

Monday – October 5, 2015 Council Meeting

PRESENTATIONS:

1. Niagara Falls Tourism Advisory Board – Lisa Vitello, Chairwoman
-

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

SUBJECT: Bid #2015-17 Boarding Up of Various Dilapidated & Fire Damaged Buildings

We respectfully request you award the above referenced bid as follows:

TO: Santo Candella Construction Co., Inc.

6810 Laur Rd. Ste. 5A

Niagara Falls, NY 14304

FOR: Boarding up of various dilapidated and fire damaged structures, both privately and publicly owned, deemed hazardous by the City of Niagara Falls, NY

Price per square foot:

\$1.36

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to seven (7) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are in H.0910.2009.0910.0449.599.

Will the Council so approve?

Agenda Item #2

SUBJECT: Bid #2015-15 Security Guard Services

We respectfully request you award the above referenced bid as follows:

TO: G4S Secure Solutions (USA) Inc.

1967 Wehrle Drive, Suite 7

Williamsville, NY 14221

FOR: Security guard services at the Corporation Yard and the Rainbow Centre Parking Ramp. The Contract is in effect from January 1, 2016 through December 31, 2016, and, if mutually agreeable, may be extended yearly for up to two (2) additional years through December 31, 2018.

Estimated number of hours per year is 17,520:

\$ 17.42/hr.

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to ten (10) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.

Funds for this expenditure are expected to be included in the Public Works Department budget for Special Security, major and minor code 0449.004 under Administration A.1490.0001, Buildings Rainbow Mall A.1620.2340, and Parking Ramp II CR.1720.2570.

Will the Council so approve?

Agenda Item #3

RE: Labor for Tree Planting Initiative for Fall of 2015

Council Members:

The Acting Director of the Department of Public Works advises that the City is in the process of purchasing two hundred (200) trees. One hundred (100) are to be planted during the fall of 2015 and the remainder will be planted during the spring of 2016.

The associated labor cost on an overtime basis inclusive of FICA and meals is \$8,558.00. Funding is available and will be transferred to the Forestry budget line.

Will the Council so approve?

Agenda Item #4

RE: Approval of agreement with the County of Niagara for the current In Rem

Council Members:

Attached is a proposed Agreement with the County of Niagara for the current In Rem which sets forth the terms for the distribution of proceeds from the sale of properties acquired in the In Rem.

Will the Council so approve and authorize the Mayor to execute same?

THIS AGREEMENT made this 12th day of September, 2015, between the CITY OF NIAGARA FALLS, NEW YORK, a municipal corporation situate within the County of Niagara, New York, hereinafter called the "CITY", and the COUNTY OF NIAGARA, NEW YORK, being a municipal subdivision of the State of New York, hereinafter called the "COUNTY".

WITNESSETH:

WHEREAS, the CITY has instituted an action under Niagara County Supreme Court Index #156206 In Rem for the foreclosure of certain tax liens against various parcels of land situate within the City of Niagara Falls, New York, pursuant to the provisions of Article 11, Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, the provisions of said law authorize and empower tax districts having an interest in various parcels to enter into an agreement making provisions for conveyance of said parcels without public sale, and upon such terms as said districts may agree upon between themselves; and

WHEREAS, the parties hereto have conferred and negotiated as to the method of handling the various parcels included in said action.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth in the performance of which each of the parties agrees and consents, the parties hereto do agree as follows:

1. Provided that no answer is filed by an individual or any other tax district relating to a parcel, the CITY and COUNTY consent that a sale at public auction be waived and that the Court shall, in its discretion, dispense with sale and direct the City Controller of the CITY to make and execute to the CITY a conveyance of all parcels as to which no answer, other than the answer of the COUNTY, is interposed, which conveyance shall vest in CITY a fee simple absolute title subject to the rights and interest of COUNTY as set forth in this Agreement.

2. Upon delivery of such conveyance, the CITY shall, within a reasonable time, make reasonable efforts to sell said parcels so conveyed, at public auction for cash, or in its discretion, to sell at private sale, provided the terms and conditions of such private sale shall be submitted to and approved by the COUNTY. Upon delivery of such conveyance, the CITY shall advertise said parcels for sale as soon as practicable.

3. The interests of the CITY and COUNTY in each parcel or in the proceeds of the sale thereof shall be that proportion of the parcel or proceeds of the sale thereof that the unpaid taxes, tax liens and other charges assessable against the parcels owed to or owned by the CITY and COUNTY, respectively bear to the total CITY and COUNTY taxes and tax liens in arrears and other charges unpaid and assessable against each parcel. For purposes only of calculating the respective interests of the CITY and COUNTY in each parcel or in the distribution of the proceeds thereof, no penalties or interest shall be computed on any unpaid tax or tax lien.

4. The date to determine the respective interests or liens of the CITY and COUNTY and the amounts thereof, shall be the date of conveyance to the CITY.

