

Monday July 20, 2015

Monday – July 20, 2015 Council Meeting

**PRESENTATIONS:**

1. Financial Advisory Board
  
  2. Seth Piccirillo, Community Development Director
    - PROPOSED FORECLOSURE AUCTION REFORMS
    - CITY WIDE HOME RENOVATION
    - MAJOR LEAGUE BASEBALL PLAYDAY
  
  3. City Department highlights – Chairman
- 

**ADMINISTRATIVE UPDATE:**

1. Department of Public Works - SWEET team update – Brook D’Angelo
2. John Duke Center – Rebecca Brooks

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of June 2015.						
					<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012		Vital Statistics			\$ 3,814.00	\$ 3,814.00
A1255-004 A013		Copies of Records			\$ 616.00	\$ 616.00
A1255-004 A013		Certificates of Marriage			\$ 930.00	\$ 930.00
A2501-006 A042		Tour Attendant			\$ 100.00	\$ 100.00
A2501-006 A042		Tour Driver/Guide			\$ 550.00	\$ 550.00
A2501-014 A046		Electrician - Active			\$ 85.00	\$ 85.00
A2501-014 A046		Electrician - Inactive				
A2501-014 A046		Electrician - Exam Fee			\$ 125.00	\$ 125.00
A2501-016 A047		Stationary Engineers			\$ 50.00	\$ 50.00
A2542-000 A053		Dogs/NYS Agr. & Mkts	\$ 588.00		\$ -	\$ 588.00
A2542-000 A053		Additional Dogs			\$ 5,432.00	\$ 5,432.00
A2545-001 A054		Marriage License/NYSHD	\$ 2,092.50		\$ 697.50	\$ 2,790.00
A2550-001 A056		Loading Zone			\$ 1,260.00	\$ 1,260.00
A2501-024 A120		Ambulance - Vehicle			\$ 450.00	\$ 450.00
A1255-002 A123		Commissioners of Deeds			\$ 20.00	\$ 20.00
A2545-010 A128		Petroleum - Retail			\$ 70.00	\$ 70.00
A2545-023 A318		Hunters/NYS DEC RAU	\$ 1,900.01		\$ -	\$ 1,900.01
A2545-023 A318		Hunters Fees			\$ 104.99	\$ 104.99
A1255-003 A499		Notary Fee			\$ 6.00	\$ 6.00
A1255-005 A528		Dog Release			\$ 350.00	\$ 350.00
TA63008 A597		Marriage Performance			\$ 975.00	\$ 975.00
A1255-006-A696		Photos/passport-license			\$ 9.00	\$ 9.00
<b>TOTAL:</b>			<u>\$ 4,580.51</u>		<u>\$ 15,644.49</u>	<u>\$ 20,225.00</u>
Check #	<u>14527</u>	NYS Dept. of Arg. & Mkts		\$ 588.00		
Check #	<u>14514</u>	NYS Health Department		\$2,092.50		
Check #	<u>ET</u>	NYS DEC RAU		\$1,900.01		

Agenda Item #2

**SUBJECT: CHANGE ORDER #1 & FINAL – ERIE PAINTING, INC., \$25,000.00**  
**PIN 5760.18: PORTER ROAD BRIDGE PAINTING PROJECT**

A contract for the above referenced project was awarded to Erie Painting and Maintenance, Inc. on September 30, 2013 in the amount of \$487,000.00.

The contractor for this project incurred costs well beyond their contractual obligations as a result of both changes in scope and lost time delays. The costs associated with the extra tasks performed totals a not to exceed amount of \$25,000.00 bringing the total construction cost due Erie Painting and Maintenance, Inc. to \$512,000.00.

It is important to note that these costs are 80% reimbursable and comprised the basis for a Supplemental Agreement from the New York State Department of Transportation - approved and subsequently requested by this Council on April 27th of this year and finally received, in its fully executed form, this past week. This particular Council action today will allow the City to make use of the funds we requested last April now that they have arrived.

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

Agenda Item #3

**SUBJECT:     AWARD OF SERVICES – ROOFTOP HVAC UNIT REPLACEMENT  
                  BRIDGE STATION FIREHALL – 11<sup>TH</sup> ST. & ONTARIO AVE.**

After soliciting three competitive bidders, the following company proved to be the actual responsible low-bidder for the above-referenced project:

J.R. Swanson Plumbing Co. Inc.	\$7,445.00
413 103 <sup>rd</sup> Street	
Niagara Falls NY 14304	

Funding will be available from Casino funds.

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

Agenda Item #4

**SUBJECT: REPAVING OF 27<sup>TH</sup> STREET – NIAGARA ST. TO FERRY AVE.  
R.P. # 172**

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

<b><u>CONTRACTOR</u></b>	<b><u>BASE BID</u></b>
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$562,876.00
Accadia Site Contracting, Inc.	\$616,670.00
Mark Cerrone, Inc.	\$638,346.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of \$562,876.00. Funding is available from Casino funds.

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

**RE: City Council Agenda Item: MLB PlayDay Events – August 2015**

**Council Members:**

The administration is requesting the use of \$2,000 in Tourism Fund Balance Account Code funds (T.0000.499.000) to host a PLAY DAY family event in conjunction with Major League Baseball, the United States Conference of Mayors and the Hyde Park Babe Ruth Little League.

The \$2,000 would be used to fund a free family movie at Hyde Park on August 10, 2015 at 8:30 pm. The City will rent a 35 foot inflatable screen, purchase the royalties to view the movie “Sandlot” and advertise the event to the public. This will be part of weeklong PLAYDAY events, focused around getting young people to be active in the sport of baseball and to enjoy the outdoors.

In July, Mayor Paul Dyster signed the PLAYBALL pledge with Major League Baseball and the United States Conference of Mayors, committing the City of Niagara Falls to take part in community based baseball activities in the month of August. In addition to the movie screening, Hyde Park Babe Ruth Little League will be hosting public PLAYDAY activities during the week of August 10, and the Mayor’s Cup City-wide Baseball Championship will be hosted at the Niagara Falls High School Athletic Complex. Combined, these events will provide our community, and most importantly, the children of Niagara Falls will positive, constructive activities.

Will the Council vote to approve the expenditure of \$2,000 in Tourism Fund Balance Account funds to host the PLAYDAY event at Hyde Park on August 10 and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #6

*RE: Retain Milliman, Inc. for Actuarial Equivalence Testing*

Council Members:

The City Controller is recommending that the City retain the services of Milliman, Inc. (“Milliman”) to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is \$5,000.00 for calendar year 2016. Funding is available from the City Controller’s budget line number A.1315.0000.0451.000.

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



Engagement Contract –

Actuarial Equivalence Testing for the Retiree Drug Subsidy

This Agreement is entered into between Milliman, Inc. ("Milliman") and City of Niagara Falls NY ("Company") as of the date below. Company has engaged Milliman to determine whether Company's retiree pharmacy plans provide creditable coverage and are actuarially equivalent to the standard Medicare Part D plan as defined by the Centers for Medicare and Medicaid Services (CMS). Such services or fees may be modified from time to time by mutual written agreement of the parties. In consideration for Milliman agreeing to perform these services, Company agrees as follows.

