

Monday, September 29, 2014 Council Meeting

PRESENTATIONS:

Seth Piccirillo – Combining Workforce Housing and Economic Growth

Ben Upshaw – Niagara City Lofts Project

Police Superintendent Bryan Dalporto – Ranger Program Update

Police Superintendent Bryan Dalporto – Addressing Neighborhood Complaints

ADMINISTRATIVE UPDATE:

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

August , 2014.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012	Vital Statistics		\$ 3,952.00	3,952.00
A1255-004 A013	Copies of Records		\$ 597.50	597.50
A1255-004 A013	Certificates of Marriage		\$ 1,120.00	1,120.00
A2501-006 A042	Tour Attendant		\$ 50.00	50.00
A2501-006 A042	Tour Driver/Guide		\$ 100.00	100.00
A2542-000 A053	Dogs/NYS Agr. & Mkts	\$ 394.00	-	394.00
A2542-000 A053	Additional Dogs		\$ 3,908.00	3,908.00
A2545-001 A054	Marriage License/NYSHD	\$ 2,520.00	\$ 840.00	3,360.00
A2550-001 A056	Loading Zone		\$ 55.00	55.00
A1255-002 A123	Commissioners of Deeds		\$ 20.00	20.00
A2545-010 A128	Petroleum - Retail		\$ 280.00	280.00
A2545-010 A128	Petroleum - Storage		\$ 60.00	60.00
A2545-023 A318	Hunters/NYS DEC RAU	\$ 3,697.35	-	3,697.35
A2545-023 A318	Hunters Fees		\$ 212.65	212.65
A1255-003 A499	Notary Fee		\$ 14.00	14.00
A1255-005 A528	Dog Release		\$ 350.00	350.00
TA63008 A597	Marriage Performance		\$ 1,450.00	1,450.00
A1255-006-A696	Photos/passport-license		\$ 9.00	9.00
TOTAL:		<u>\$ 6,611.35</u>	<u>\$ 13,018.15</u>	<u>\$ 19,629.50</u>

Check #	<u>10353</u>	NYS Dept.of Arg. & Mkts	\$ 394.00
Check #	<u>10323</u>	NYS Health Department	\$2,520.00
Check #	<u>ET</u>	NYS DEC RAU	\$3,697.35

Agenda Item #2

SUBJECT: CHANGE ORDER #2 - \$4,200.00
Consultant Services Agreement for Phase III Hyde Park
Renovation of Existing Locker Rooms at Ice Rinks

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo, New York on February 19, 2014 for professional services and design related tasks in the amount of \$94,500, and was extended in April 28, 2014 to cover full time Construction Inspection obligations at an additional cost of \$58,560, bring the current contract total to \$153,060.

While this contract is still in effect, the City is receiving value engineering proposals for requested upgrades of the concession area. Any new work must be designed and engineered by a New York State license professional in order to obtain the necessary permits and provide a detail scope of work for complete pricing. This new work involves additional design services for HVAC, Plumbing and Electrical work not presently cover under the existing contract.

It is the recommendation of the undersigned that Change Order #2 in the amount of **\$4,200** be approved, bring the new contract total to \$157,260.

Funding is available through a combination of Casino Revenue and in code H0819.2008.0819.0449.599.

Will the Council vote to so approve?

Agenda Item #3

**SUBJECT: New Parking Lot at Griffon Park Boat Launch
CHANGE ORDER #1**

A contract for the above referenced project was awarded to Louis Del Prince & Sons, Inc. on March 31, 2014 in the Amount of \$332,700.00.

During the course of work, it was deemed necessary to add additional asphalt pavement and sub-grade beyond the original bid quantities and install new curbing to prevent ground erosion. These changes to the scope of work add \$12,618.65 to the original bid for a new total cost of \$345,318.65.

It is the recommendation of the undersigned that Change Order #1 in the amount \$12,618.65 be approved. Sufficient funds presently exist in Code H1213.2012.1213.0449.599.

Will the council vote to so approve?

Agenda Item #4

**RE: City Council Agenda Item:
CB Emanuel Realty, LLC (CBE).
Niagara City Lofts (Former South Junior School Building – 561 Portage Road)
Tax Production Agreement**

The administration presents an agreement that will allow positive city, school district, and county tax production on long vacant, government owned property. Ownership and occupancy will also prevent a city funded demolition, estimated at \$1.2 million, and help stabilize the surrounding neighborhood.

CBE proposes rehabilitation and adaptive reuse of the vacant and National Register-eligible former South Junior High School, creating 61 mixed-income workforce rental apartments and commercial space. Total development costs are approximately \$24.1 million dollars, representing a \$3 million reduction from the original 2013 project budget. Public and private financing will include: New York State Homes and Community Renewal (HCR) tax credits, federal and state historic tax credits, investor equity through the purchase of the tax credits, a \$ 5 million NY RESTORE grant awarded to the City of Niagara Falls specifically for renovation of 561 Portage Road, deferred fee, and a commercial construction loan.

