

May 2, 2016

Monday – May 2, 2016 Council Meeting

PRESENTATIONS:

1. Daniel M. Engert, Health Care Consortium
 2. John Caso, Director, Public Works and Brooke D'Angelo, SWEET Program Coordinator -
Electronic Recycling
-

ADMINISTRATIVE UPDATE:

None

Agenda Item #2

RE: Reorganization of Purchasing Division

Council Members:

The City's Purchasing Director advises that the Purchasing Division has a vacancy resulting from an employee transferring to another department. This presents an opportunity to create a new position with additional duties and responsibilities which will allow the Department to operate in a more efficient manner. The new position is entitled "Administrative Assistant – Purchasing." The new title and job description was prepared and approved by the Niagara Falls Civil Service Commission.

This reorganization results in a savings of \$128.99. Attached is the proposed reorganization of the Purchasing Division.

Will the Council so approve?

Agenda Item #3

RE: Niagara Frontier Transportation Authority – Trolley Service

Council Members:

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 13, 2016 and conclude October 30, 2016. During the month of May, 2016, from May 13, 2016 through May 31, 2016, the Trolley Service will operate on weekends only (Friday, Saturday and Sunday) plus May 30, 2016. Trolley service from June 1, 2016 through September 30, 2016 will be on a daily basis. From October 1, 2016 through October 30, 2016, trolley service will be on weekends only (Friday, Saturday, Sunday). From November 1, 2016 through December 31, 2016, NFTA validated passes may be utilized for all metro routes. The cost to the City for this service will be \$560,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund balance.

Will the Council so approve?

Agenda Item #4

RE: Acceptance of Grant from New York State Division of Criminal Justice Services

("DCJS")

Council Members:

The Superintendent of Police advises that the Niagara County law enforcement agencies, including the City of Niagara Falls Police Department ("NFPD"), have been awarded a Gun Involved Violence Elimination ("GIVE") grant in the amount of \$696,367.00 to support targeted firearm and violent crime reduction efforts. Attached hereto is a communication from the DCJS outlining the details of this GIVE grant. The NFPD's share of this grant is \$349,115.00 and will be spent as per the attached budget.

Will the Council accept this grant and authorize the Mayor to execute any required documentation and/or agreements in order to accept the grant provided the same are in form and content acceptable to the Corporation Counsel?



ANDREW M. CUOMO
Governor

Division of Criminal
Justice Services

MICHAEL C. GREEN
Executive Deputy Commissioner

April 6, 2016

The Honorable Theodore A. Brenner
Niagara County Deputy District Attorney
175 Hawley Street
Lockport, NY 14094

Mr. Bryan DalPorto
Superintendent
Niagara Falls City Police Department
1925 Main Street
Niagara Falls, NY 14305

RE: Gun Involved Violence Elimination

Dear Deputy District Attorney Brenner and Superintendent DalPorto:

I am pleased to advise you that the NYS Division of Criminal Justice Services (DCJS) has awarded your jurisdiction a Gun Involved Violence Elimination (GIVE) award of \$ 686,387 for the contract period 7/01/16 to 6/30/17. These funds are to be used by your partnership to support targeted firearm and violent crime reduction efforts.

The attached spreadsheet represents your county's entire budget request for GIVE and the amount of funding approved by DCJS for each individual request. The process DCJS utilizes to make GIVE award decisions is deliberate and focuses on awarding funds to positions and items deemed critical to the successful implementation of the proposed strategies. Participating agencies are expected to use the approved budget in the "Awarded Budget" column, on the attached, when developing this year's GIVE contract.

Please note and complete the following information within 30 days of receiving this notice to further facilitate the development of your contract:

- Ensure that all prior year contracts are in compliance with contract conditions (up-to-date progress reports, vouchers, fiscal cost reports and detailed itemization forms).
- Contracts will be one year renewals as delineated in the SFY 2015-16 GIVE Request for Applications.
- Grantees receiving in excess of \$25,000 must submit:
 - Local Assistance MWBE Subcontractor/Supplier Utilization Proposal Form (DCJS-3301)
 - Local Assistance MWBE NPS Discretionary Budget Determination Worksheet (DCJS-3309)

These forms can be located at:
<http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>

- Grantees receiving in excess of \$250,000 must also submit the Local Assistance MWBE Equal Employment Opportunity Staffing Plan (DCJS-3300).

This form can be located at: <http://www.criminaljustice.ny.gov/ofpa/mwbe/mwbe-forms.htm>.

Should you have any questions, please contact Charles Tyree in the DCJS Office of Public Safety at (518) 485-7523 or e-mail Charles.Tyree@dcjs.ny.gov or Joann Tierney-Daniels in the DCJS Office of Program Development and Funding at (518) 457-8404 or e-mail at Joann.Tierney-Daniels@dcjs.ny.gov. The GIVE initiative is a critical component of New York's shooting and homicide reduction strategy. We look forward to continuing our strong partnerships to make New York the safest large state in the nation.

Very truly yours,



Michael C. Green
Executive Deputy Commissioner

MCG-JTD:kaf

Attachment (1)

cc: James Voutour, Niagara County Sheriff's Office
John Clochetti, Niagara County Probation
Joann Tierney-Daniels, DCJS
Charles Tyree, DCJS

Niagara

POLICE DEPARTMENT BUDGET

PERSONNEL	Requested Budget	Awarded Budget
Job Title / Position		
Crime Analyst	\$42,500	\$42,500
Field Intelligence Officer	\$37,500	\$37,500
Research Partner - PT (17 hours per week)	\$15,500	\$15,500
Call-In Coordinator - PT (17 hours per week)	\$15,500	\$15,500
Fringe Benefits for Positions		
Crime Analyst	\$13,720	\$13,720
Field Intelligence Officer	\$31,945	\$31,945
Research Partner - PT (17 hours per week)	\$1,950	\$1,950
Call-In Coordinator - PT (17 hours per week)	\$1,950	\$1,950
Overtime to Support Initiatives/Strategies		
Police Officer Overtime to implement GIVE II Strategies	\$149,500	\$155,300
TOTAL PERSONNEL	\$320,065	\$335,865
EQUIPMENT / SOFTWARE		
ACCURINT LE PLUS Software LEXIS-NEXIS	\$3,700	\$0
Est ArcGIS Desktop Software Maintenance Renewal	\$2,100	\$0
TOTAL EQUIPMENT	\$5,800	\$0
OTHER EXPENSES / SUPPLIES		
Reward/Buy Money	\$10,000	\$10,000
Refreshments for GIVE Community Meetings and Call-In Meetings	\$1,250	\$1,250
TOTAL SUPPLIES	\$11,250	\$11,250
TRAVEL & TRAINING		
Travel expenses attend OCJS sponsored meetings, trainings and conferences	\$2,000	\$2,000
TOTAL TRAVEL & TRAINING	\$2,000	\$2,000
POLICE DEPARTMENT TOTAL	\$349,115	\$349,115

DISTRICT ATTORNEY'S OFFICE BUDGET

PERSONNEL	Requested Budget	Awarded Budget
Job Title / Position		
Assistant District Attorney - 100% of Salary	\$78,200	\$78,200
Assistant District Attorney - 50% of Salary	\$26,230	\$26,230
Fringe Benefits for Positions		
Assistant District Attorney - 100% of Salary	\$31,280	\$31,280
Assistant District Attorney - 50% of Salary	\$12,860	\$12,860
Overtime to Support Initiatives/Strategies		
TOTAL PERSONNEL	\$148,692	\$148,692
CONSULTANT SERVICES		
Niagara University - Research Partner	\$39,178	\$39,178
TOTAL SUPPLIES	\$39,178	\$39,178
TRAVEL & TRAINING		
Travel Expenses to attend OCJS sponsored trainings and conferences	\$1,500	\$1,500
TOTAL TRAVEL & TRAINING	\$1,500	\$1,500
DISTRICT ATTORNEY'S OFFICE TOTAL	\$189,280	\$189,280