1. **SERVICES.** Milliman will perform the following services for Company if the Retiree Drug Subsidy Workbook located at "rdsctuary.com" is completed and delivered to Milliman at least ten business days prior to the online RDS application deadline:
  - A. Milliman will determine whether Company's plan(s) provide "creditable coverage" as defined by CMS.
  - B. For all plans offering creditable coverage, Milliman will determine whether the plans pass the actuarial equivalence test as defined by CMS.
  - C. If Company's plan(s) pass the actuarial equivalence test, Milliman will complete the "Actuarial Attestation" section of the online RDS application for the plan year ending in 2016.
  - D. If Company's plan(s) fail the actuarial equivalence test, Milliman will suggest actions that Company may take to pass the test. If Company implements Milliman's suggestions and provides documentation at least two days prior to the online RDS application deadline, Milliman will issue the actuarial attestation described in C above.
  - E. Milliman will issue a formal report presenting Milliman's findings, a description of the analyses and the data upon which Milliman relied in performing this work.

Professional fees for services listed above is \$5,000. Should the plan design information change such that the cost is likely to exceed this estimate, we will discuss that situation with you before proceeding further.

\* \* \* \* \*

The remainder of this agreement represents the contractual terms and conditions that will apply to all subsequent engagements of Milliman by Company unless specifically disclaimed in writing by both parties prior to the beginning of the engagement.

2. **LIMITATION OF LIABILITY.** Milliman will perform all services in accordance with applicable professional standards. In the event of any claim arising from services provided by Milliman at any time, the total liability of Milliman, its officers, directors, agents and employees to Company shall not exceed five million dollars (\$5,000,000). This limit applies regardless of the theory of law under which a claim is brought, including negligence, tort, contract or otherwise. In no event shall Milliman be liable for lost profits of Company or any other type of incidental or consequential damages. The foregoing limitations shall not apply in the event of the intentional fraud or willful misconduct of Milliman.

3. **DISPUTES.** In the event of any dispute arising out of or relating to the engagement of Milliman by Company, the parties agree that the dispute will be resolved by final and binding arbitration under the Commercial Arbitration Rules of the American Arbitration Association. The arbitration shall take place before a panel of three arbitrators. Within 30 days of the commencement of the arbitration, each party shall designate in writing a single neutral and independent arbitrator. The two arbitrators designated by the parties shall then select a third arbitrator. The arbitrators shall have a background in either insurance, actuarial science or law. The arbitrators shall have the authority to permit limited discovery, including depositions, prior to the arbitration hearing, and such discovery shall be conducted consistent with the Federal Rules of Civil Procedure. The arbitrators shall have no power or authority to award punitive or exemplary damages. The arbitrators may, in their discretion, award the cost of the arbitration, including reasonable attorney fees, to the prevailing party. Any award made may be confirmed in any court having jurisdiction. Any arbitration shall be confidential, and except as required by law, neither party may disclose the content or results of any arbitration hereunder without the prior written consent of the other parties, except that disclosure is permitted to a party's auditors and legal advisors.
4. **CHOICE OF LAW.** The construction, interpretation, and enforcement of this Agreement shall be governed by the substantive contract law of the State of New York without regard to its conflict of laws provisions. In the event any provision of this agreement is unenforceable as a matter of law, the remaining provisions will stay in full force and effect.
5. **NO THIRD PARTY DISTRIBUTION.** Milliman's work is prepared solely for the internal business use of Company. Milliman's work may not be provided to third parties without Milliman's prior written consent, which consent may be conditioned on execution by the third party of Milliman's standard Third Party Release Agreement; provided, however, Company may share Milliman's work with its parent or affiliates, but only if either (a) the Company has the full power and authority to bind such parent or affiliate to the terms of this agreement and does bind such affiliate to the terms, or (b) the parent or affiliate acknowledges in writing that the work of Milliman is subject to certain limitations and restrictions contained in this Agreement and that the parent or affiliate acquires no greater rights than are possessed by Company under this Agreement. Milliman does not intend to benefit any third party recipient of its work product, even if Milliman consents to the release of its work product to such third party.
6. **USE OF MILLIMAN'S AND COMPANY'S NAME.** Each party agrees that it shall not use the other party's name, trademarks or service marks, or refer to such other party directly or indirectly in any media release, public announcement or public disclosure, including in any promotional or marketing materials, customer lists, referral lists, websites or business presentations without that party's prior written consent for each such use or release, which consent shall be given in its sole discretion.
7. **CONFIDENTIALITY.** Any information received from Company will be considered "Confidential Information." However, information received from Company will not be considered Confidential Information if (a) the information is or comes to be generally available to the public through no fault of Milliman, (b) the information was independently developed by Milliman without resort to information from the Company, or (c) Milliman appropriately receives the information from another source who is not under an obligation of confidentiality to Company. Milliman agrees that Confidential Information shall not be disclosed to any third party.

8. **DATA RELIANCE.** Company will provide data to Milliman, as requested by Milliman. This data includes the demographic and geographic information about Medicare-eligible beneficiaries, historical plan experience when requested, contributions, and description of retiree pharmacy benefit plans.

On behalf of Company the undersigned attests that to the best of my knowledge and belief, the data provided is accurate and complete, such that Milliman should rely on it for the purpose of determining creditable coverage and actuarial equivalence as defined by CMS.

9. **AUTHORITY.** Each Party hereto represents and warrants that it possesses the legal authority to enter into this contract and that it has taken all actions required by its procedures, bylaws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this contract and to bind the party to these terms. The person(s) executing this contract represent(s) and warrant(s) that such person(s) have full authorization to execute this contract.

10. **FEES.** Company acknowledges the obligation to pay Milliman for services rendered, whether arising from Company's request or otherwise necessary as a result of this engagement. All invoices are payable upon receipt. Milliman reserves the right to stop all work if any bill goes unpaid for 60 days. In the event of such termination, Milliman shall be entitled to collect the outstanding balance, as well as charges for all services and expenses incurred up to the date of termination.

MILLIMAN, INC.

City of Niagara Falls NY

By: 

By: \_\_\_\_\_

Name: William J. Thompson

Name: \_\_\_\_\_

Title: Principal & Consulting Actuary

Title: \_\_\_\_\_

Date: July 8, 2015

Date: \_\_\_\_\_

Agenda Item #7

*RE: Financial Restructuring Board*

Council Members:

In correspondence to the City Administrator dated October 9, 2013 the State of New York Financial Restructuring Board for local governments notified the City that the City of Niagara Falls is a municipality that is fiscally eligible to participate in this new program. Attached is a copy of that correspondence and an explanation of the program. Upon request by the City, the Board may undertake a comprehensive review of the City's finances and operations and recommend ways to improve its fiscal stability and the delivery of public services.

The Board also has the ability to offer grants and/or loans of up to \$5 million dollars in this regard. If the City, with Council approval at that time, agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aforementioned aid.

Will the Council so approve and authorize the Mayor to execute any pertinent agreements in order to obtain the review and recommendations of the Board?

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## Financial Restructuring Board

*for Local Governments*

The Financial Restructuring Board for Local Governments is a ten-member panel available year round to offer assistance to eligible municipalities. The Board is chaired by the Budget Director and includes the State Comptroller, the Attorney General, the Secretary of State, and six other members appointed by the Governor. Of these six appointees, one is recommended by the Governor, one is recommended by the Temporary President of the Senate, and one is recommended by the Speaker of the Assembly. At least one of the Governor's appointees is required to have significant municipal financial and restructuring experience.