CBE is not requesting any general fund, community development block grant, or casino funding to complete the project. The Niagara City Lofts project ensures use of the \$5 million NY RESTORE grant awarded to the city for this specific property over six years ago. Assuming the project is awarded tax credits in HCR's Early Award Round; the project can begin construction in Spring 2015 and will complete construction in the summer of 2016. The project has received site plan approval from the Niagara Falls Planning Board as well.

561 Portage Road is owned by the Niagara Falls City School District and is currently 100 percent tax exempt. The parcel has not generated any city, county or school district taxes in generations. Property sale to CBE was negotiated by the school district, and property purchase was overwhelmingly approved by the public in a December 2013 referendum vote (Over a six to one margin in favor). CBE will officially take ownership upon construction loan closing, anticipated later this year. Upon closing, CBE will be contractually responsible for the demolition of the former school building if the proposed renovation is not completed within two years. That assurance shows the developer's commitment to project completion. CBE has also already completed temporary roof repairs at 561 Portage Road in order to better protect the structure from further water damage.

For the City Council's consideration, CBE presents an agreement to the Niagara Falls City Council to pay 6 percent of net rents received through the Niagara City Lofts Agreement at 561 Portage Road. The proposed 15 year tax payment plan is based on net rents accelerates year over year, subject to allowable and scheduled rent increases. **A total of \$21,808 will be collected in year one. In year 15, a total of \$28,775 will be collected, representing a 31 percent increase. Over the 15 year term, a total of \$377,132 in new city, county and school district tax revenue will be generated, with \$195,785 directly received by the city.** A detailed spreadsheet is included on page two of this agenda item.

Will the Council approve the proposed tax schedule?

Proposed PILOT Schedule for Niagara City Lofts

Property Address: 561 Portage Road, Niagara Falls, NY 14301

The Company proposes to make annual PILOT Payments for 15 years, pursuant to the city's authority to grant a PILOT under Article XI of the NYS Private Housing Finance Law, in a sum equal to 6% of the property's actual shelter rent, which is projected as follows:

Year	Total Payment ⁽³⁾	Distribution			
		County	City	School	Composite
		8.61	30.11	19.28	58.00
Construction Year	0	0	0	0	0
1 ⁽⁴⁾	21,808	3,237	11,321	7,249	21,808
2	22,244	3,302	11,548	7,394	22,244
3	22,689	3,368	11,779	7,542	22,689
4	23,143	3,435	12,014	7,693	23,143
5	23,605	3,504	12,254	7,847	23,605
6	24,078	3,574	12,500	8,004	24,078
7	24,559	3,646	12,750	8,164	24,559
8	25,050	3,719	13,005	8,327	25,050
9	25,551	3,793	13,265	8,494	25,551
10	26,062	3,869	13,530	8,663	26,062
11	26,584	3,946	13,801	8,837	26,584
12	27,115	4,025	14,077	9,013	27,115
13	27,658	4,106	14,358	9,194	27,658
14	28,211	4,188	14,645	9,378	28,211
15	28,775	4,272	14,938	9,565	28,775

Notes: (1) The tax rates utilized are per City of Niagara Assessor's office 9-10-2014; (2) this is a mixed use building therefore this schedule only applies to the residential portion of the property; (3) 2% annual increases projected; (4) Payments begin upon Project Completion.

Agenda Item #5

RE: Funding Contribution for USA Niagara Development Corp. ("USAN") - Operation and Management of the Convention and Conference Center and Old Falls Street

Council Members:

Until December 31, 2012, the City and USAN had in place a Memorandum of Understanding ("MOU") which, among other things, called for USAN to operate and manage the Convention and Conference Center as well as the activities that took place along Old Falls Street from Third Street to Prospect Street ("USAN activities"). There were prior MOU's in place with USAN for similar activities, at least as far back as 2006. The sum of money the City paid USAN during each of the years the MOU was in place was approximately 3.1 million dollars. During some years, a portion of this money was earmarked for economic development projects.

Because of the dispute between the State of New York (the "State") and the Seneca Nation of Indians (the "Senecas"), which resulted in no payment of casino revenues to the City from 2009 through 2013, the City was not in a financial position to fund USAN's activities and therefore the MOU was not renewed in 2013. USAN, nonetheless, continued to conduct its activities during calendar year 2013 and has continued to do so to date in calendar year 2014.