SHERIFF'S OFFICE BUDGET		
PERSONNEL	Requested Budget	Awarded Budget
Job Title / Position		
Correction Intelligence Officer	\$60,787	\$60,781
Fringe Benefits for Positions		
Correction Intelligence Officer	\$24,354	\$24,304
Overtime to Support Initiatives/Strategies		
Violent Crime/Invasive Patrols	\$15,000	\$15,000
TOTAL PERSONNEL	\$100,085	\$100,085
OTHER EXPENSES / SUPPLIES		
TOTAL SUPPLIES	\$0	\$0
TRAVEL & TRAINING		
Travel Expenses to attend DCJS sponsored trainings and conferences	\$1,000	\$1,000
		\$0
TOTAL TRAVEL & TRAINING	\$1,000	\$1,000
SHERIFF'S OFFICE TOTAL	\$101,085	\$101,085

COUNTY PROBATION BUDGET		
PERSONNEL	Requested Budget	Awarded Budget
Job Title / Position		
Probation FTO (.3 FTE)	\$20,848	\$20,848
Fringe Benefits for Position		
Probation FTO (.3 FTE)	\$12,259	\$12,259
Overtime to Support Initiatives/Strategies		
O/T for Probation Officers for GIVE home compliance checks/comm outch	\$13,000	\$13,000
TOTAL PERSONNEL	\$56,907	\$56,907
OTHER EXPENSES / SUPPLIES		
TOTAL SUPPLIES	\$0	\$0
TRAVEL & TRAINING		
Travel Expenses to attend DCJS sponsored trainings and conferences	\$1,000	\$1,000
TOTAL TRAVEL & TRAINING	\$1,000	\$1,000
COUNTY PROBATION TOTAL	\$56,907	\$56,907

COUNTY GRAND TOTAL - \$696,367 \$696,367

Agenda Item #5

RE: Memorandum of Understanding between the City Of Niagara Falls and the Niagara Falls Police Captains and Lieutenants Association

Council Members:

As you know, between November 2010 and November 2015, the City of Niagara Falls was a party to a Stipulated Order of Consent with the New York State Office of the Attorney General which required the City to undertake the review and reform of its Police Department policies and procedures. Overall, this process has been a success in that the Police Department has significantly strengthened its policies in the areas of diversity, community policing and use of force and have made a positive impact both in the department and with the general public. These benefits were noted by the office of the Attorney General at the conclusion of the Consent Order.

Unfortunately, in order to implement the departmental changes within the time period required by the Office of the Attorney General, there was no opportunity to negotiate those changes with the City's two Police Unions as required by the Taylor Law. Conflicts arose with the unions in areas where the new departmental practices conflicted with terms contained in their Collective Bargaining Agreements with the City. As a result, the New York State Public Employment Relations Board recently ruled that the City committed an improper practice in a proceeding brought by the Niagara Falls Police Club and supported by the Niagara Falls Police Captains and Lieutenants Association. PERB directed the City to rescind a number of the policy changes made pursuant to the Consent Order; however, doing so would put the City back into the same position that it was in prior to the Consent Order in 2010.

Instead of taking a step backwards, the City met with both the Police Captains and Lieutenants Association and the Police Club to discuss the impact of the PERB decision on the new departmental policies. With encouragement from the Office of the Attorney General, I am pleased to announce that these discussions have been fruitful and that, with cooperation from the unions, the City will be able to continue to utilize the positive policy changes brought about through the Consent Order.

The Agreement that has been attached for your consideration is a product of the desire of both the City and the Police Captains and Lieutenants Association to continue the advancement of the Police Department has made in the last five years while maintaining a continuing commitment for agreements reached through collective bargaining. The attached Memorandum of Understanding will accomplish the following:

1. To adequately compensate each member of the PCLA for their role in implementing the Consent Order;
2. To reaffirm the commitment of both parties to the spirit of collective bargaining by allowing the parties to mutually develop departmental policies as required by PERB, and;
3. Allow the City to keep in place the departmental reforms brought about over the last five years without interruption.

While the proposed Agreement will result in a modest financial impact, the provisions of the same allow for a deferral of payments to allow the City financial flexibility over a period of years. However, this financial impact is more than offset by the City's commitment to protect the constitutional rights of our citizens and the promotion of safe and efficient police practices.

Will the Council so approve?

MEMORANDUM OF UNDERSTANDING

Between

CITY OF NIAGARA FALLS, NEW YORK

And

**NIAGARA FALLS POLICE CAPTAINS
AND LIEUTENANTS ASSOCIATION**

The **CITY OF NIAGARA FALLS, NEW YORK** (hereinafter, "CITY"), a municipal corporation organized and existing pursuant to the laws of the State of New York, and the **NIAGARA FALLS POLICE CAPTAINS AND LIEUTENANTS ASSOCIATION** (hereinafter, "PCLA"), the bargaining unit designated as the exclusive representative for collective negotiations and the settlement of grievances for all supervisory police officers employed by the City represented by said unit, have negotiated the following agreement to further their employment relationship and to promote the continued efficiency of the Niagara Falls Police Department.

The personnel listed as "Active" below are members of the PCLA during the period between December 3, 2010 and November 30, 2015.

1. **Wages:** All active personnel shall receive the following increase to base salary: 2.5% increase, effective January 1, 2017; 2.5% increase effective, January 1, 2018.
2. **Compensatory Time:** Active personnel covered under this agreement will receive four hundred (400) hours of compensatory time, to be credited during the employee's final year of service, as compensation for additional, non-negotiated work that was done by PCLA members during the above period. Compensatory time shall be credited to the employee in 8 hour increments in each of the last 50 weeks of their service. The employee shall notify the City at least one (1) month prior to the commencement of the final year of employment. Should an employee retire on short notice, the employee shall be credited the entire amount of compensatory time two weeks prior to retirement.

Personnel listed below as "Retired" (individuals that were members of the Captains and Lieutenants Association but retired between December 3, 2010 and November 30, 2015) will be receive one hundred (100) hours of compensatory time which will be paid at the retiree's final hourly rate.

3. **Amendment of Departmental Orders:** Within sixty (60) days of the ratification of this agreement by the Niagara Falls City Council, the City and the PCLA agree to mutually review and refine certain departmental orders and rules in order to bring the same into compliance with the requirements of the Taylor Law. Specifically, the parties will amend departmental orders and rules which address employee discipline, use of force and personnel files.

All other existing departmental policies, rules and orders not otherwise modified or amended by the parties will remain in full force and effect.

Dated: April 26, 2016

On Behalf of:

City Of Niagara Falls, New York

Police Captains and Lieutenants Assn.

Paul A. Dyster
Mayor

Lt. Michael Drake
President

ATTEST:

Carol Antonucci
City Clerk

ATTACHMENT

Active

Munn, Angela
Paonessa, Nicholas
Casale, Joseph
Weed, Theodore
Lepine, Ronald
Dalporto, E. Bryan
Rizzo, Kelly
Trane, Michael
Kok, David
Freeman, Roger
Sykes, Jason
Cudahy, David
Corcoran, Michael
Jones, Daniel
Cirrito, Ronald
Fisher, Jay
Dallavia, Scott
Demarco, Robert
Licata, Thomas
Nichols, Walter
Tedesco, James
Catalano, Anthony
Ewing, Thomas
Drake, Michael
Ferchen, Timothy
Petrishin, John
Ligamarri, Nicholas
Granto, Vincent
Conti, John

Retired

Kachurek, Michael
Demarco, John
Kachurek, Leslie
Tedesco, Frank
Augustyniak, David
Bancroft-Billings, Jeffery
Rosati, Robert
Wills, Stanley
Legault, David
Pino, Salvatore
Shamrock, Morris
Thomson, William
Paonessa, Salvatore
Mazikowski, Richard

Agenda Item #6

*RE: Empire State Development Regional Council Incentive Award for
3625 Highland Avenue, Niagara Falls, NY*

Council Members:

Attached is the award letter from Empire State Development for a state incentive of up to \$500,000.00 towards the projected 1.5 million dollar cost of the construction and renovation of the 3625 Highland Avenue properties.