Any county, city (except New York City), town, or village deemed a Fiscally Eligible Municipality by the Board may request, by resolution of its governing board with the concurrence of its chief executive, a Comprehensive Review from the Board. If the Board decides to undertake a Comprehensive Review of a municipality, it can request any information necessary to understand the municipality's finances and operations. Based on this information, the Board would make recommendations to that municipality on improving its fiscal stability, management, and the delivery of public services. In addition, the Board could offer grants and/or loans of up to \$5 million through the Local Government Performance and Efficiency Program for undertaking certain recommendations. If the municipality agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aid.

The Board also serves as an alternative arbitration panel for binding arbitration. If a municipality is a Fiscally Eligible Municipality and eligible for binding arbitration with a municipal union (a.g. police, fire, or deputy sheriff unions), the municipality, by resolution of its governing board with the concurrence of its chief executive, and the municipal union may jointly agree to have the Board serve as its binding arbitration panel. The Board would make a just and reasonable determination of the matters in dispute by majority vote. The determination would be final and binding on the municipality and municipal union.

**LATEST NEWS**

- The Financial Restructuring Board will hold its second Board meeting on Tuesday, November 19, 2013 at 11:30 a.m. in Room 250 of the State Capitol
- The Financial Restructuring Board held its first Board meeting on Monday Sept 23, 2013 at 1:00 p.m. in Room 250 of the State Capitol
- September 12, 2013: Governor Cuomo Announces Appointments to Financial Restructuring Board and Launch of FRB.NY.GOV.
- June 2013: Assessment reached to create Financial



Robert L. Magna  
Chair

STATE OF NEW YORK  
FINANCIAL RESTRUCTURING BOARD  
for LOCAL GOVERNMENTS  
STATE CAPITOL, ROOM 125  
ALBANY, NEW YORK 12244

October 9, 2013

Ms. Donna Owens  
City Administrator  
PO Box 69  
Niagara Falls, NY 14302

Dear City Administrator Owens:

As you may know, the Financial Restructuring Board for Local Governments was recently established and held its first meeting on September 23rd. The Board is a ten-member panel available year round to offer assistance to eligible municipalities.

Upon request, the Board may undertake a comprehensive review of the municipality's finances and operations and recommend ways to improve its fiscal stability and the delivery of public services. If recommendations made by the Board are accepted, up to \$6 million per municipality may also be made available. The Board may also serve, upon joint request of an eligible local government and municipal union, as an alternative binding arbitration panel.

Based upon information previously submitted to the Office of the State Comptroller and the criteria set forth in the Board's governing statute, your local government has been determined to be a fiscally eligible municipality. If you would like to request assistance from the Board, please visit its website at <http://frb.ny.gov>. There you will find detailed information about the Board, including an online application. In addition, please feel free to e-mail the Board at [info@frb.ny.gov](mailto:info@frb.ny.gov), or contact my office at (518) 474-2300.

Sincerely,

Robert L. Magna  
Chair, Financial Restructuring Board

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## Financial Restructuring Board

*for Local Governments*

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### Fiscally Eligible Municipalities

A "fiscally eligible municipality" shall mean any county, city, excluding a city with a population greater than one million, town, or village that the Board, on a case by case basis, determines would benefit from the services and assistance which the board has legal authority to offer. In evaluating whether a municipality is a fiscally eligible municipality, the board shall consider the average full value property tax rate of such public employer and the average fund balance percentage of such public employer and such other criteria as the board deems relevant.

*Local Finance Law §160.05 (2)*

A Fiscally Eligible Municipality is any county, city (except New York City), town, or village that the Board determines would benefit from its services and assistance. In evaluating whether a municipality is a Fiscally Eligible Municipality, the Board is to consider the average full value property tax rate, the average fund balance percentage, and any other criteria that the Board deems relevant.

If a municipality has an average full value property tax rate greater than the average full value property tax rate of 75 percent of the other municipalities or if a municipality has an average fund balance percentage below five percent, it is automatically considered a Fiscally Eligible Municipality. A list of all municipalities (PDF), their average full value property tax rate, their average fund balance percentage, and whether they are automatically considered a Fiscally Eligible Municipality is available.

If a municipality has not reported to the State Comptroller the information necessary to calculate its average full value property tax rate or its average fund balance percentage, the municipality cannot be deemed a Fiscally Eligible Municipality. A list of municipalities that have not reported this information (PDF) is available. These municipalities cannot be deemed a Fiscally Eligible Municipality.

#### Average Full Value Property Tax Rate

The average full value property tax rate measures how high property taxes are in a given municipality relative to the municipality's taxable property value. This is an indicator of the property tax burden facing a municipality's taxpayers – the higher the rate, the higher the burden.

It is calculated for each municipality by dividing the amount of property taxes levied by the full value of taxable real estate for each of the last five years. These five full value property tax rates are then averaged to determine the average full value property tax rate.

Average Full Value Property Tax Rate Calculation Example

2012 Full Value	= 2012 Property Taxes Levied ÷ 2012 Full Value of
Property Tax Rate	Taxable Real Estate
	= \$1,061,208 ÷ \$112,550,881
	= .0094287 or \$9.4287 per \$1,000

2011 Full Value Property Tax Rate	=2011 Property Taxes Levied ÷ 2011 Full Value of Taxable Real Estate = \$1,040,400 ÷ \$108,272,700 = .0095211 or \$9.5211 per \$1,000
2010 Full Value Property Tax Rate	=2010 Property Taxes Levied ÷ 2010 Full Value of Taxable Real Estate = \$1,040,400 ÷ \$108,090,000 = .0096088 or \$9.6088 per \$1,000
2009 Full Value Property Tax Rate	=2009 Property Taxes Levied ÷ 2009 Full Value of Taxable Real Estate = \$1,020,000 ÷ \$103,000,000 = .0098029 or \$9.8029 per \$1,000
2008 Full Value Property Tax Rate	=2008 Property Taxes Levied ÷ 2008 Full Value of Taxable Real Estate = \$1,000,000 ÷ \$100,000,000 = .0100000 or \$10.0000 per \$1,000
Average Full Value Property Tax Rate	=(2012 Full Value Property Tax Rate + 2011 Full Value Property Tax Rate + 2010 Full Value Property Tax Rate + 2009 Full Value Property Tax Rate + 2008 Full Value Property Tax Rate) ÷ 5 = (.0094287 + .0095211 + .0096088 + .0098029 + .0100000) ÷ 5 = .0097319 or \$9.7319 per \$1,000

If the average full value property tax rate is greater than the average full value property tax rate of 75 percent of the other municipalities, the Board must find that the municipality is a Fiscally Eligible Municipality.

If a municipality has not reported to the State Comptroller the information necessary to calculate the average full value property tax rate, the municipality cannot be deemed a Fiscally Eligible Municipality.

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#### Average Fund Balance Percentage

The average fund balance percentage measures how much a municipality has remaining in its General Fund relative to how much it spends from its General Fund over the past five years. This is an indicator of a municipality's ability to pay for unexpected costs or pay for increased costs without raising taxes.