Now that the State and the Senecas have resolved the dispute over the compact and the City has been paid the amount of money it was owed for the years the dispute continued, and is being paid dollars presently due in a timely fashion, USAN is requesting that a new MOU be entered into to provide for the City's contribution to USAN's expenses in conducting its activities. Commencing immediately and for a five (5) year term expiring December 31, 2018, USAN is requesting an annual payment of 1.5 million dollars each year during the term of the MOU for this purpose. It should be pointed out that in prior MOU's, the City's contribution to USAN to conduct these activities was approximately 3.1 million dollars per year.

Funding is available from Casino revenues.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding in form acceptable to the Corporation Counsel.

Agenda Item #6

RE: United Way -Festival of Lights

Council Members:

The City has been asked to contribute the sum of \$10,000 to the United Way to be utilized for the expenses incurred in undertaking, promoting and carrying out its Festival of Lights event during the holiday season. Funding is available from Tourism Fund Balance.

Will the Council so approve?

Agenda Item #7

RE: Approval of the sale of 446 Memorial Parkway to Noreen Chatmon for the sum of \$510.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$510.00. This property was approved for sale by the Planning Board. Attached hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?



City of Niagara Falls, New York

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

September 10, 2014

NIAGARA FALLS PLANNING BOARD



APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Disposition of Property – Real Property Sale

Pursuant to action taken by the Niagara Falls Planning Board on the 10th day of September 2014 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

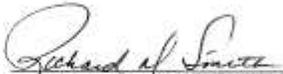
ADDRESS OF ACTION: 446 Memorial Parkway

PURPOSE: Proposal to sell vacant property to Noreen Chatmon

A real property disposition recommendation is made with the following condition(s):

- Parcels shall be amalgamated.

DATE: September 10, 2014


Richard D. Smith, Chairman
Niagara Falls Planning Board

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Agenda Item #8

RE: Approval of the sale of 1311 Michigan Avenue to Ronald J. Coty Jr. for the sum of \$500.00

Council Members:

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of \$500.00. This property was approved for sale by the Planning Board. Attached hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?



City of Niagara Falls, New York

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

September 10, 2014

NIAGARA FALLS PLANNING BOARD



APPROVAL OF RECOMMENDATION TO CITY COUNCIL
Disposition of Property – Real Property Sale

Pursuant to action taken by the Niagara Falls Planning Board on the 10th day of September 2014 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls
ADDRESS OF ACTION: 1311 Michigan Avenue
PURPOSE: Proposal to sell vacant property to Ronald Coty, Jr.

A real property disposition recommendation is made with the following condition(s):

- Parcels shall be amalgamated.

DATE: September 10, 2014


Richard D. Smith, Chairman
Niagara Falls Planning Board

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NIAGARA

Agenda Item #9

RE: Request for Approval to Settle and Pay Claim of Ronald M. Capone

4230 Lewiston Road, Niagara Falls, NY 14305

Council Members:

Date Claim Filed:	April 23, 2014
Date Action Commenced:	N/A
Date of Occurrence:	April 15, 2014
Location:	4230 Lewiston Road, Niagara Falls, NY
Nature of Claim:	Property damage from City-owned tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$1,249.00
Make Check Payable to:	Ronald M. Capone
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 #10

RE: Request for Approval to Settle and Pay Claim of First Street Group, LLC
295 Main Street, 210 Ellicott Square, Buffalo, NY 14203

Council Members:

Date Claim Filed:	September 12, 2013
Action Commenced:	July 16, 2014
Date of Occurrence:	August 29, 2013
Location:	222 First Street, Niagara Falls, NY
Nature of Claim:	Property damage sustained in an accident with City vehicle.
City Driver:	Matthew Nevins
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$1,746.20
Make Check Payable to:	Paladino Cavan Quinlivan & Pierce, as attorneys
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 #11

RE: Second Hand Dealers Licenses

Chapter 338 of the Codified Ordinances states: "338.03..City Council may grant a license to carry on the business of Second Hand Dealer within the City..."

The following have submitted applications for Second Hand Dealer Licenses. These applications have been approved by the Niagara Falls Police Department.

Mike's Buy and Sell
2101 Pine Avenue

Niagara Coins & Collectibles
509 Third Street
Will Council so approve?

Agenda Item #12

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective immediately to fill the remaining term of Mr. Todd Stopa who has resigned from the Board.