Will the Council approve the acceptance of the award and authorize the Mayor to execute the award letter and any other documents necessary to effectuate the award?



April 18, 2016

Mr. Thomas DeSantis, Acting Director
Dept. of Planning, Environment & Economic Dev.
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302

Dear Tom:

On behalf of New York State and Empire State Development, please let me express my enthusiasm for working with you and the City of Niagara Falls ("Niagara Falls") on your brownfield project in New York State.

As we understand the project, Niagara Falls will invest \$1.5 million to transform a New York State-designated Brownfield Opportunity Area priority brownfield site in the Highland Avenue Corridor into a prosperous, economically diverse location capable of attracting new investment and employment opportunities.

To encourage you to proceed with this project, we are offering Niagara Falls a state incentive valued at **\$500,000**.

Please review the attached [Incentive Proposal](#) to see how New York State and Empire State Development are prepared to assist Niagara Falls with its project located in the Western Region of New York State. If you choose to accept our offer, please acknowledge your decision by endorsing the last page of the attached proposal and returning one copy to me and one copy, including the \$250 Application Fee, to Edwin Lee, Vice President of Empire State Development's Loans and Grants Department, by May 19, 2016.

Should you have any questions or wish to discuss the offer further, please do not hesitate to call Ray Witzleben, your project manager, at (716) 846-8245.

Very truly yours,

Christopher J. Schoepflin
Regional Director

cc: Edwin Lee
Ray Witzleben

Attachment: ESD Incentive Proposal

Empire State Development
Western New York Regional Office
95 Perry Street, Suite 500, Buffalo, NY 14203-2030
(716) 846-8260 | (716) 846-8260 (F) | www.esd.ny.gov



REGIONAL COUNCIL AWARD – INCENTIVE PROPOSAL

City of Niagara Falls

April 18, 2016

This **Incentive Proposal** outlines the general terms and conditions of the incentive package being offered by Empire State Development ("ESD")* to the City of Niagara Falls to assist with its brownfield project in Niagara Falls, Niagara County. This offer is subject to the availability of funds, completion of any applicable (1) non-discrimination and contractor diversity, (2) environmental and historic and (3) smart growth review requirements, approval by the ESD Directors, applicable statutes, and compliance with program requirements.

* The New York State Department of Economic Development and the New York State Urban Development Corporation, d/b/a Empire State Development, are collectively referred to as ESD.

I. GENERAL INFORMATION

- a) **Recipient Name:** City of Niagara Falls ("Niagara Falls" or the "Recipient")
- b) **Contact Information:** Mr. Thomas DeSantis, Acting Director
Dept. of Planning, Environment & Economic Dev.
745 Main Street
Niagara Falls, NY 14302
Phone: (716) 286-4477
E-mail: desantis@nfdes.org
- c) **Project Location:** 3625 Highland Avenue
Niagara Falls, NY 14305
- New York State Empire Zone:** N/A
- d) **Type of Business:** Municipality

II. PROJECT SPECIFICS

- a) **Project Description:** Transformation of a New York State-designated Brownfield Opportunity Area priority brownfield site in the Highland Avenue Corridor into a prosperous, economically diverse location capable of attracting new investment and employment opportunities. Niagara Falls will renovate three, two-story buildings of approximately 37,000-square-feet each into Market Ready sites.

General Requirements

- **Equity:**
The Recipient will be required to contribute a minimum of 10% of the total project cost in the form of equity contributed after the Recipient's written acceptance of ESD's Incentive Proposal. Equity is defined as cash injected into the project by the Recipient or by investors and should be auditable through Recipient financial statements or Recipient accounts, if so requested by ESD. Equity cannot be borrowed money secured by the assets in the project or grants from a government source.
 - **Fees:**
The Recipient will provide a \$250 Application Fee, due when this Incentive Proposal is returned and a 1% commitment fee (\$5,000), due after ESD Directors' approval at the time a Grant Disbursement Agreement is executed. In addition, the Recipient will reimburse ESD for any direct expenses incurred in connection with this project, including costs related to holding a public hearing, attorney fees, appraisals, surveys, title insurance, credit searches, filing fees, and other requirements deemed appropriate by ESD.
 - **Non-discrimination and Contractor Diversity:**
ESD's Non-discrimination & Contractor and Supplier Diversity policy will apply to the project. The Recipient shall be required to use Good Faith Efforts (pursuant to 5 NYCRR §142.8) to achieve an overall Minority and Women Business Enterprise (MWBE) participation goal of 30% (\$150,000) related to the total value of ESD's funding and to solicit and utilize MWBEs for any contractual opportunities generated in connection with the project. A further explanation of the MWBE requirements is attached hereto.
 - **Design and Construction Review:**
Upon acceptance of this Incentive Proposal and prior to moving forward with the project, ESD's Design and Construction ("D&C") staff will meet with the Recipient to discuss ESD's required review of design and construction documents, addendum, cost estimates and monitoring of the bid and contract award process. D&C will, at its option, attend design and construction meetings and monitor all progress. D&C will review all change orders and contractor requisitions and verify that all requirements have been satisfied prior to approving the release of ESD funds, including acceptable completion of D&C requirements, submission of lien waivers and other forms.
 - **Environmental, Historic and Smart Growth Review:**
Please note in particular the Environmental, Historic and Smart Growth Review requirements at the end of the attached document, which, if applicable, must be satisfied prior to ESD Directors' approval of funding. The ESD Planning & Environmental Review office may contact your office for further information regarding status of the environmental, historic and smart growth review for your project.
 - **Environmental Sustainability:**
ESD encourages the environmentally sustainable practice of recycling construction and demolition debris rather than disposition in a landfill.
 - **Insurance Requirements:**
The Recipient shall maintain Commercial General Liability Insurance providing both bodily injury (including death) and property damage insurance in a limit not less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate and Three Million Dollars (\$3,000,000) umbrella. ESD and each of its directors, officers, employees, agents and representatives shall be additional insureds and certificate holders, on a primary and non-participatory basis, with full waiver of subrogation (General Liability Additional Insured Endorsement shall be on Insurance Service Office's (ISO) form number CG 20 26 11 85) or equivalent acceptable to ESD. In addition, if the grant or loan contemplates the purchase, construction or renovation of any buildings or equipment, the Recipient shall keep the buildings at the Project Location and the building equipment insured against: (i) loss by fire, (ii) additional perils customarily covered under an all-risk policy and (iii) flood hazard, if the Project Location is located in an area identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended.
 - **Modification:**
ESD reserves the right to review and reconsider project and property selections in the event of material changes in the project plans or circumstances.
 - **Reservations of Rights Concerning Funding Commitment:**
It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project.
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• **Next Steps After Accepting this Incentive Proposal:**

Within approximately 30 days of your acceptance of this Incentive Proposal, your Project Manager will acknowledge receipt of the signed Incentive Proposal and will provide a guide to the ESD Approval and Disbursement Process and relevant contact information. Prior to ESD Directors' approval, ESD will require updated project information and Declarations and Certifications. Please note that ESD Directors' approval typically occurs at project completion.

V. **SUMMARY**

Total ESD Assistance: \$500,000

Expiration of Proposed Offer:

This proposal expires 30 (thirty) days from the date of this offer unless endorsed below and received by ESD prior to the expiration date.

Expiration of Accepted Offer:

The accepted proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary.

APPROVED BY: _____



Date: _____



Edwin Lee, Vice President
ESD Loans & Grants
633 Third Avenue
New York, NY 10017
Phone: (212) 803-3618

ACCEPTED BY: _____

Date: _____

Mr. Thomas DeSantis, Acting Director
Dept. of Planning, Environment & Economic Dev.
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302
Phone: (716) 286-4477

* Please see the following Affirmation page, which must be completed, signed and notarized for this Incentive Proposal to be considered accepted.