It is calculated for each municipality by dividing the total fund balance in the General Fund by the total expenditures from the General Fund for each of the last five years. These five fund balance percentages are then averaged to determine the average fund balance percentage.

Average Fund Balance Percentage Calculation Example:

2012 Fund Balance Percentage	= 2012 General Fund Fund Balance + 2012 General Fund Expenditures = \$855,000 + \$22,510,176 = 3.84%
2011 Fund Balance Percentage	= 2011 General Fund Fund Balance + 2011 General Fund Expenditures = \$800,000 + \$21,854,540 = 3.66%
2010 Fund Balance Percentage	= 2010 General Fund Fund Balance + 2010 General Fund Expenditures = \$850,000 + \$21,218,000 = 4.01%
2009 Fund Balance Percentage	= 2009 General Fund Fund Balance + 2009 General Fund Expenditures = \$800,000 + \$20,600,000 = 3.88%
2008 Fund Balance Percentage	= 2008 General Fund Fund Balance + 2008 General Fund Expenditures = \$1,000,000 + \$20,000,000 = 5.00%
Average Fund Balance Percentage	= (2012 Fund Balance Percentage + 2011 Fund Balance Percentage + 2010 Fund Balance Percentage + 2009 Fund Balance Percentage + 2008 Fund Balance Percentage) ÷ 5 = (3.84% + 3.66% + 4.01% + 3.88% + 5.00%) ÷ 5 = 4.08%

If the average fund balance percentage is less than five percent, the Board must find that the municipality is a Fiscally Eligible Municipality.

If a municipality has not reported to the State Comptroller the information necessary to calculate the average fund balance percentage, the municipality cannot be deemed a Fiscally Eligible Municipality.

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#### Municipalities Not Automatically Fiscally Eligible

In addition to municipalities that are automatically Fiscally Eligible because of their average full value property tax rate or their average fund balance percentage, the Board may find additional municipalities to be Fiscally Eligible if it determines that they would benefit from its services and assistance. This determination will be on a case by case basis using available information.

If a municipality is not automatically Fiscally Eligible but would like to be considered one for a Comprehensive Review or a Binding Arbitration Determination by the Board, the municipality should make a request for a Comprehensive Review or Binding Arbitration Determination and include documentation on why it should be considered Fiscally Eligible.

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Governor Andrew M. Cuomo

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Agenda Item #8

*RE: Funding for Grand Gardens of the Niagara Portage*

Council Members:

The City has been asked to contribute the sum of \$1,000.00 to assist in the cost of the Grand Gardens of the Niagara Portage event scheduled to take place on July 18, 2015. The recipient of these funds will be the Oakwood Cemetery, as a portion of the event will take place there. The Oakwood Cemetery will then disburse dollars as appropriate.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

Agenda Item #9

*RE: Membership in Buffalo Niagara Enterprise (“BNE”)*

Council Members:

It is requested that the City be permitted to continue its membership in the BNE which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight counties of Western New York. Since 1999, the BNE has helped 272 companies to invest over 2.9 billion dollars in our region and retain more than 36,000 jobs. Attached hereto is the summary of some of the benefits provided to the City by the BNE during the last year of the City’s membership. It is recommended that the City participate again this year at the \$50,000 per year level.

Funding is available from Casino Revenues.

Will the Council so approve?

**MEMORANDUM**

**TO:** Thomas J. DeSantis, Acting Director, Planning Environmental & Economic Development  
City of Niagara Falls

**FROM:** Paul S. Pfeiffer, Director, Investor & Public Relations  
Buffalo Niagara Enterprise (BNE)

**RE:** Niagara Falls Investment in BNE

**DATE:** July 14, 2015

Good afternoon Tom. Please allow this memorandum to serve as an update on activities that the Buffalo Niagara Enterprise has engaged in on behalf of the City of Niagara Falls since the city became an Investor in April of 2014.

**Real Estate**

BNE's Research Department has worked with City of Niagara Falls economic development staff to identify, catalog and load buildings and sites into the Buffalo Niagara Commercial Listing service which is hosted on BNE's website. Approximately one dozen Niagara Falls sites are on the system right now with more to be added as due diligence and required information can be collected and verified. In the last year alone 6,282 unique users conducted 13,904 page views of this marketing and real estate data.

In response to site broadcasts, six different sites and/or proposals were submitted by BNE staff for the following projects: Friday, Lantern, Rushmore and Nelson. The sites submitted were 2425 Hyde Park Boulevard., 1625 Buffalo Avenue, 825 Main Street, 5535 Porter Road, 1823 Maryland Avenue and the former Nabisco facility.

The commercial real estate industry is a critical component of our site selection process and we feel it is very important to reengage the city and its leaders with that constituency. To that end, Buffalo Niagara Enterprise engaged Mayor Paul Dyster, Council members Charles Walker and Andy Touma and Director of Planning & Development Thomas DeSantis in the Western New York Chapter of the New York State Association of Commercial Realtors annual meeting in February. The Niagara Falls delegation was introduced to more than 100 realtors who were informed of the city's desire to work more closely with the development and commercial real estate community that will have to develop the product required for the city to successfully compete in attraction of economic development opportunities.

### Existing Industries

Operating under the terms of a very strict non-disclosure agreement, Buffalo Niagara Enterprise has ensured the City of Niagara Falls and many Niagara Falls based companies have been fully integrated in the effort to build out the supply chain for the Solar City project. BNE staff facilitated introductions and arranged for private meetings between Mayor Dyster and senior Solar City decision makers here in Western New York prior to traveling to San Mateo, CA to represent the city before top Solar City executives.

BNE staff also facilitated a private meeting for Mayor Dyster, the members of the Niagara Falls City Council, senior solar city decision makers and eight Niagara Falls based companies who were introduced to the Solar City project. City leaders and the companies present were informed of the many opportunities that would exist for them to become involved in this transformational project, as well as what processes were being put in place to facilitate their potential involvement. As Solar City supply chain needs evolve and potential vendors seek to increase their capacity to engage with the company, BNE will seek to maximize the opportunity to attract new potential investment in the city. This effort will only increase in intensity as the Solar City project progresses.

### Specific Projects

Project Element – this company was represented by a site selector and they were interested in locating a pilot facility on the east coast to test manufacturing of their chemical product used in fuel cells. A preferred site was identified in Niagara Falls in partnership with an existing Niagara Falls company. Project Element officials became increasingly frustrated with the changing demands in negotiations with their potential landlord/partner and eventually decided to locate their pilot facility in Rochester. Should the pilot project succeed, Project Element representatives have already indicated they do not have sufficient space to ramp up in Rochester, and at that time they would revisit a permanent manufacturing facility in Niagara Falls (Project on hold until results of pilot plant are completed). BNE staff continues to monitor and stay in close contact with the company.

Project Derek - this project is also being impacted by a pilot project where the company is refining rare earth materials for application by the US Department of Defense. The pilot project is off to a strong start and BNE business development staff has reengaged with company officials for the last six months with the goal of selecting and permitting a site by the end of 2015. There is at least one site that currently exists in the city that BNE staff is targeting for this project.

Agenda Item #10

*RE: Easement for Electrical Transformer to National Grid for New Train Station*

Council Members:

National Grid has requested an easement to place their transformer on property related to the new train station to provide power to the station.

