

Agenda Item #1

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

NOTICE OF CLAIM

Jones, Jimmy A. 548 16 th Street	In reference to vehicle damage.
Walter, Kevin 3924 Deveaux Street	In reference to frozen pipes.
Walter, Kevin 3924 Deveaux Street	In reference to frozen pipes.
Miller, Ryan Benjamin P.O. Box 135 Gowanda, NY 14070	In reference to false arrest.
Punturo, Albert S. 1335 104 th Street	In reference to vehicle damage.
ARI Automotive Resources PO Box 5039 Mt. Laurel, NJ 08054-5039	In reference to claim #52540212
Mease, Richard & Gail 4800 Hermitage Rd.	In reference to vehicle damage.
Edsall, Bonnie 7720 East Britton Drive	In reference to vehicle damage.
Turton, John M. 1280 92 nd Street	In reference to vehicle damage.
Baker, Jacqueline M. 219 76 th Street	In reference to property damage.
Rhodes, Lisa 25 Whitney Place Buffalo, NY 14201	In reference to vehicle damage.
Rankin, Marcia 1321 Centre Avenue	In reference to vehicle damage.

Moore, Robin 2257 Grand Avenue	In reference to property damage.
D'Angelo, Brook F. c/o Law Offices of Restaino Reddien, LLP	In reference to personal injuries.
Feagin, Gary L. 2668 North Avenue	In reference to personal issues.
Feagin, Gary L. 2668 North Avenue	In reference to personal issues.
Lamont, Connie 2000 Tuscarora Road	In reference to vehicle damage.
Johnson, Frederick Maurice c/o Anthony L. Pendergrass	In reference to false arrest.
Carr, David J. 4301 Lewiston Road	In reference to frozen water pipes.
Soto, Nicholas J 152 78 th Street	In reference to personal belongings.
Robbins, John c/o Farm Family Ins Co.	Vehicle damage caused by City snow plow.
Smith, Lisa A. 2416 Monroe Ave.	In reference to property damage.
Hamilton, Brenda L. 1879 Michigan Ave.	Vehicle damage caused by City snow plow.

NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING

Agenda Item #2

RE: City Council Agenda Item:
Façade Program Architect Two Year Agreement
Giusiana Architects & Engineer
\$40,000.00

Council Members:

Under the business façade program, the City hires an architect and provides architectural services to the business owner. The current façade architect agreement between the City and Giusiana Architects and Engineer was for two years and is due to expire on May 31, 2015. The Community Development Department solicited proposals from area architects. The proposals set out on the attached schedule were received by the date the replies were due. Community Development received a late response, which was not lower than the recommended proposal. The late response is not listed on the attached schedule.

The proposal from Giusiana Architects & Engineer provides the lowest cost in every category of service for the program. In the past, Giusiana Architects & Engineer has provided timely, professional service to the City at a reasonable cost.

The contract will be awarded for two years, through May 31, 2017. The maximum payable under the contract will be \$40,000.00. The services are provided on an as needed basis, upon request from the Community Development Department. Funds are available to pay this contract under budget code CRC .499 (CD1.8603.0000.0450.500). Services will be paid partly from future year's CDBG grants.

It is recommended that the façade architect agreement as set forth herein be awarded to Giusiana Architects & Engineer. The contractor will provide standard City insurance for the work.

Will the Council vote to approve the award of the façade architect services contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

FAÇADE PROPOSALS

Architect	Hourly Rate	Minor Rehab	Major Rehab	Substantial Rehab
HHL Architects	not specified	\$2,000.00-\$10,000 + \$500 reimbursable	\$10,000.00-\$17,000 + \$500 reimbursable	\$17,000.00-\$22,000 + \$500 reimb.
Flynn Battaglia	\$140.00	\$1,500.00	\$3,500.00	\$4,500.00
Fittante Architecture	\$75.00	\$850.00	\$2,000.00	\$2,800.00
David DeBoy Architect	\$80.00	\$1,830.00	\$4,050.00	\$6,260.00
Giusiana Architects	\$40.00	\$800.00- 1,000.00	\$1,000.00- 1,500.00	\$1,500.00- 2,500.00

Agenda Item #3

RE: City Council Agenda Item:

Community Development Housing Rehab Environmental Services

July 1, 2015 through June 30, 2017 Contract Extension

UNYSE, a division of Environmental Education Associates, Inc.

Council Members:

The Community Development Department provides environmental services for its housing rehabilitation program, at no cost to the homeowner. The services include lead paint identification and removal monitoring and asbestos identification and monitoring. The City retains an environmental services contractor to provide these services for the Community Development program. The contractor is paid with federal CDBG funds.