AFFIRMATION

STATE OF NEW YORK)
) ss.
COUNTY OF)

The Undersigned, being duly sworn, deposes and says:

1. I, _____, am the _____ of _____ [the "Recipient"], a corporation that is duly organized and validly existing under the laws of _____, and is authorized to do business and is in good standing in the State of New York.
2. I have read and know the contents of the Incentive Proposal prepared by the New York State Urban Development Corporation d/b/a Empire State Development ("ESD") dated the ____ day of _____, 20__.
3. I have reviewed all of the information provided by the Recipient to ESD to assist in ESD's preparation of the Incentive Proposal, including information provided on Recipient's behalf by third-party consultants.
4. I know all of the information provided by Recipient or its third-party consultants to be true and complete in all material respects. To the extent such information involves projections about future performance, these projections have been prepared in good faith, based upon reasonable assumptions.
5. Recipient did not make a decision to undertake the project described in the Incentive Proposal prior to [date of Incentive Proposal.]
6. Recipient hereby accepts the terms of the Incentive Proposal.
7. Receipt of the Incentive Proposal was a material factor in Recipient's decision to undertake the above-referenced project.
8. Recipient agrees to allow the Department of Taxation and Finance to share Recipient tax information with Empire State Development.
9. Recipient authorizes the Commissioner of Labor to disclose, to employees of both the New York State Department of Labor, the New York State Department of Economic Development, and the Urban Development Corporation, (aka Empire State Development), all records filed by the Recipient in making Unemployment Insurance (U.I.) reports and contributions required by State Labor and Tax Law, including, but not limited to, all information contained in or relating to the quarterly combined withholding, wage reporting and U.I. returns, the registration for U.I., the New Hire file, and all records of U.I. delinquencies. In addition, this authorization shall include all information contained in any survey reports requested by the Department of Labor on behalf of the U.S. Department of Labor, Bureau of Labor Statistics including, but not limited to, the Current Employment, Occupational Employment, multiple worksite, and annual refiling surveys. The use of information and records released pursuant to this authorization shall be limited to government purposes concerning the Recipient and assistance described in this Incentive Proposal to monitor compliance with worker protection laws and with the conditions and requirements associated with the financial assistance being requested.
10. Recipient certifies, under penalty of perjury, that the Recipient is in substantial compliance with all environmental, worker protection, and local, state and federal tax laws.

Signature

Subscribed and sworn to before me
this ____ day of _____, 20__.

Notary Public

ENVIRONMENTAL, HISTORIC AND SMART GROWTH REVIEW REQUIREMENTS

Approval of funding by ESD, a public benefit corporation of the State of New York, requires compliance with environmental, historic and smart growth review requirements under New York State regulations. The information below provides a brief guide to the review processes. If you have any questions about the required documentation or how to proceed in these areas, please contact ESD's Planning & Environmental Review Office at (212) 803-3252 or 3253. **Physical work on an ESD-funded project may not be started prior to the completion of any necessary environmental, historic and/or smart growth review.**

Environmental Review under State Environmental Quality Review Act (SEQRA)(6 NYCRR Part 617)

- Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of a site or structure require review under SEQRA. Certain listed activities are not subject to any review because they involve actions with little, if any, environmental impact, referred to as "Type II" Actions. Conversely, SEQRA also includes a list of actions that are assumed to be more apt to result in impacts, referred to as "Type I" Actions, which are subject to formal review. If a proposed action is neither listed on the Type II or Type I lists, it is referred to as an "Unlisted Action" and is also subject to review under SEQRA.
- The applicant must demonstrate compliance with SEQRA if the project does not meet the definition of a Type II Action. If SEQRA review is required for the project, the review must be completed by a lead agency such as a municipal planning or zoning board, common council, county industrial development agency, or state regulatory or funding agencies.
- Please note that if the project consists of more than one phase, a SEQRA review must be completed for all known or reasonably foreseeable phases of the project, not only the phase that is the subject of ESD funding. An environmental review of only a portion of a project constitutes improper segmentation under SEQRA and is not accepted except in special circumstances.
- Required SEQRA documentation:

If the project has already been determined to have no significant effect on the environment, the following two documents must be provided:

1. Environmental Assessment Form (EAF) –Short EAF or Full EAF, as appropriate for the project. All parts must be fully completed and approved by the lead agency that reviewed the project; and
2. Negative Declaration

(Note: If the project was approved by a lead agency on or after October 7, 2013, the new EAFs must be used and a separate Negative Declaration form is not required.)

If a Positive Declaration was made for the project, indicating that the project may have a significant adverse impact on the environment, the following documents must be provided:

1. Draft and Final Environmental Impact Statement (DEIS and FEIS) – digital copy is preferable; and
 2. Lead Agency Statement of Findings
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- If your SEQRA review has not yet been completed, please provide in an addendum to this application information about the status of the review and designated lead agency for the review, and submit "Part 1" of a Short EAF or Full EAF as appropriate for your project. Subsequent EAF Parts are completed by the lead agency based upon the information you include in Part 1.

For further information about SEQRA, please visit the New York State Department of Environmental Conservation's web site at <http://www.dec.ny.gov>.

Historic Review

- Projects involving a building, structure, district, or site, including underground or underwater sites, listed on or eligible for listing on the State or National Register of Historic Places (S/NRHP) must be evaluated by the State Historic Preservation Office (SHPO) of the New York State Office of Parks, Recreation and Historic Preservation in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law.
- Buildings that are more than 50 years old and/or those that are historically, architecturally, or culturally significant, as well as project locations wholly or partially within an identified archeologically-sensitive area or a land area that typically contains archeological resources, may meet the eligibility criteria for S/NRHP listing.
- The applicant must demonstrate compliance with Section 14.09. In order to initiate the SHPO consultation process, the applicant must submit the project for review by SHPO through the Cultural Resources Information System (CRIS) found at <https://cris.parks.ny.gov/Default.aspx>. Upon completion of the SHPO consultation process, SHPO will determine whether or not the project will have an adverse impact on historical or cultural resources and will provide a letter of comment on the project.
- Required SHPO documentation:
 - Letter of No Adverse Impact determination or
 - Letter of Resolution – required if SHPO determines that the project will have an Adverse Impact on historic or cultural resources.

Smart Growth

The State Smart Growth Public Infrastructure Policy Act of 2010 requires that public infrastructure projects approved, undertaken, supported or financed by a State Infrastructure Agency, which includes ESD, to the extent practicable, are consistent with relevant Smart Growth Criteria specified in the law. Projects that involve ESD approval of funding for public infrastructure (e.g., publicly-supported roads, bridges, streetscapes, other transportation systems, drinking water, sewers, drainage systems, and utilities) will require the completion of a Smart Growth Impact Statement prior to approval of funding. (Note: Projects that only involve Excelsior Jobs Tax Credits do not require Smart Growth review.) ESD staff will advise you if a Smart Growth Impact Statement is required.

PARTICIPATION REQUIREMENTS FOR NEW YORK STATE CERTIFIED MWBEs

ESD is required to comply with and implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 (MWBE Regulations) for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.