The Planning Board has reviewed this request and recommends that the Council approve same (a copy of the Planning Board report is attached).

The property where the easement is located, like the majority of the train station property, is currently owned by the New York State Department of Transportation which acted as the acquiring agency for the project.

At the completion of the station project the property will be transferred to the City and at that time the easement to National Grid will be granted and executed.

Will the Council approve the requested easement and authorize the Mayor to execute the Easement Agreement and any other documentation necessary, in a form acceptable to the Corporation Counsel, to effectuate same?



# City of Niagara Falls, New York

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

July 8, 2015

## NIAGARA FALLS PLANNING BOARD

**RECOMMENDATION TO CITY COUNCIL**  
Easement with City of Niagara Falls

Pursuant to action taken by the Niagara Falls Planning Board on the 8<sup>th</sup> day of July 2015, your request is hereby granted.

**NAME OF OWNER:** NYS DOT

**ADDRESS OF ACTION:** A portion of the northeast section of 2300 Main Street

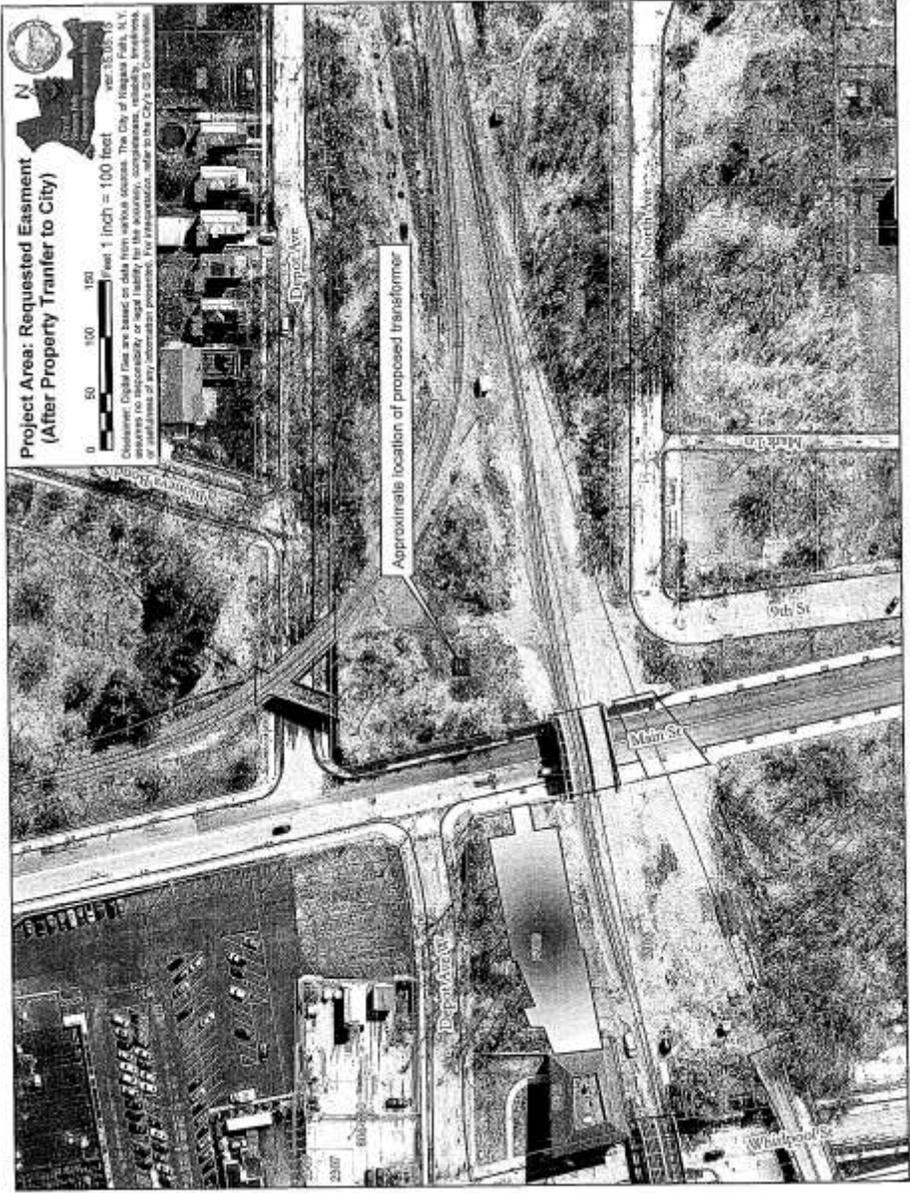
**PURPOSE:** To acquire easement for the placement of a pad to install a transformer and other electrical equipment necessary to meet the requirements of the project. (The actual easement will not be executed and filed until NYS DOT transfers the property to the City.)

This application is hereby granted.

DATE: July 8, 2015

  
Richard D. Smith, Chairman  
Niagara Falls Planning Board

03 JUL 15 10:00 AM '15



Agenda Item #11

**SUBJECT:     Roof replacement at the former Highland Avenue Fire Hall**  
**CHANGE ORDER #1**

A contract for the above referenced project was awarded to Joseph A. Sanders & Sons, Inc. on May 11, 2015 in the amount of \$168,872.00.

During the course of work, it was deemed necessary to repair interior roof drainage, piping, and clean the existing sewer lateral to allow newly install roof drains to work properly. These additions to the original scope of work added \$2,876f.11 to the original bid.

Since the existing funds schedule for roof repairs is not totally encumbered, additional money for this extra work is not needed.

To that end, please allow this (\$0.00) Change Order request for the scope change.

Will the council vote to so approve?

## Agenda Item #12

*RE: 3625 Highland Avenue Purchase - \$165,000.00*

### Council Members:

3625 Highland Avenue, Niagara Falls, NY is an approximately 5.5 acre former industrial site located on the east side of Highland Avenue, Niagara Falls, NY, SBL No. 130.18-2-14. The property is owned by Nicolas P. Dalacu, and currently houses Mr. Dalacu's Niagara Science Museum. The full market assessed value of the property is \$72,200.00. It has been appraised at \$155,000.00. Mr. Dalacu has agreed to sell the property to the City for \$165,000.00. Casino revenue funds are available to pay the purchase price.

As part of the sale, Mr. Dalacu will pay the balance of a 2000 Community Development loan to Canrom Photovoltaics. The company is out of business. The loan was personally guaranteed by Mr. Dalacu. The balance of the loan with accrued interest is approximately \$32,000.00.

The taxes will be brought current in connection with the purchase, and Mr. Dalacu will also set aside \$30,000.00 for the continued operation of the museum.

Section 504 of the City Charter provides that the City shall not acquire any real property until the acquisition has first been referred to the Planning Board for a report. On July 8, 2015, the Planning Board recommended that the City acquire 3625 Highland Avenue for the purposes set forth herein. A copy of the Planning Board report is attached.

After the purchase by the City, the City will convey the land to Niagara Falls Urban Renewal Agency for no consideration. The property is in the Niagara Falls Core City Urban Renewal Area. NFURA will then lease the building housing the Niagara Science Museum to the Niagara Science Museum for 3 years at the rent of \$400.00 per month. The lease can be renewed at the discretion of NFURA. The \$30,000.00 set aside by Mr. Dalacu from the sale will be the source of the rent. The property will be exempt from taxes for so long as it is owned by the Urban Renewal Agency.