In 2013, the Community Development obtained proposals from three contractors, and awarded the contract to UNYSE, which submitted the lowest proposal. Upper New York State Environmental (UNYSE), a division of Environmental Education Associates, Inc. has been providing satisfactory services under the 2013-2015 contract. The contract expires June 30, 2015.

It has been customary for Community Development to extend these types of services contracts for an additional two year term without soliciting new proposals. It is recommended that the UNYSE contract be extended through June 30, 2017. The maximum payable under the contract will be \$50,000.00. Funds are available to pay for the services from budget line CRP (CD1.8667.0000.0450.500). This is a pay as you go contract, so the cost will be spread over the three budget years.

Will the Council vote to award the extension of the environmental services contract to UNYSE for the Community Development housing rehab program as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #4

**SUBJECT: LETTER OF AWARD FOR ON-STREET PARKING METER INSTALLATIONS DOWNTOWN
NIAGARA FALLS - PHASE 1**

The following were the result of bids received on March 13, 2015 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Pure Parking Technologies	\$256,511.00
Ber-National Automation, Inc. 1137 East Main Street Rochester NY 14609	\$258,950.00
Cale America	\$320,833.00
T2 Systems	\$321,598.81

After a thorough review of all the participants' proposals, qualifications and submittal information, it was determined - by both the City and its parking system consultant, Desman Associates - that the firm Ber-National Automation, Inc. was the lowest qualified and responsible bidder. To that end, it is the recommendation of the undersigned that this project be awarded to Ber-National Automation, Inc. at their total bid of \$258,950.00. Funding will be made available from H1316.2013.1316.0449.599.

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: LETTER OF AWARD FOR ROOF REPLACEMENT AT THE FORMER HIGHLAND
 AVENUE FIREHALL – 3721 HIGHLAND AVENUE**

The following was the result of bids received on May 4, 2015, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Joseph A. Sanders & Sons, Inc	\$ 168,872.00
107 Lathrop St	
Buffalo, NY 14212	

It is the recommendation of the undersigned that this project be awarded to the sole bidder Joseph A. Sanders & Sons, Inc., at their Base Bid \$168,872.00. Funding is available in code H1510.2015.1510.0449.599 transferred from the \$500,000.00 in Casino funds that were previously approved by Council at its September 15, 2014 meeting.

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

SUBJ: AGENDA ITEM-Certification of Base Percentages, Current Percentages and
Current Base Proportions for Homestead & Non-Homestead Assessment Roll

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES AND
 CURRENT BASE PROPORTIONS PURSUANT TO ARTICLE 19, RPTL, FOR THE
 LEVY OF TAXES ON THE 2015 ASSESSMENT ROLL

Approved Assessing Unit City of Niagara Falls, 291100
 Name of Portion City of Niagara Falls, 291100

DETERMINATION OF BASE PERCENTAGES

Section I	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B*100)	(D) Base Percentages (C/sum of C)
Homestead	527,758,662	89.89	587,116,100	57.88167
Nonhomestead	379,459,055	89.82	427,222,534	42.11833
Total	907,217,717		1,014,338,634	100.00000

DETERMINATION OF CURRENT PERCENTAGES

Section II	(E) Prior Year Taxable Assessed Value Including Special Franchise	(F) Prior Year Class Equalization Rate	(G) Estimated Market Value E/(F*100)	(H) Current Percentages (G/sum of G)
Homestead	876,721,784	90.00	974,135,316	63.83319
Nonhomestead	414,001,648	75.01	551,928,607	36.16681
Total	1,290,723,432		1,526,063,922	100.00000

DETERMINATION OF CURRENT BASE PROPORTIONS

Section III	(I) Local Base Proportion for the 1990 Assessment Roll	(J) Updated Local Base Proportion	(K) Prospective Current Base Proportion Part (J) Prorated to 100.00	(L) Adjusted Base Proportion used for Prior Tax Levy	(M) % difference between prior Adjusted Base Proportion and Prospective Current Base Proportion (K/L-1*100)	(N) Maximum Current Base Proportion	(O) Current Base Proportions
Homestead	40.12162	44.24702	46.25239	54.24206	-14.73		51.95416
Nonhomestead	59.87838	51.41727	53.74761	45.75794	17.46	48.04584	48.04584
Total	100.00000	95.66429	100.00000	100.00			100.00000

CERTIFICATION

I, the clerk of the legislative body of the approved
 assessing unit identified above, hereby certify
 that the legislative body determined on _____
 base percentages, current percentages, and
 current base proportions as set forth herein for the
 assessment roll and portion as identified above.

signature _____
 title _____
 date _____

Agenda Item #7

RE: Funding for overtime for Trades and Traffic Engineering

Council Members:

The Acting Director of the Department of Public Works advises that because of some unanticipated situations, the overtime lines for Trades and Traffic Engineering have been nearly depleted. The Acting Director is therefore recommending that the overtime budget for Trades (A.1620.2350.0140.000) be funded in the amount of \$9,200.00, inclusive of FICA, and that the Traffic Engineering line (A.3310.0000.0140.000) be funded in the amount of \$4,500.00, inclusive of FICA.

