Claim:	Automobile damage sustained in accident with city vehicle
City Driver:	Micah Carey
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1, 170.50
Make Check Payable to:	DaQuan Edmondson
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 #13

**REGARDING CALLING ON THE NIAGARA FALLS WATER BOARD ("NFWB") TO  
COMPLY WITH RECOMMENDATIONS CONTAINED IN AN AUDIT CONDUCTED BY THE STATE OF NEW  
YORK OFFICE OF THE STATE COMPTROLLER**

BY:

Council Chairman Andrew Touma  
Council Member Kristen Grandinetti  
Council Member Ezra P. Scott, Jr.  
Council Member Kenny Tompkins  
Council Member Charles Walker

**WHEREAS**, the State of New York Office of the State Comptroller (the "State Comptroller's Office") recently conducted an audit of the NFWB to determine if the NFWB is managing NFWB finances in accordance with the governing agreements and the New York State Public Authorities Law; and

**WHEREAS**, the State Comptroller's Office recently released its report on this audit which is dated March, 2016; and

**WHEREAS**, the State Comptroller's Office found that there was excess cash in the NFWB's debt service fund and recommended, among other things, that the excess cash be utilized by the NFWB for "capital projects, for repairs, or to reduce the water and sewer rent rates charged to ratepayers.

**NOW, THEREFORE, BE IT RESOLVED** by this City Council that the NFWB immediately take steps to implement the recommendations of the State Comptroller's Office, a copy of which recommendations are attached hereto and contained on Page 9 of the report issued by the State Comptroller's Office and, in particular, that the NFWB "use the excess cash in the debt service fund for capital projects, for repairs or to reduce the water and sewer rent rates charged to ratepayers"; and

**BE IT FURTHER RESOLVED** that the NFWB determine that the 72<sup>nd</sup> Street water main project repairs/replacements undertaken and paid for by the City of Niagara Falls in 2015 be deemed a capital project suitable to be paid for with the excess cash in the Debt Service Fund and take immediate steps to reimburse the City of Niagara Falls for the entire cost of this capital project i.e. approximately \$939,650.00 plus costs incurred by the City's consultant engineer; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Niagara Falls Water Board and the Niagara Falls Water Authority; and

**BE IT FURTHER RESOLVED** that the NFWB respond to this City Council within thirty (30) days as to whether or not it will comply with these requests.

were placed in the Authority Construction Fund where they were commingled with the Water Board's cash. The final cost of the two projects totaled \$2.2 million. However, since the difference between deposits and disbursements from the Authority Construction Fund was \$4.4 million, it appears that bond proceeds were used for capital projects in the Plan that were intended to be funded with revenue from sources other than debt proceeds.

It is important to properly delineate and report the financial resources of the Water Board and Authority. The governing agreements and PAL set forth specific guidelines and responsibilities to achieve this goal.

#### Recommendations

The Board should:

1. Ensure that Water Board and Water Authority finances are managed in accordance with the terms of the governing agreements, resolutions and statutory requirements, and are properly reported.
2. Use the excess cash in the Debt Service Fund for capital projects, for repairs or to reduce the water and sewer rent rates charged to ratepayers.
3. Analyze the cash balance in the Authority Construction Fund to determine if any cash should be transferred to the Water Board Construction Account or returned to the Water Board Operations and Maintenance Reserve.
4. Fund capital projects as documented in the approved Plan and document the source of funds (bond proceeds, grants or Local Water Fund money) that were used to pay for each project.

**RELATIVE TO DEVELOPING A MANAGEMENT PLAN FOR THE CULTURAL DISTRICT**

BY:

COUNCIL CHAIRMAN ANDREW TOUMA  
COUNCIL MEMBER EZRA SCOTT, JR.  
COUNCIL MEMBER KENNY TOMPKINS  
COUNCIL MEMBER CHARLES WALKER

**WHEREAS**, the State and City agreed to establish a Cultural District in a 2006 City/State Memorandum of Understanding; and

**WHEREAS**, the Cultural District is the second BIG MOVE in the City's Comprehensive Plan; and

**WHEREAS**, the Cultural District has the potential to become a transformational project on the scale of Canal side; and

**WHEREAS**, the Cultural District is a Public/Private development recommended to include: The Niagara Experience Center, an amphitheater and a Rustic Inn, as well as suggestions for an Interpretive Park including a replica of the Hydraulic Canal; and

**WHEREAS**, the Cultural District is defined in the 2009 Gorge Corridor Scoping Process as being located between Main Street and Cedar Avenue, and bordered by the Niagara Gorge and Third Streets with direct access from State Parks; and

**WHEREAS**, the Robert Moses Parkway is being removed and is not an interference once Whirlpool is reconstructed and reopened to traffic; and

**WHEREAS**, the Cultural District is Historic in nature, as it includes the Old Mill District, The Schoellkopf Power Plant and the terminus of the Hydraulic Canal.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of Niagara Falls, New York, does hereby respectfully request the Mayor and his administration form a committee and consult with the State of New York to develop a management plan for the Cultural District, including but not limited to those amenities as proposed by the City's 2009 Comprehensive Plan.

Agenda Item #15

**RELATIVE TO WAIVER OF PARKING FEES FOR NIAGARA FALLS HIGH SCHOOL  
GRADUATION AND GRADUATION REHEARSAL**

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER KRISTEN GRANDINETTI

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

**WHEREAS**, Niagara Falls High School will hold its 2016 Graduation ceremony on Saturday, June 25, 2016 from 12:00 – 2:00 p.m., and its rehearsal ceremony on Friday, June 24, 2016 from 8:30 a.m. – 12:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York, that the City of Niagara Falls does hereby waive parking fees in the Third Street city parking lot and downtown parking ramp for persons attending the Niagara Falls High School graduation and rehearsal events, scheduled for Saturday, June 25, 2016 from 12:00 p.m. – 2:00 p.m., and Friday, June 24, 2016 from 8:30 a.m. – 12:00 p.m., respectively.

## Niagara Falls High School

4455 Porter Road  
Niagara Falls, New York 14305-3309  
Phone: (716) 278-5800  
Fax: (716) 286-7964



Mr. Robert L. Bradley, Jr., Chief Educational Administrator  
Mr. Derek A. Zimmerman, Administrator, Team 1  
Mrs. Carrie K. Buchman, Administrator, Team 2  
Mrs. Lynne M. Tompkins, Administrator, Team 3

April 6, 2016

Honorable Mayor Paul Dyster  
City of Niagara Falls  
745 Main Street  
P.O. Box 69  
Niagara Falls, NY 14302-0069

Dear Mayor Dyster:

On Saturday, June 25, 2016, Niagara Falls High School will hold its graduation ceremony for approximately 425 seniors. We are again holding graduation at the Niagara Falls Conference Center. The ceremony will begin at noon and end at approximately 2:00 p.m. We will also conduct a rehearsal ceremony on Friday, June 24, 2016 from 8:30 a.m. – 12:00 p.m.

We are requesting that the parking fees for the adjacent city parking ramps be waived on June 24 and June 25 to accommodate our students, parents and guests. This kindness will be a tremendous support to the school and community.

In the past, we have worked successfully and cooperatively with Mr. Caso to make this happen in a smooth fashion. Please consider this request and advise me as to the appropriate next steps. I can be reached at Niagara Falls High School at 286-7910.



Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Bradley, Jr.", written over a horizontal line.

Robert L. Bradley, Jr.  
Chief Educational Administrator  
Niagara Falls High School

RLB/tmk  
cc: John Caso

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Niagara Falls City School District

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Accredited by the Middle States Association of Colleges and Schools

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