The acquisition of land by an Urban Renewal Agency for which there is no immediate development use is regulated by General Municipal Law §555. The acquisition procedure requires a Planning Board recommendation after a public hearing, and City Council approval after a City Council public hearing. Upon approval after the hearings, the Agency can accept the parcel and lease the building for the museum.

If the City Council approves the acquisition by the City today, it is expected that the transfer of the property to the City will be ready to close at the time the City Council acts on acquisition of the parcel by NFURA.

Once the property is under control of the City or NFURA, application can be made for Brownfield funds available to public entities. These funds can aid in the future development of the site and area.

Will the Council vote to acquire 3625 Highland Avenue for the purposes as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?



# City of Niagara Falls, New York

P.O. Box 199, Niagara Falls, NY 14302-0099

July 8, 2015

## NIAGARA FALLS PLANNING BOARD

**APPROVAL OF RECOMMENDATION TO CITY COUNCIL**  
**Property Acquisition**

Pursuant to action taken by the Niagara Falls Planning Board on the 8<sup>th</sup> day of July 2015, your request is hereby granted.

**NAME OF OWNER:** Nick Dalacu

**ADDRESS OF ACTION:** 3625 Highland Avenue Avenue

**PURPOSE:** Offer to City of Niagara Falls to purchase property and subsequently transfer to Niagara Falls Urban Renewal Agency

This application is hereby granted.

DATE: July 8, 2011

  
Richard D. Smith, Chairman  
Niagara Falls Planning Board

8-10-11 6-30-11



Agenda Item #13

SUBJECT: Commissioner of Deeds

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The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2015 to September 30, 2017.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Barlow, Eric	NFFD
Benjamin, Jeff	NFFD
Bielec, Shaun	NFPD
Cain, Carlton	NFPD
Carter, Kim	Engineering
Ciccarelli, Patrick	Code Enforcement
Herbert, Latricia	City Clerk's Office
Jones, Daniel	NFPD
Reynolds, James	NFPD
Rizzo, Kelly	NFPD
Steed, Owen	NFPD
Warmington, Paul	NFPD

Aberhold, Gerald	2481 Michigan Ave., Niagara Falls, NY 14305
Baldwin, Kathy	839 17 <sup>th</sup> St., Niagara Falls, NY 14301
Fasciano, Louisa	8321 Laughlin Dr., Niagara Falls, NY 14304
Goodnick, Douglas	241 84 <sup>th</sup> St., Niagara Falls, NY 14304
Mayes, William	243 77 <sup>th</sup> St., Niagara Falls, NY 14304
Salada, Denise	621 71 <sup>st</sup> St., Niagara Falls, NY 14304
Shank, Victoria	1839 Niagara Ave., Niagara Falls, NY 14305
Trimmer, Maureen	3611 Chapin Ave., Niagara Falls, NY 14301
Ward, Diane M.	1416 13 <sup>th</sup> St., Niagara Falls, NY 14305

Agenda Item #14

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL “NO PARKING, NOVEMBER 1 TO APRIL 1”  
RESTRICTION ON CRESCENT DRIVE, WEST SIDE, FROM  
JAMES AVENUE SOUTH TO THE DEAD END**

This will allow city plows & emergency vehicles access into & out of this short, dead end roadway in the winter months. A Petition from the residents of this block was received with 69% signatures.

Submitted By: Steve Kielbasa, 4207 Crescent Drive & petition/residents of block

It is requested that City Council approve this recommendation.

Agenda Item #15

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 2016 PINE AVENUE**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By: Joshua Cline, 2016 Pine Avenue (Lower Rear)

It is requested that City Council approve this recommendation.

Agenda Item #16

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A “NO STANDING ANYTIME” RESTRICTION (FOR THE LENGTH OF A VEHICLE) IN FRONT OF 2926 GRAND AVENUE**

This was approved in place of an existing 5’ handicapped access space, as an exception, due to the island in the center of the roadway, to provide drop off/pick up (only) for a handicapped resident. Currently, with the island in the center of Grand Avenue, use of the 5’ handicapped access space often results in the driving lane being blocked by the pickup vehicle. This new restriction will allow pickup/drop off at the curb thereby alleviating this problem.

Submitted By: Patricia Sciarrino, 2926 Grand Avenue

It is requested that City Council approve this recommendation.

Agenda Item #17

At a Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL ALTERNATE OVERNIGHT PARKING ON ROSELLE AVENUE  
BETWEEN McKOON AVENUE & DEVEAUX STREET**

A Petition from the residents of this block was received with 75% signatures.

Submitted By: Jen Clyde, 4205 McKoon Avenue & Petition/Residents of  
Block

It is requested that City Council approve this recommendation.

Agenda Item #18

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**REMOVE THE TWO HOUR (8 AM – 6 PM) PARKING RESTRICTION  
IN FRONT OF 331 BUFFALO AVENUE**

This two space area was originally signed for two hour parking in 2006 when this building was utilized as a lawyer's office to provide in/out access for clients and to prevent all day parking by casino employees. These issues no longer exist since the building is now a private residence, and the casino employees have their own lots for parking.

Submitted By:           Sister Nora Sweeney, Daughters of Charity, 331 Buffalo Avenue

It is requested that City Council approve this recommendation.

Agenda Item #19

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 1121 NORTH AVENUE**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By: Ted Gilmer, 1121 North Avenue

It is requested that City Council approve this recommendation.

Agenda Item #20

At the Traffic Advisory Commission meeting held on July 7, 2015 the Commission recommended **APPROVAL** of the following item:

**INSTALL A 5' HANDICAPPED ACCESS SPACE  
IN FRONT OF 31 A STREET**

**[Physician verification of wheelchair dependency and/or severe  
restriction of movement, has been received]**

Submitted By:        Georgette Coty, 31 A Street

It is requested that City Council approve this recommendation

**RELATIVE TO RECOGNIZING WORLD BREASTFEEDING WEEK (WBW)**

**AUGUST 1, 2015 – August 7, 2015**

BY:

Council Chairman Andrew Touma

**WHEREAS**, Catholic Charities WIC Erie & Niagara Counties, in support of World Breastfeeding Week, has organized a Breastfeeding Walk & Healthy Baby Festival. The event is scheduled to take place on Wednesday, August 8, 2015 at Hyde Park Splash Pad from 11:00am – 1:00pm; and

**WHEREAS**, World Breastfeeding Week is currently in its 22<sup>nd</sup> year, being celebrated in more than 170 Countries worldwide; and

**WHEREAS**, World Breastfeeding Week 2015 campaign will aim to empower and support ALL women, working in both the formal and informal sectors, to adequately combine work with child-rearing, particularly breastfeeding; and

**WHEREAS**, breastfeeding is essential in providing a child with all the antibodies and nutrients she or he needs to stop from getting ill in the future; and

**WHEREAS**, breastfeeding has a great impact on a child's development and growth.

**NOW, THEREFORE, BE IT RESOLVED**, the Niagara Falls City Council does hereby acknowledge and support World Breastfeeding Week.