Approval of funding by ESD, a public benefit corporation of the State of New York, is conditioned upon and subject to the following requirements:

- a) Recipient agrees to fully comply and cooperate with ESD in the implementation of New York State Executive Law Article 15-A. These requirements include contracting opportunities for New York State *certified* Minority-owned Business Enterprises ("MBEs") and Women-owned Business Enterprises ("WBEs"), collectively MWBEs.
 - b) For purposes of this project, ESD hereby establishes the following MWBE participation requirements:

Overall MWBE Participation Requirement: 30% (totaling no less than \$150,000)
 - c) For purposes of providing meaningful participation by MWBEs on the project and achieving the project goals established herein, Recipient should reference the directory of New York State certified MWBEs found at the following Internet address:

<https://ny.newnycontracts.com>

Additionally, Recipient may contact ESD's Office of Contractor and Supplier Diversity (OCSD) to discuss additional methods of maximizing participation by MWBEs on the project.
 - d) Recipient is required to submit a completed Non-Discrimination and Equal Employment Opportunity Policy Agreement (Form OCSD-1) prior to the first disbursement.
 - e) For all incentives where ESD's effective contribution is equal to or greater than \$250,000, the Recipient and any contractors or sub-contractors are required to provide to OCSD a MWBE Staffing Plan (Form OCSD-2) prior to the first disbursement and a final Workforce Compliance Report (Form OCSD-3) prior to the final disbursement of project funds. If the first disbursement is also the final disbursement, the Recipient may submit only the final Workforce Compliance Report.
-

- f) Recipient is required to submit a MWBE Utilization Plan (Form OCSD-4, also known as the MWBE Participation Plan) not later than ten (10) days after the execution of this Incentive Proposal.
- If additional time is required to prepare an acceptable and effective MWBE Utilization Plan, the Recipient may submit a written extension request to the OCSD or the respective OCSD assigned project manager. The extension request must provide an explanation regarding why additional time is needed and provide an estimated date of submission for the MWBE Participation Plan.
 - Any modifications or changes to the MWBE Participation Plan after the execution of this Incentive Proposal and during the performance of the project must be reported on a revised MWBE Utilization Plan and submitted to OCSD for approval.
- g) ESD will review the submitted MWBE Utilization Plan and advise the Recipient of acceptance or issue a notice of deficiency within twenty (20) days of receipt.
- h) If a notice of deficiency is issued, Recipient agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Recipient and direct the Recipient to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals (Form OCSD-5, Waiver Request). Failure to file the waiver request in a timely manner may result in a finding that Recipient has intentionally or willfully failed to comply with the requirements of Article 15-A of the Executive Law and the MWBE provisions outlined herein.
- i) ESD may find that Recipient has willfully or intentionally failed to meet the MWBE project requirements under the following circumstances:
1. If a Recipient fails to submit a MWBE Utilization Plan;
 2. If a Recipient fails to submit a written remedy to a notice of deficiency;
 3. If a Recipient fails to submit a request for waiver; or
 4. If ESD determines that the Recipient has failed to document good faith efforts.
- j) Recipient shall attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the project. Requests for a partial or total waiver of established goal requirements made subsequent to the execution of the Incentive Proposal may be made at any time during the term of the project to ESD, but must be made no later than prior to the submission of a request for final payment on the project.
- k) Recipient is required to submit a Periodic MWBE Contractor Compliance & Payment Report (Form OCSD-6) to the OCSD by the 10th day following each end of quarter over the term of the project documenting the progress made toward achievement of the MWBE project goals. This report may be submitted monthly or quarterly. However, it may not be submitted less frequently than on a quarterly basis.
- Periodic compliance and payment reports may also be submitted electronically through the New York State Contract System, found at <https://ny.newnyccontracts.com>. The Contract System provides automated electronic alerts to the Recipient and any identified sub-

contractors and sub-vendors and allows for the electronic reporting and confirmation of the relevant data by all tiers of identified subcontractors. For additional information regarding this process, please contact OCSD.

- l) Good Faith Efforts is the standard applied to the MWBE participation requirements in all applicable ESD incentives. Recipients shall adhere to this standard and ensure that proactive and ongoing efforts are made throughout the length of the project to include MWBE participation in all categories where MWBE participation potential exists. Good Faith Efforts include, but are not limited to, the following factors:
- Unbundling of contracts to facilitate MWBE participation in the project scope.
 - Direct solicitation of New York State certified MWBE firms.
 - Inclusion of enforceable MWBE requirements in all subsequent contractual agreements, in accordance with the goals stated herein (item b, above).
 - Monitoring and enforcement of contractual MWBE requirements in subsequent agreements.
 - Timely submission of relevant forms, including MWBE Participation Plans and Quarterly or Monthly Compliance Reports.
 - Maintenance of detailed records supporting the Recipient's efforts to include the participation of MWBE firms in the project.

For additional details regarding Good Faith Efforts, please review section 142.8 of NYCRR5 (MWBE Rules and Regulations), found at:
http://esd.ny.gov/MWBE/Data/OFFICIAL_COMPILATION_OF_MWBEREGS.pdf

- m) Where MWBE goals have been established herein, pursuant to 5 NYCRR §142.8, Recipient must document "good faith efforts" to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the project. The Recipient acknowledges that if Recipient is found to have willfully and intentionally failed to comply with the MWBE participation goals and requirements set forth herein, such a finding may result in the recapture of grant proceeds. Such MWBE Recapture shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Recipient achieved the MWBE project goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the project.
- n) Recipient's demonstration of Good Faith Efforts shall be a part of these requirements. These provisions shall be deemed supplementary to, and not in lieu of, other applicable federal, state or local laws.

Any questions relating to the MWBE requirements stated herein may be directed to ESD's Office of Contractor and Supplier Diversity at ocsd@esd.ny.gov. Recipient may also address any inquiries relating to the above MWBE requirements to the respective OCSD project manager.

Documents relating to MWBE requirements outlined herein must be provided to OCSD in one of the following ways:

1. In an email to ocsd@esd.ny.gov or
2. the New York State Contract System (<https://ny.newnycontracts.com>) or
3. through postal mail, addressed to:
Empire State Development
Office of Contactor & Supplier Diversity
633 Third Avenue, 33rd Floor
New York, NY 10017

All communications to OCSD must clearly identify the project in question and provide pertinent details.

Agenda Item #7

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

Council Members:

The City has been asked once again by the NIMAC to contribute funds to NIMAC to assist 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 funds 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. \$30,000.00 is available this year for this purpose.

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 Olatz, USAF Ret., Director
LTC Joel D'Almeida, USAF Ret., Director
Sgt Dave Dahlberg, USAF Ret., Director
Brad Schwaner, Director
Richard 'Alf' Anderson, Director
Gary Steinhilber, 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

Agenda Item #8

RE: Purchase of Small Equipment

Council Members:

The City's Acting Director of Public Works advises that it is necessary to replace several pieces of small equipment that are heavily used during the spring and summer seasons. The equipment is past its normal useful life and it would be appropriate to be replaced with new equipment.

Three estimates are being obtained for the small equipment by the Department of Public Works and the Purchasing Agent and the total cost of the purchases is not-to-exceed \$27,328.48. Funding is available from casino interest.

Will the Council so approve?

Description	Qty	Unit Price	Total
Walk Behind Mower - Toro 36" Deck Gear Drive 30634	3	2,957.00	8,871.00
Trimmer - FS9OR	4	239.97	959.88
Blower - BG86	4	192.10	768.40
Hedge Trimmer HS81R	2	391.85	783.70
		Clean Team/ZOOM Total	11,382.98
Cordless Band Saw - 2429 - 21XC	1	199.00	199.00
20V Drill/Impact Kit - 0000-311-235 DeWalt	1	199.00	199.00
20V Max Cut Off Tool - 0000-256-213	1	119.00	119.00
1 1/8 Rotary Hammer w/ Grinder - 0000-884-190 Makita	1	299.00	299.00
5" Random Orbit Sander - 1001-529-123 DeWalt	1	79.00	79.00
7 1/4" Circular Saw - 0000-476-466 DeWalt	1	119.00	119.00
		Trades Total	1,014.00
Bobcat Snowblower - SB200	1	4,168.60	4,168.60
21" SP Mower - 22290	2	799.20	1,598.40
Snowblower - 38459	4	679.49	2,717.96
12" Sod Cutter - JRS	1	3,249.50	3,249.50
Folding Chairs	50	20.00	1,000.00
		Parks Total	12,734.46
Tables	8	79.88	639.04
Chairs - Set of 40	1	999.00	999.00
Chairs - Set of 20	1	559.00	559.00
		Senior Services Total	2,197.04

Total Small Equipment Request \$27,328.48

Agenda Item #9

RE: Request for Approval to Settle and Pay Claim of Dawn Miller
9901 Niagara Falls Boulevard, Apt. No. 42, Niagara Falls, New
York 14304

Council Members:

Date Claim Filed:	May 30, 2014
Date Action Commenced:	February 26, 2015
Date of Occurrence:	February 28, 2014
Location:	2105 Jerauld Avenue
Nature of Claim:	Damages suffered during execution of search warrant
City Driver:	N/A
Status of Action:	Litigation Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$24,500.00
Make Check Payable to:	Hogan Willig, as attorneys for Dawn Miller
Conditions:	Stipulation of Discontinuance and 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 #10

RE: Request for Approval to Settle and Pay Claim of Victor C. Ketch
236 62nd Street, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	December 28, 2015
Date Action Commenced:	N/A
Date of Occurrence:	December 16, 2015
Location:	236 62 nd Street
Nature of Claim:	Property damage sustained during tree removal
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,327.17
Make Check Payable to:	Victor C. Ketch
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 #11

RELATIVE TO ARMENIAN REMEMBRANCE DAY

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 Armenian Community of Western New York gathered at Oakwood Cemetery to offer memorial prayers for the more than 600 descendants of their, parents, grandparents and others who escaped the Genocide of the Armenian people in 1915; and

WHEREAS, the Armenian Genocide, resulted in the deaths of approximately 1.5 million members of the Armenian minority in the Ottoman Empire through forced exile and murder; and

WHEREAS, 2015 marked the one-hundredth year anniversary of the beginning of this horrific international tragedy; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby remember the victims of the 1915 Armenian Genocide and encourages the citizens of Niagara Falls to work to advance the values of tolerance and freedom in our city, country, and world.

RELATIVE TO HONORING THE BEST MEN IN ENTERTAINMENT

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 City of Niagara Falls, New York wishes to thank Mr. Cedric “The Entertainer” Kyles, Mr. Eddie Griffin, Mr. D.L. Hughley, Mr. George Lopez and Mr. Charlie Murphy for their contribution to the kick-off celebration for Childhood Cancer Awareness with Shawn “Baby Shawn” Kennedy at the First Niagara Center; and

WHEREAS, Mr. Cedric “The Entertainer”, Mr. Eddie Griffin, Mr. D.L. Hughley, Mr. George Lopez and Mr. Charlie Murphy’s commitment, dedication and love for many phases of life obstacles plays a pivotal role in the Niagara County Region. Their successful efforts and commitment has helped many children in the community; and

WHEREAS, the best men in entertainment are forever thanked from the City of Niagara Falls.

NOW, THEREFORE, BE IT RESOLVED, that we, the Niagara Falls City Council does hereby honor the best men in entertainment. They are multi-talented entertainers that has touched the lives of many people throughout the entire world.

Agenda Item #13

RESOLUTION No. 2016

**RELATIVE TO THE NIAGARA FALLS VETERANS MEMORIAL COMMISSION -
REQUEST FOR FUNDING**

BY:

Council Chairman Andrew Touma

WHEREAS, the Niagara Falls Veterans Memorial Commission wishes to honor all veterans and the citizens who have made the monuments possible; and

WHEREAS, the Niagara Falls Veterans Memorial Commission would like to request funding in the amount of \$3,500 for the year, to be divided over the attached 16 events.

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 approve funding in the amount of \$3,500.00 for the Niagara Falls Veterans Memorial Commission.

RECEIVED
APR 18 2016
CITY COUNCIL

andrew.touma@niagarafallsny.gov, Kristen.Grandinetti@niagarafallsny.gov, Ezra.Scott@niagarafallsny.gov,
Kenny.Tompkins@niagarafallsny.gov, Andrew.Touma@niagarafallsny.gov, Charles.Walker@niagarafallsny.gov,
bridgette.myles@niagarafallsny.gov

Councilmembers, Mayor and City Administrator of the City of Niagara Falls
Subject: FORMAL REQUEST FOR FUNDING

It is the intention of your Niagara Falls Veterans Memorial Commission to make what it thought to be the nation's largest, all-American granite monument dedicated to all veterans into one of the major reasons why families would want to come to our fair city. With the names of those from all over the country already on its Wall of Honor, we know that many who have previously visited or lived in the city already return for the expressed reason to also visit the grand marker of their bygone loved ones who served this nation and whose names are etched upon The Wall.

In a concerted effort to do so, the Commission is currently planning the following ongoing events for the remaining of the year. The purpose is to honor our veterans AND the citizens who have made the monuments possible.

To that end, in addition to Memorial Day on Saturday, May 28th, we will be tentatively celebrating the following events throughout the year, based upon your cooperation:

5-20-16	Memorial Day
6-Jun-16	D-Day
19-Jun-16	Father's Day
4-Jul-16	Independence Day
1-Aug-16	Air Force Day
4-Aug-16	Coast Guard Day
14-Aug-16	National Navajo Code Talkers Day, VJ Day
11-Sep-16	Patriot Day
9/16/2016	National POW/MIA Recognition Day
9/18/2016	Air Force Birthday
25-Sep-16	Gold Star Mother's Day
13-Oct-16	Navy Birthday
10-Nov-16	Marine Corps Day
11-Nov-16	Veterans Day
12/7/2016	Pearl Harbor Remembrance Day
12/13/2016	National Guard Birthday

We would like to make these, and all the events that we do for the city, its veterans and veterans that may be visiting us, as special as it can possibly be, and give families and visitors as sense of well-being as a result.

Therefore, we are asking the city for \$3,500 for this year to be divided over these 16-events.

Thank you for your immediate attention to this.

Agenda Item #14

**RELATIVE TO CONGRATULATING THE NIAGARA FALLS EDUCATION FOUNDATION 2016
DISTINGUISHED & EMERGING LEADER ALUMNI HONOREES**

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 Niagara Falls Education Foundation will hold its 6th Annual Scholarship & Alumni Recognition Dinner on April 28, 2016 at Antonio's Banquet & Conference Center, 7708 Niagara Falls Blvd; and

WHEREAS, this event recognizes the strength of the Niagara Falls School District and the outstanding graduates who have made their marks in professional endeavors and affected their community for the better; and

WHEREAS, the following individuals are the 2016 Distinguished & Emerging Leader Alumni honorees:

Jerry Wolfgang, NFHS Class of 1955 - Distinguished Alumni

Joseph "Chubby" Marinello, Sr., NFHS Class of 1960 - Distinguished Alumni

Earl Bass, NFHS Class of 2006 - Emerging Leader

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby extend its congratulations on behalf of all the citizens of the City of Niagara Falls.

Agenda Item #15

**RELATIVE TO WAIVER OF PARKING FEES FOR NIAGARA TOURISM AND
CONVENTION CORPORATION'S "DAY OF APPRECIATION" EVENT**

BY:

Council Chairman Andrew Touma

Council Member Kristen Grandinetti

Council Member Ezra P. Scott, Jr.

Council Member Kenny Tompkins

Council Member Charles Walker

WHEREAS, On May 4, 2016, the Niagara Tourism and Convention Corporation ("NTCC") is hosting a free event at the Conference Center recognizing the hospitality and tourism community employees who work in that industry in the City of Niagara Falls; and

WHEREAS, this event is called a "Day of Appreciation" and will take place on May 4, 2016 from 11:30 a.m. – 3:00 p.m.; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby waive parking fees on May 4, 2016 for hospitality and tourism community employees attending the "Day of Appreciation"; and

BE IT FURTHER RESOLVED, that this waiver of fees for parking will apply in the City owned lot at Rainbow and Third Street and the surface lot at Third Street and Niagara Street on May 4, 2016 from 11:30 a.m. – 3:00 p.m.



Niagara Tourism & Convention Corporation
10 Rainbow Boulevard
Niagara Falls, New York 14303
Phone: 716-282-8592
1-877-FALLS US
Fax: 716-285-0809
www.niagara-usa.com

April 22, 2016

Craig Johnson, Corporation Counsel
City of Niagara Falls
PO Box 69
Niagara Falls, NY 14302-0069

Re: Day of Appreciation Parking

Dear Mr. Johnson:

Niagara Tourism and Convention Corporation respectfully requests a waiver for parking charges for an event we are hosting on May 4, 2016. The event is a Day of Appreciation (flyer attached).