This total amount of \$13,700.00, inclusive of FICA, is available from Tourism fund balance (2014).

Will the Council so approve?

Agenda Item #8

RE: Funding of NFC Development Corporation

Council Members:

It is desirable that the NFC Development Corporation be able to continue its various economic development activities including making grants and loans. In order to do so, funds must be transferred from the City to NFC Development Corporation. It is requested that the amount of \$670,000.00 be transferred for this purpose.

Funding is available through casino revenues.

Will the Council so approve?

Agenda Item #9

RE: Appropriation of casino funds for the 2015 NFC Operating Budget

Council Members:

It is requested that the Council appropriate of \$26,678.00 of casino funds (Tribal Fund) for the 2015 NFC budget. This is for NFC operating costs including the cost of the annual audit.

Will the Council so approve?

Agenda Item #10

*RE: Renewal of Parking Agreement with Niagara Tourism & Convention Corporation
("NTCC")*

Council Members:

The NTCC is requesting that the City allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned parking lot located at the corner of 1st Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of \$40 per month per space/permit which equals the sum of \$1,000 a month. This is the current market rate.

It is proposed that this agreement be for a thirty-six (36) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time.

Will the Council so approve and authorize the Mayor to execute an agreement in form and substance satisfactory to the Corporation Counsel?

Agenda Item #11

RE: Reactivation of the tunnel beneath 3rd Street connecting the Sheraton

Hotel owned by NFNy Hotel Management LLC (the “Sheraton”)

with the premises on the East Side of 3rd Street owned by the

Seneca Nation of Indians

Council Members:

The entity that owns the Sheraton at the Falls Hotel located at 300 3rd Street, Niagara Falls, NY has requested that the City allow the tunnel that runs underneath 3rd Street to be reactivated. This tunnel has not been utilized for at least ten (10) years. The Sheraton has agreed to assume responsibility for the installation of public safety improvements, cosmetic improvements as well as security and janitorial services. The Sheraton will provide the City with insurance and also agree to indemnify and hold the City harmless. The Sheraton has also provided the City with an opinion from a professional engineering consultant who has opined as to the structural integrity of the tunnel.

The Sheraton has asked the city for an easement allowing it to utilize this tunnel. The Seneca Nation of Indians has been advised of the Sheratons interest in reopening this tunnel and has verbally advised that it is neither supportive nor opposed to this initiative on the part of the Sheraton.

Will the Council so approve this requested easement and authorize the Mayor to execute an Easement Agreement satisfactory to the Corporation Counsel?

Agenda Item #12

*RE: City Employee Retirement Incentive Program – Reorganization of
Human Resources Department*

Council Members:

The City of Niagara Falls developed a city Employee Retirement Program for employees who were eligible to retire on or before December 31, 2014, pursuant to criteria established by the City of Niagara Falls and the New York State Retirement System. The incentive amount is \$20,000 per person, payable over a period of five years, with the first payment to be made during January of 2015. Elected officials, fire and police officers, and department heads were excluded from this incentive program.

Accordingly, 21 employees meeting both New York State and City criteria took advantage of the program, retiring during the period of November 6th through December 31, 2014. Attached is a proposed reorganization of the Human Resources Department which is made possible as a result of some of these retirements. Where possible, positions have been eliminated or downgraded to maximize savings that will be allocated towards fulfillment of incentive obligations while maintaining essential services.

Will the Council so approve?

CITY OF NIAGARA FALLS
 PROPOSED REORGANIZATION OF CITY DEPARTMENTS FROM RETIREMENT INCENTIVE
 2015 AMENDED BUDGET - HUMAN RESOURCES

Acct Code	Department	Job Title	Current Grade	Current Salary	FICA	Current Salary Expense	Proposed New Title	Proposed New Grade	Proposed New Salary	FICA	Proposed New Salary Expense	Cost/Savings
A.1430.0000	Human Resources	Principal Account Clerk	CS-17	\$ 48,687	\$ 3,725	\$ 52,414	HR Assistant	CS-16	\$ 32,634	\$ 2,497	\$ 35,131	\$ 17,283
A.1430.0000	Human Resources	Personnel Technician	--	\$1,893	3,970	55,863	Civil Service Specialist	CS-15	31,725	2,427	34,152	21,711
A.1430.0000	Human Resources	Jr. Human Resources Technician	--	45,147	3,453	48,600	Human Resources Technician	CS-18	45,139	3,453	48,592	8
TOTAL				\$ 145,727	\$ 11,148	\$156,877			\$ 109,498	\$ 8,377	\$ 117,875	\$ 39,002

Agenda Item #13

**SUBJECT: Niagara Falls International Railway Station &
Transportation Center Project
CHANGE ORDER #3 - \$161,371.05**

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd., Niagara Falls, NY, on April 14, 2014 in an amount of \$22,691,000.00. Council has already approved change orders bringing the contract total to \$23,139,379.00.