Agenda Item #22

**RELATIVE TO CONGRATULATING  
CARLY WASHCALUS  
AS SHE REPRESENTS THE CITY OF NIAGARA FALLS, NY IN THE USA NATIONAL MISS  
SCHOLARSHIP PAGEANT HELD IN ORLANDO, FL**

BY:

Council Member Kristen Grandinetti

**WHEREAS**, Carly Washcalus, a Niagara Falls City School District student, scheduled to attend LaSalle Preparatory School's Accelerated Academic Program in the fall, will be traveling to Orlando, FL to compete in the USA National Miss Scholarship Pageant; and

**WHEREAS**, Carly will be competing in three major categories in the pageant; and

**WHEREAS**, Carly believes it is important to be a leader in school as well as in the community and does so by promoting her platform, "Get involved in your Community"; and

**WHEREAS**, Carly encourages her fellow classmates and friends to get involved in the community to make our city a better place; and

**WHEREAS**, Carly is an inspiration to others as she has logged over 100 volunteer hours working in the community at places like Community Missions and Northgate Nursing Home, while also supporting organizations such as the American Cancer Society, Children's Miracle Network and the Lion's Club; and

**WHEREAS**, Carly was the Lion's Club Citizenship Award winner as well as the Kohl's Care Scholarship Award Recipient; and

**NOW, THEREFORE, BE IT RESOLVED**, the Niagara Falls City Council does hereby congratulate Carly Washcalus for being an outstanding citizen of our great city and wishes her luck as she competes in the USA National Miss Scholarship Pageant.

**RELATIVE TO**  
**HONORING ONE OF WESTERN NEW YORK'S MOST RESPECTED HISTORIAN**  
**AND EDUCATOR, PAUL GROMOSIAK**

BY:

Council Member Kristen Grandinetti

**WHEREAS**, Paul Gromosiak, former Historian of the City of Niagara Falls, has made a great impact on our city in his journey to keep history alive. Born on August 21, 1942, Paul began learning about history at a young age. His father would often tell him stories about early life on the Niagara Frontier, that sparked Paul's fascination and he began researching Niagara's natural and human past; and

**WHEREAS**, Paul graduated from Niagara University with a B.S. in Chemistry. He went on to the state of New York University where he received his certification in mathematics, chemistry and general science. Paul was a chemistry teacher in the Niagara Falls School District as well as a chemist for both the Eastman Kodak Company and The Hooker Chemical Corporation; and

**WHEREAS**, Paul's passion for history and educating has been the motivation of his latest creation – a prototype he built with his greatest vision in mind, The "Experience Center of Niagara," a historical center that will honor natural history, Native American history, the French and British colonial period and of course American history; and

**WHEREAS**, Paul has written nine books about the Mighty Niagara. His books provide fascinating facts about many must see attractions. He has also written *Niagara Falls Q&A; Answers to the Most Common Questions about Niagara Falls*, one of the region's most popular titles; and

**NOW, THEREFORE, BE IT RESOLVED**, the Niagara Falls City Council does hereby honor Paul Gromosiak for his hard work, dedication and determination in keeping our history alive.

Agenda Item #24

RELATIVE TO CONSOLIDATED FUNDING APPLICATION  
EMPIRE STATE DEVELOPMENT  
FOR MICRO-ENTERPRISE PROJECT PROPOSAL

By: Council Chairman Andrew Touma

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- through the State of New York's Regional Economic Development Council for the above referenced project with a total cost of approximately \$200,000 with State assistance of up to \$100,000 and a local share of up to \$100,000; and

WHEREAS, the N.F. C. Development Corp. (NFC) was established by City Council to provide programs relieving and reducing unemployment, bettering and maintaining job opportunities, and providing aid to attract new business or retain business within the City of Niagara Falls, New York; and

WHEREAS, the City of Niagara Falls through the NFC will be better able to fulfill its mission by being able to offer financial assistance on a more sustainable basis to local small businesses and startup entrepreneurs, by allocating \$100,000 of its 2015 budget as matching funds to this expanding Micro-Enterprise Project Proposal; and

WHEREAS, the full amount of the local share is available from NFC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

## **N.F.C. Corporation 2015 Consolidated Funding Application**

### **Micro-Enterprise Project Proposal**

The Department of Economic Development's office of Business Development would like to submit an application to the State of New York through its Consolidated Funding Application. We are proposing submitting an application for a \$100,000 grant to increase our ability to offer assistance via the existing Micro-Enterprise system.

**Requested Amount:** \$100,000; 100% of awarded grant will go to fund the Micro-Enterprise Assistance program, there are no administrative or soft costs associated with this this application.

**N.F.C. Match:** \$100,000. The N.F.C. Development Corporation (The Corporation) will appropriate \$100,000 in matching dollars for use in The Corporation's Micro-Enterprise Assistance Program in its 2016 budget.

**Jobs/Created Retained:** 20-100 (full time equivalent jobs)

Agenda Item #25

RELATIVE TO CONSOLIDATED FUNDING APPLICATION-  
ENVIRONMENTAL PROTECTION FUND  
FOR DEVELOPMENT OF THE LASALLE GREENWAY TRAIL

By: Council Chairman Andrew Touma

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application-Environmental Protection Fund for the above referenced project with a total cost of approximately \$820,000 with State assistance of up to \$410,000 and a local share of up to \$410,000; and

WHEREAS, matching funds will be available through Power Authority's Niagara River Greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

## LaSalle Greenway Trail

The City of Niagara Falls proposes to continue development of its non-motorized trail along the waterfront. This phase seeks to develop the easternmost end of a recreational trail extending from the city line at 102<sup>nd</sup>. Street to the intersection of Cayuga Drive and Buffalo Avenue along the Little Niagara River. Phase one of the project addressed the development of the Niagara Riverview Trail extending from the North Grand Island Bridge to the Niagara Falls State Park. The final phase, for which funding has already been secured, will address the connection of both trails via Buffalo Avenue from the LaSalle Waterfront Park to the beginning of the LaSalle Greenway Trail discussed herein. Located on the Seaway Trail, the Niagara Falls waterfront trail is the city's next step to connecting with the Town of Wheatfield River Road Trail which is currently in design.

Originally designed in 2008 through funding from the NYS Dept. of State's Environmental Protection Fund as the LaSalle Recreationway Trail, this project addresses only the easternmost portion of the original proposed trail. This portion of the trail will begin on Cayuga Drive on the southern side of the LaSalle Expressway overpass. A pedestrian bridge will be constructed over Cayuga Creek between the overpass and an existing vehicular bridge. In order to avoid encroachment on private property, the trail will be developed along the north side of Buffalo Avenue parallel to the Expressway embankment extending from Cayuga Drive to the entrance to Griffon Park. At this point, a crosswalk and traffic marking will indicate the path's crossing to the south side of Buffalo Avenue where it will continue to its terminus at the city line, 102<sup>nd</sup>. Street. A landscaped trailhead with benches, parking spaces and thematic signage on the west side of 102nd Street will provide an attractive visual gateway to the entrance to the City of Niagara Falls.

The creation of multi-use trails has been found to be vastly beneficial on many levels. Trails provide new linkages between neighborhoods and communities, establish connections to regional destinations, encourage economic development and enhance overall quality of life for residents and visitors. As noted in the *City of Niagara Falls Recreationway Trail Study Report (May 2008)*, "...often the most successful places are those that provide multi-modal access to area attractions, retail and services and residential development. In urban environments, passive recreational resources can be critical to the attractiveness and viability of the city."