Hospitality and tourism is the second largest employer in Niagara County. The importance of this industry as an economic impact for this area is undeniable. NTCC recognizes the impact that customer service can have on a Visitor's stay in our destination. We want to carry that message to all of the industry and ensure that hospitality and tourism workers feel valued. We hope that our positive recognition of our front line workers will translate to the best customer service and positive visitor experience. We hope the city will partner with us and waive parking fees for this event. Many of the attendees will only be able to stay for a limited time. We welcome any City officials to attend and help us thank many of the people who make a first impression to our visitors.

Sincerely,

Pamela Fekete
CFO/VP of Operations

**RELATIVE TO WAIVER OF FEES FOR HYDE PARK OASIS FOR LASALLE
PREPARATORY SCHOOL**

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 City has received a request from a Special Education teacher from the NFCSD to waive the fee charged by DPW for use of the Oasis to allow for a group of ninety-six students with multiple disabilities, some of whom are in wheelchairs, and a variety of other

handicapping disabilities, to picnic at the Oasis on Tuesday, June 7, 2016 from 9:30 a.m. to 1:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby waive fees for the picnic planned on June 7, 2016 from 9:30 a.m. to 1:00 p.m. at the Oasis at Hyde Park which will be attended by disabled students from LaSalle Preparatory School.

NIAGARA FALLS CITY SCHOOL DISTRICT

Mr. James Spanbauer
Principal

Main Office 278-5880
Clinic 278-5888



LaSalle Preparatory School
7436 Buffalo Avenue
Niagara Falls, New York 14304

Ms. Tina Gregory
Assistant Principal

Student Services 278-5885
Fax 278-5899

Home of the **EXPLORERS**

Dear Mayor Dyster and Councilman Touma,

I am writing on behalf of the nine life skills classes in the Niagara Falls City School District. We are composed of ninety-six students with multiple disabilities. We have many students in wheelchairs and a variety of other handicapping conditions. We have had an annual end of the school year picnic at the Hyde Park Oasis for the last several years. The Oasis provides easy access to bathrooms and water, which our students need. This year, we will be holding our picnic on Tuesday, June 7 from 9:30-1:00. Last year, you helped us by waiving the cost and I am hoping you will be able to lower or waive the fee for the Oasis again this year. Anything you can do to assist us would be greatly appreciated.

Please feel free to contact me at school (278-5880), home (284-7682), or on my cell (807-1256) if you have any questions or need further information. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Maralynn Giancola".

Maralynn Giancola
Special Education Teacher

Agenda Item #17

RELATIVE TO REAPPOINTMENT TO THE MUNICIPAL CIVIL SERVICE COMMISSION

BY:

COUNCIL CHAIRMAN ANDREW TOUMA

COUNCIL MEMBER EZRA SCOTT, JR.

COUNCIL MEMBER KENNY TOMPKINS

COUNCIL MEMBER CHARLES WALKER

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Municipal Civil Service Commission, effective May 31st 2016, for the term expiring on the date which appears opposite her name:

REAPPOINTMENT: _____ TERM EXPIRES:

Josephine A. Tavano

05/31/2022

953 Lafayette Ave

Niagara Falls, NY 14305

8

RESOLUTION No. 2016-

RELATIVE TO AMOUNTS TO BE CHARGED FOR DUPLICATE TAX BILLS
AND DUPLICATE WATER AND SEWER BILLS

BY: Council Member Kristen Grandinetti

WHEREAS, the City's Billing and Collection Office causes City, County and School tax bills to be sent to each taxpayer in the City, and the Niagara Falls Water Board ("NFWB") causes water and sewer bills to be sent to each taxpayer in the City; and

WHEREAS, taxpayers regularly come to the Billing and Collection Office to pay tax bills and water and sewer bills, but some are not in possession of the actual bill that the Billing and Collection Office or the NFWB sent to them to pay; and

WHEREAS, when taxpayers come to the Billing and Collection Office to pay a tax bill or water and sewer bill and are not in possession of the actual bill, it is necessary for personnel in the Billing and Collection Office to make duplicate tax bills and duplicate water and sewer bills, as the case may be, so those taxpayers can pay their tax bills and water and sewer bills; and

WHEREAS, it requires staff time and paper in order for staff in the Billing and Collection Office to generate duplicate bills, which has proven to be a time-consuming and costly task.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City Council does hereby impose a charge of \$2.00 for each duplicate tax bill and/or duplicate water and sewer bill that must be generated by the Billing and Collection Office staff in order to process those tax and water and sewer bill payments.

Grandinetti _____ Scott _____ Tompkins _____ Walker _____ Touma _____

Agenda Item #19

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

**CITY PARTICIPATION AS A CO-SPONSOR OF THE
2016 MEMORIAL DAY PARADE**

WHEREAS, the 2016 Memorial Day Parade in the City of Niagara Falls is scheduled to take place on Saturday, May 28, 2016; and

WHEREAS, in prior years, the City has served as a co-sponsor of this City wide community event; and

WHEREAS, the City wishes to participate in 2016's Memorial Day Parade as a co-sponsor and contribute certain "in kind" services to this event.

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby declares the City to be a co-sponsor of the 2016 Memorial Day Parade; and

BE IT FURTHER RESOLVED that the City contribute to the Memorial Day Parade the necessary support from the Niagara Falls Police Department, the Niagara Falls Fire Department, and the Department of Parks and Public Works as may be required; and

BE IT FURTHER RESOLVED that the City make its bandstand available for the parade event as may be reasonably required by organizers of the 2016 Memorial Day Parade event.

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

**DEDICATION OF PUBLIC ROADWAY AREAS AND CORRESPONDING AMENDMENT OF
THE CITY OFFICIAL MAP**

WHEREAS, this City Council received a memorandum from City Administrator Donna D. Owens dated March 11, 2016 requesting that the City Council dedicate as public roadway areas for vehicular and pedestrian access from First Street to a parcel of City owned property under contract (the "Property") to be sold to the owner of the Sheraton Hotel which also connects to the Property in a westerly direction from Third Street; and

WHEREAS, a copy of the memorandum from the City Administrator to the City Council without Exhibits is attached hereto together with legal descriptions of the areas to be dedicated as public roadways; as well as a survey showing the same; and

WHEREAS, pursuant to Section 81-e of the City Charter, any such change in the official map of the City showing streets must first be the subject of a public hearing held on at least ten (10) days notice which shall be given by publication in the official newspaper of the City and shall also be subject to a report by the Planning Board; and

WHEREAS, the Planning Board reviewed this matter and recommended approval of the dedicated public roadway areas during its meeting held on April 13, 2016. A copy of the Planning Board recommendation is attached hereto.

NOW, THEREFORE, this City Council does hereby direct that a public hearing be held during the regularly scheduled City Council meeting at 6:00 p.m. on May 16, 2016, the subject of which shall be the dedication of these areas as public roadways as well as corresponding changes to the official map of the City and that notice of such public hearing be published in the Niagara Gazette no later than May 5, 2016.

City of Niagara Falls
New York

TO: City Council Members
FROM: Donna D. Owens, City Administrator *DDO*
DATE: March 11, 2016
RE: **Dedication of Public Roadway**

The City has contracted to sell a parcel of real property consisting of approximately .57 acres (approximately 245 feet x 103 feet) of City owned vacant land which is part of SBL #159.09-1-1.2 (the "Property") to NFNY Hotel Management LLC, 300 Third Street, Niagara Falls, NY 14303 ("NFNY") which will allow NFNY to construct an improvement to the Sheraton hotel which will be in the nature of a water park. Attached hereto is a copy of that Contract of Sale (the "Contract") which shows the Property to be sold.

One of the terms and conditions contained in the Contract is to dedicate a roadway for vehicular and pedestrian access presently owned by the City which will provide vehicular and pedestrian access from First Street to the Property and to the hotel property and also from Third Street to the hotel property. This roadway is already in existence so there will be no cost of acquisition or construction. Attached hereto is a legal description of the City owned parcel to be dedicated as a roadway running from First Street east to the Property and to the hotel property as well as a legal description of the City owned parcel to be dedicated as a roadway from Third Street to the hotel property running in a westerly direction. Also attached is a survey showing these areas to be dedicated as roadways. This has been utilized as a public roadway for vehicles and pedestrians pursuant to an easement running from the Niagara Falls Urban Renewal Agency to the City in 1987. The Property abuts the Sheraton hotel and comprises a portion of this roadway area.