During the last (5) five months of work, conditions within the project area required various (Change Request) revisions for unanticipated and necessary work beyond the original scope and various credits. These Change Requests have been reviewed by the City's consultant Wendel and the Engineering Department and all additional work required to date, beyond the original scope and credits to the City are shown below:

Also the City and its consultant have been watching the project budget closely through a project budget status reporting process. Through the 4/30/15 report, we were approximately 35% of the way through construction and have appropriated only 14% of the City's \$1,473,300 contingency allowance. At this stage of the project, we have completed nearly all of the foundations for the station addition and platform and are nearly complete with erecting steel for the station addition. As such, we are nearly "out of the ground" and believe we are in a very good position to accept adding back critical Alternates No. 4, 5 & 8, which were Value Engineered out of the project.

002	Credit Ballast	(\$3,000.00)
003	Credit for Rail Material	(\$6,600.00)
007a	Credit Stone Pavement Road Revisions	(\$11,291.00)
016	Bridge Backwall Remediation	\$10,466.00
017	Credit Catch Basin without Traps	(\$6,252.20)
018	Duress System	\$7,056.25
019	Fire Fighter Phones	(\$5,787.00)
021	Power in Data Room 211	\$835.00
023	Addition Hand holes for Fire Pump Feeder	\$2,173.00
024	Remove unstable customhouse concrete floor topping	\$2,771.00
	Alternate No. 4 & 5- Add Terrazzo Flooring	\$127,000.00
	Alternate No. 8- Add Aluminum Roof	\$44,000.00

The funding for Change Order #3 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved and available in a Capital Project Fund HO402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #3 in the amount of \$161,371.05 be approved; bringing the new contract total to \$23,300,750.05

Will the Council vote to so approve?

Agenda Item #14

RE: Request for Approval to Settle and Pay Claim of Robert Howes

512 75th Street, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	April 28, 2014
Date Action Commenced:	N/A
Date of Occurrence:	April 3, 2014
Location:	512 75 th Street, Niagara Falls, New York
Nature of Claim:	Damage to property during tree removal.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,210.00
Make Check Payable to:	Robert Howes
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 #15

RE: Request for Approval to Settle and Pay Claim of William W. Schildhauer

3640 Haseley Drive, Niagara Falls, New York 14304

Council Members:

Date Claim Filed:	September 9, 2014
Date Action Commenced:	N/A
Date of Occurrence:	September 8, 2014
Location:	Packard Road at New Road, Niagara Falls, NY
Nature of Claim:	Damage to vehicle during lawn maintenance.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,144.55
Make Check Payable to:	William W. Schildhauer
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 #16

RE: Request for Approval to Settle and Pay Claim of Felton Harris, III
2129 North Avenue, Niagara Falls, New York 14305

Council Members:

Date Claim Filed:	August 15, 2013
Date Action Commenced:	August 11, 2014
Date of Occurrence:	August 10, 2013
Location:	1142 Linwood Avenue
Nature of Claim:	Injuries sustained in an accident with City vehicle.
City Driver:	Richard Fleck
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$20,000.00
Make Check Payable to:	Felton Harris, III and Walsh, Roberts & Grace
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Agenda Item #18

RELATIVE TO RECOGNITION OF THE 65TH ANNIVERSARY OF THE
NIAGARA FALLS, NY CHAPTER THE LINKS, INCORPORATED

BY:

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

WHEREAS, The Links Incorporated is an organization of women with over 280 Chapters located in 40 states, the District of Columbia, and Nassau, Bahamas with a total membership in excess of 14,000 women ; and

WHEREAS, The organization was founded in Philadelphia, PA in 1946 with the Niagara Falls, NY Chapter being chartered on May 24, 1950; and

WHEREAS, The Links Incorporated is a voluntary service organization of concerned, committed and talented women who, linked in friendship, enhance the quality of life in communities throughout the world and its mission and vision is to contribute to the formulation of a positive, productive and culturally diverse society; and

WHEREAS, on May 24, 2015 the Niagara Falls, NY Chapter of The Links Incorporated will celebrate its 65th anniversary.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby honor and recognize the Niagara Falls, NY Chapter of The Links Incorporated on its 65th anniversary on May 24, 2015 and;

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls, New York does hereby designate May 24, 2015 as the Niagara Falls, NY Chapter, The Links Incorporated Appreciation Day.