The trail will provide a safe environment for walking, jogging, biking, etc. and promote recreational opportunities for people of all ages. The trail will also promote linkages to regional assets such as the LaSalle Library and local merchants and celebrate the scenic qualities of the Niagara River and local parks, such as Jayne and Griffon Parks. Improved health has also been attributed to the existence of trails within the urban environment due to increased physical exercise, reduced fuel emissions and through better connectivity with friends and neighbors. For all of these reasons, trails have also been linked with economic revitalization. The *Niagara River Greenway Plan and Final Environmental Impact Statement (April 2007)*, cites "trails as the second most important community amenity, second only to highway access, and sidewalks, parks and playgrounds ranked third". This increased livability promotes economic vitality by attracting residents, visitors and vitality.

The project is expected to provide approximately five temporary/seasonal jobs during construction.

The budget for this project is approximately \$820,000. The project will be submitted for consistency review to the Niagara River Greenway Commission from which matching funds will be available.

Agenda Item #26

RELATIVE TO CONSOLIDATED FUNDING APPLICATION  
ENVIRONMENTAL PROTECTION FUND  
FOR DEVELOPMENT OF THE CUSTOMHOUSE HARRIET TUBMAN PLAZA

By: Council Chairman Andrew Touma

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application - Environmental Protection Fund for the above referenced project with a total cost of approximately \$262,000.00. State assistance is up to \$131,000.00, and a local share of up to 131,000.00; and

WHEREAS, other sources of matching funds may be available to reduce the Project's local share substantially, the full amount of the local share is available through Power Authority's Niagara River Greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

## Customhouse Harriet Tubman Plaza

The City of Niagara Falls proposes to develop the north side of the Customhouse as an extension to the Niagara Falls Underground Railroad Interpretive Center. This area will be developed into an outdoor courtyard, which will serve as functional public space for the Underground Railroad Interpretive Center. Programmatically, the improved plaza area will double as additional lobby space that can welcome and orient visitors within a semi-enclosed pastoral setting where visitors can enjoy period vignettes, performances, book signings, orientation tours, etc. The area will also be used as an Underground Railroad trailhead for walking/driving tours. During warmer months, the courtyard will also provide a peaceful, attractive setting for travelers using the intermodal transportation center and hikers using the nearby Upper Gorge Trail.

The specific area to be developed is the corner of Whirlpool Street and Depot Avenue (formerly Bath Avenue). For ease of maintenance, the majority of the improvements will consist of natural elements. Delineating the boundaries of the courtyard will be a reconstructed stone wall separating the courtyard from the Station's entrance plaza area. A rock wall made up of capstones from a hydraulic tunnel unearthed during construction of the Station along Whirlpool Street.

A statue honoring Harriet Tubman is also planned within the courtyard. The courtyard will include stone-paver walkways and be enclosed on three sides by period-correct ornamental fencing and shrubbery. Seating will consist of stone benches and precast seat walls lit by accent lighting and shaded by trees indigenous to the area. An informational/interpretive kiosk will be strategically placed in an area visible from the street and from the customhouse or the train station entrances.

The Plaza improvements were originally part of the Niagara Falls Intermodal Transportation Center's (Station) front Plaza. And while the specific Customhouse plaza improvements were eliminated to ensure that the project could be build within its budget at that time; the importance of these improvements has not diminished. This north end project, in conjunction with the new Station and the Interpretive Center, will drive activity and business opportunities at the Station, drive activity and service patrons to the Interpretive Center while promoting revitalization of the nearby neighborhoods and development along Main Street.

Heritage tourism has become a rapidly expanding attraction worldwide; the Niagara region in particular, offers a wealth of heritage potential. The proposed UGRR Interpretive Center captures the city's role in the Underground Railroad movement and offers unlimited opportunities for year-round tourism-related enterprises in attracting the millions of visitors to Niagara Falls each year. This project seeks to provide the most appropriate outdoor venue for capitalizing on the location's scenic beauty, historic structures, and authentic heritage —particularly during the better weather months.

The project is expected to provide approximately five temporary/seasonal jobs during construction. The number of permanent jobs that could be derived from the project longer-term cannot be predicted. However as attendance increases, new positions will become necessary as a result of expanding attractions, like the UGRR Interpretive Center, in the transportation, entertainment and food industries.

The budget for the Harriet Tubman Plaza Project is approximately \$262,600. The project will be submitted for consistency review to the Niagara River Greenway Commission from which matching funds are available.

Agenda Item #27

RELATIVE TO CONSOLIDATED FUNDING APPLICATION  
EMPIRE STATE DEVELOPMENT  
FOR DEVELOPMENT OF HIGHLAND AVENUE TECHNOLOGY & BUSINESS PARK

By: Council Chairman Andrew Touma

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application - Empire State development Corp. for the above referenced project with a total cost of approximately \$1,000,000 with State assistance of up to \$600,000 and a local share of up to \$400,000; and

WHEREAS, the City of Niagara Falls is acquiring and will re-develop a 5.5 acre parcel at 3625 Highland Avenue as the first phase of a planned business park within the Highland Avenue Brownfield Opportunity Area; and

WHEREAS, the this first phase of redevelopment will prevent a chronically vacant, blighted site from retracting from further progress at redeveloping the Highland industrial area and neighborhood; and

WHEREAS, the City further intends to transform this NYS-designated Brownfield Opportunity Area (BOA) priority brownfield site into a prosperous, economically diverse location capable of attracting new investment, new tax base, and new employment opportunities; and

WHEREAS, other grant sources may be available to reduce the Project's local share substantially, the full amount of the local share is available from casino revenues.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

## **Highland Area Technology & Business Park**

The City of Niagara Falls is proposing to acquire and re-develop a 5.5-acre parcel located at 3625 Highland Avenue as the first phase of a planned business park within the Highland Avenue Brownfield Opportunity Area. This chronically vacant and blighted site is to be purchased by the City as a proactive first step to drive future development at in the area. The City would wants to ensure that the site becomes 'shovel ready' by providing new access, installing infrastructure/utility upgrades, initiating site work, remediating the site and upgrading the existing buildings. Future phases of this project may involve the development of a marketing package for business attraction. It may also include, in future, adjacent site acquisitions.

The goal is to effect the transformation of a NYS-designated Brownfield Opportunity Area (BOA) priority brownfield site in Niagara Falls into a prosperous, economically viable site capable of attracting new investment and employment opportunities.

The anticipated project timeline is to get the project started immediately upon grant approval in late 2015 or early 2016. The site and buildings will be made shovel ready throughout 2016 and marketing will begin at the end of 2016 in anticipation of a purchase and redevelopment of the site in 2017.

The project is most closely aligned with the Regional Economic Development Council's Smart Growth strategy to "Invest in Downtowns, Villages, Neighborhoods and Brownfields." Specifically, this project will accelerate brownfield redevelopment in the region while providing a shovel-ready site in an area already served by infrastructure that has the potential to have a catalytic impact on the surrounding neighborhood.

Initial Project costs are estimated at \$1 million, with matching shares coming from available casino revenue funds.