I am submitting this to you pursuant to the City Charter. As this roadway has been improved and is presently in use, I recommend that these roadway areas be dedicated as public roadways and that the City Council refer this matter to the Niagara Falls Planning Board for review and a recommendation.

Thank you for your consideration herein.

CHJ/lur
Attachments

shown to be delivered to Council office

NEW LOT 110

ROAD DEDICATION FROM FIRST STREET RUNNING EAST

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 43 of the New York Mile Reserve, and according to a resubdivision map of various lots made by McIntyre Land Surveying & Engineering on October 2, 2011, revised January 27, 2012 and filed in the Niagara County Clerk's Office in Book 64 of Microfilmed Maps at pages 6430 & 6431, and as Instrument No. M2015-00004, is known as and being the easterly portion of New Lot 121 on the easterly side of First Street (f/k/a Rainbow Boulevard North), being bounded and described as follows:

Commencing at the northwesterly corner of New Lot 121 in the easterly line of First Street (f/k/a Rainbow Boulevard North), distant 389.96 feet north of the intersection of the easterly line of First Street (f/k/a Rainbow Boulevard North) with the northerly line of Old Falls Street (f/k/a Rainbow Mall); thence easterly, at an angle of 89°-39'-15" measured in the northeast quadrant and along the northerly line of said New Lot 121, a distance of 301.56 feet to a point; running thence southerly at a right angle, a distance of 102.81 feet to a point; running thence easterly at a right angle, a distance of 28.49 feet to a point; running thence southerly at a right angle, a distance of 36.35 feet to a point; running thence westerly at a right angle, a distance of 0.92 feet to a point; running thence southerly at a right angle, a distance of 93.53 feet to a point; running thence westerly at an interior angle of 90°-13'-06", a distance of 59.08 feet to a point; running thence northerly at a right angle, a distance of 165.40 feet to a point of curvature (P.C.); running thence northwesterly along a curve to the right having a radius of 36.00 feet, an arc length distance of 56.55 feet to a point of tangency (P.T.); running thence westerly and parallel to the first course in this description, a distance of 221.74 feet to a point; running thence southwesterly at an exterior angle of 130°-47'-33", a distance of 18.50 feet to a point on the easterly side of First Street, 344.66 feet from its intersection with the north line of Old Falls Street; running thence northerly along the said easterly line of First Street, a distance of 45.30 feet to the point or place of beginning.

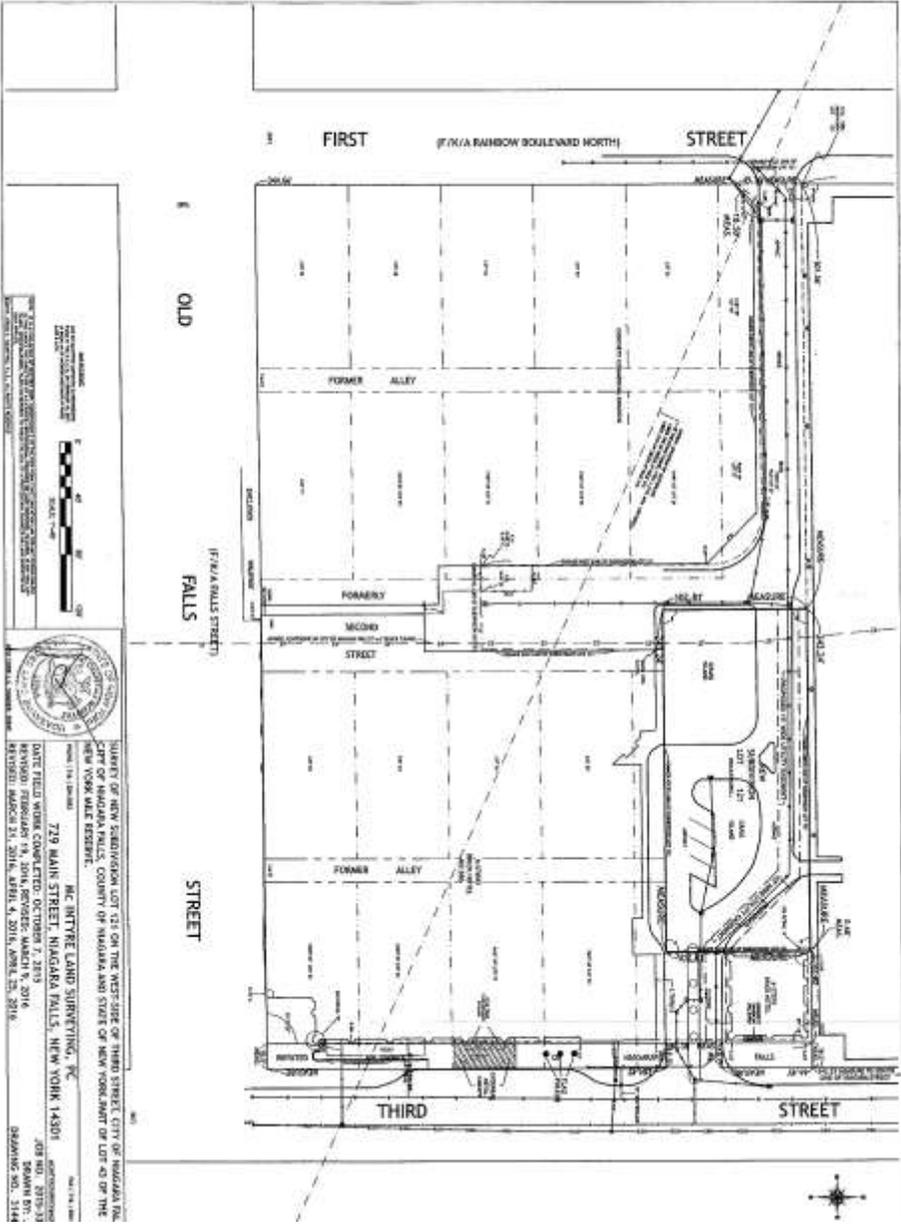
Area: 0.45 Acres ±

ROAD DEDICATION WEST SIDE OF THIRD STREET

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Niagara Falls, County of Niagara and State of New York, being part of Lot 43 of the New York Mile Reserve and more particularly described and bounded as follows:

Commencing at a point on the westerly line of Third Street, 306.98 feet from its intersection with the southerly line of Niagara Street; running thence westerly at a right angle, a distance of 18.00 feet to a point; running thence southerly and parallel with the westerly line of Third Street, a distance of 40.38 feet to a point; running thence easterly at a right angle, a distance of 18.00 feet to a point on the westerly line of Third Street; running thence northerly along the westerly line of Third Street, a distance of 40.38 feet to the point or place of beginning.

Area: 728.41 Sq. Feet



PLANNING BOARD
 719 MAIN STREET, NIAGARA FALLS, NEW YORK 14301
 DATE FIELD WORK COMPLETED: OCTOBER 2, 2015
 REVISION: FEBRUARY 19, 2016; PROPOSED: MARCH 9, 2016
 REVISION: MARCH 21, 2016; APRIL 5, 2016; APRIL 22, 2016

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City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

April 13, 2016

NIAGARA FALLS PLANNING BOARD

APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Dedicated Public Roadway

Pursuant to action taken by the Niagara Falls Planning Board on the 13th day of April 2016 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: Between First Street & Third Street between City-owned parking lot and Sheraton Hotel & First Street

PURPOSE: Proposal by City Administrator to dedicate areas for public roadways

A Dedicated Public Roadway Recommendation to Council is approved.

DATE: April 13, 2016


Tony M. Palmer, Chairman
Niagara Falls Planning Board

16 APR 14 AM 11:28

NIAGARA FALLS
CITY CLERK

APR 15 2016