APPOINTMENT

TERM EXPIRES:

Mr. Robert Kazeangin
3009 Macklem Avenue
Niagara Falls, NY 14305

12/31/14

RELATIVE TO RECOGNIZING THE OWNERS AND STAFF OF THE BAKERY
RESTAURANT AND LOUNGE ON THE OCCASION OF THEIR 45TH ANNIVERSARY

BY:

Council Chairman Charles A. Walker
Council Member Robert A. Anderson Jr.
Council Member Glen Choolokian
Council Member Kristen Grandinetti
Council Member Andrew Touma

September 29, 2014

WHEREAS, the Bakery Restaurant and Lounge, located at 3004 Niagara Street in Niagara Falls, NY, was established in its earliest form in the summer of 1969 by Kevin and Valerie Young, and

WHEREAS, the Young family honored the heritage of the Niagara Street neighborhood by converting a building which once housed a Polish bakery into an iconic Niagara Falls eatery and lounge, adding historic artifacts from our city's history over time, including a chandelier from the Piccadilly on Niagara Falls Boulevard, the bar from the Club on Falls Street, church pews and stained glass from the Cleveland Avenue church where the Little Theater once operated, ceiling fans from Kresges on Falls Street, and an ice box from the Wonder Bar, and

WHEREAS, the Young family and their friends continue to operate the Bakery, with David and Kevin Jr. overseeing the operation, as Valerie maintains high standards of food quality in the kitchen, Chef Glenn Fraccica, formerly of the famed Buffalo Chop House, is head chef, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York hereby recognizes the owners and staff of the Bakery Restaurant and Lounge on the occasion of their 45th anniversary, congratulating them on decades of success and devotion to promoting commerce and neighborhood vitality in the city of Niagara Falls, most especially in the Niagara Street business district.

Agenda Item #14

RELATIVE TO WAIVER OF PARKING FEES IN RAINBOW PARKING RAMP FOR
PERSONS ATTENDING PINKTOBER 2014 EVENT

BY:

Council Member Kristen Grandinetti

WHEREAS, the Buffalo Bills, Erie County Medical Center, the Erie County Medical Center Lifeline Foundation, American Cancer Society, Canadian Cancer Society, Hard Rock Café Niagara Falls, USA, and KISS 98.5 will hold their annual International Pinktober Living Ribbon/Billieue Breast Cancer Awareness event on Friday, October 10 on O’Laughlin Drive in downtown Niagara Falls, and

WHEREAS, the Niagara Falls State Park has historically provided parking for this event, but is unable to do so this year due to reconstruction of its parking lots, and

WHEREAS, the Niagara Falls State Park has requested that the City step in to assist in supporting this important event,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive parking fees for 200 spots in the Rainbow parking ramp, for persons attending the Pinktober event, scheduled for Friday, October 10 at 5 PM.

Agenda Item #15

RELATIVE TO
EXPRESSING SUPPORT FOR NIAGARA CITY LOFTS

BY:

Council Chairman Charles Walker

WHEREAS, the Niagara City Lofts project is the \$24 million rehabilitation of the former South Junior High School located at 561 Portage Road by Niagara County and New York City-based state-certified Minority Business Enterprise developer, CB- Emmanuel Realty, LLC, and

WHEREAS, the rehabilitation will provide 61 loft apartments and 23,000 square feet of commercial space to downtown Niagara Falls and restore a National Register-eligible historic property, and

WHEREAS, development of the former South Junior building will eliminate neighborhood blight and vacancy while preventing a costly government funded demolition, and

WHEREAS, new ownership and development of the former South Junior building will produce actual tax revenue at the site for the first time in its history, and

WHEREAS, the sale of the former South Junior building generated new revenue for the Niagara Falls City School District and was overwhelmingly supported by a December 2013 public referendum vote, and

WHEREAS, the project is located on historic Portage Road in the Memorial Parkway Neighborhood, which is in the heart of the city and adjacent to the Niagara Falls Memorial Medical Center, the Niagara Arts & Cultural Center, Schoellkopf Park, Haberle Plaza and close to the downtown commercial district, and

WHEREAS, the project is specifically identified as a priority project and/or directly supports the recommendations found in the following reports: Comprehensive Plan of the City of Niagara Falls and the City of Niagara Falls Strategic Plan as presented to United States Department of Housing and Urban Development, and

WHEREAS, the project will increase the tax base create approximately 100 local construction jobs and create new commercial space in the city's core neighborhood, and

WHEREAS, the renovation of the former South Junior building was awarded a \$5 million RESTORE NY grant by Governor David Paterson in 2009, illustrating the state's commitment to the site, and

WHEREAS, this project will provide needed workforce housing that is accessible by public transit and is in close proximity to major employment centers, and

WHEREAS, the developer has worked with the Niagara Falls Memorial Medical Center, the Niagara Arts and Cultural Center, the Niagara Falls City School District, and various community organizations to move this project forward, and

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby lends its support to the Niagara City Lofts project and hereby requests an allocation of housing tax credits by New York State Homes and Community Renewal for this critical affordable housing and economic development project and that certified copies of this Resolution shall be sent to Governor Andrew Cuomo, HCR Commissioner Darryl C. Towns and members of the Western New York Assembly and Senate State Delegation.