5. The CITY shall collect the proceeds of sale, and after deducting School Taxes for the Niagara Falls School District which the CITY has paid pursuant to Real Property Tax Law Section 1332, in addition to any taxes or assessments which CITY may have paid while title to any parcel was in the CITY, and also after deducting the disbursements of this action, which shall include the filing and recording fees, actual title searches, charges incurred, certification of copies of delinquent tax lists, special guardian allowance, cost of publishing the notice to redeem, publishing of the lists of parcels for sale by the CITY, and the cost of New York State transfer tax to be affixed on deeds resulting from such sale, the sum of \$50.00 per parcel for

costs of collection, and any other necessary cost incurred, and unless full tax payments can be made to CITY and COUNTY from the proceeds of the sale, shall distribute the net proceeds between CITY and COUNTY in the agreed proportion. Any surplus remaining from the proceeds of the sale of each parcel after payment of all tax liens to the CITY and COUNTY, shall be the property of the CITY. The CITY shall provide the COUNTY with an accounting of the proceeds of sale upon completion thereof.

6. The provisions of the Real Property Tax Law of the State of New York as now in effect or as hereinafter amended shall determine when and if parcels remaining unsold by the CITY shall be placed on the assessment roll.

7. Should any parcel of property remain unsold by CITY at the end of two (2) years from the date of conveyance to the CITY, the CITY shall, during the third year after said date, advertise and hold a public auction of each parcels and shall distribute proceeds of such sale in the agreed proportions. CITY may, at its sole discretion, retain parcels for municipal purposes, provided that CITY furnish the COUNTY TREASURER with a statement that the CITY is retaining such parcels with a statement of anticipated use.

8. Upon the expiration of the third year from the date of conveyance to CITY, all the right, title and interest of the COUNTY for unpaid taxes existing prior to the above date of conveyance to the CITY, shall cease and the COUNTY shall have no further interest in any parcels then remaining unsold, and no further interest in the proceeds of sale of any parcel thereafter sold by the CITY.

9. CITY shall not permit any parcel to be removed from such list of delinquent taxes by way of installment agreements or redemption or otherwise upon which there are unpaid COUNTY tax liens until receiving written notice from the County Treasurer that satisfactory arrangements for payment of such COUNTY tax liens have been made.

10. If any answer should be interposed in the action In Rem other than by the COUNTY, as a result of which it shall be necessary that judgment in said action direct that there be a sale at public auction by the City Controller of the CITY, the proceeds of sale, less an amount equal to the total costs of advertising and all other disbursements incurred in such sale, divided by the number of parcels placed for sale, shall be distributed in accordance with the method of distribution of proceeds of sale set forth hereinabove.

11. The provisions of this agreement shall relate to and be binding upon the parties hereto in reference to the 2015 In Rem Action, (the lists of delinquent taxes set forth therein being incorporated herein by reference) Index No. 156206.

12. This Agreement may be modified or amended only by written instrument, duly executed by the authorized officer of each of the parties hereto, as authorized by the City Council of Niagara Falls and the Niagara County Legislature.

IN WITNESS WHEREOF, the CITY and COUNTY have executed this Agreement, the day and year first above written.

ATTEST:

CITY OF NIAGARA FALLS, NEW YORK

CAROL A. ANTONUCCI
City Clerk

By: PAUL A DYSTER
Mayor

ATTEST:

COUNTY OF NIAGARA, NEW YORK

MARY Jo Tamburlin
MARY Jo TAMBURLIN
Clerk of Legislature

By: WILLIAM L. ROSS
Chairman, Niagara County Legislature

STATE OF NEW YORK)
COUNTY OF NIAGARA : ss.:
CITY OF NIAGARA FALLS)

On the _____ day of _____ in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF NIAGARA : ss.:
CITY OF LOCKPORT)

On the 10th day of September in the year 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM L. ROSS, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Haidi S. Jeffrey
NOTARY PUBLIC

SEIDI S. JEFFERY
NOTARY PUBLIC STATE OF NEW YORK
No. 0165291073
Qualified in Niagara County
My Commission Expires May 03, 2018

APPROVED AS TO FORM
NIAGARA COUNTY ATTORNEY
BY

AD 019-15

Agenda Item #5

RE: New Chair Purchase for City Clerk

Council Members:

The City Clerk is requesting permission to purchase a new desk chair. The existing chair is in disrepair. The purchase price for a new chair is \$403.68 including delivery and installation.

Funding is available from Casino interest.

Will the Council so approve?

Agenda Item #6

RE: Sale of 0.57 Acre Parcel Abutting the Sheraton Hotel to the Sheraton Hotel

Council Members:

The City is the owner of a 1.03 acre parcel having an SBL # of 159.09-1-1.2 and known as 219R Niagara Street. The owner of the Sheraton Hotel has proposed to acquire 0.57 acres of this parcel which abuts the Sheraton Hotel. The dimensions of the parcel the Sheraton is interested in acquiring are 245 feet by 103 feet. The Sheraton is interested in acquiring this parcel to make an improvement to its hotel building.

The Sheraton has offered to purchase this parcel for \$7.50 per square foot which equals \$189,262.50 for the entire 0.57 acre parcel. An appraisal by the City supports this offer. The Sheraton is interested in acquiring this parcel in order to improve and enhance the experience at the hotel enjoyed by guests of the hotel. Various concepts are being explored by the Sheraton at this time including recreation amenities available to guests. These recreation amenities may also be available to those visiting the city who are not guests at the hotel. The Planning Board has reviewed this request to purchase and has recommended the same to the City Council. Attached hereto is a copy of the Planning Board recommendation.

The City has no use for this parcel now or at any foreseeable time in the future as it is essentially land locked.

The owner of the hotel is required to be in compliance with all State, Federal and Local laws, statutes, ordinances and approvals.

Any expenses incurred by the City in selling this parcel, such as land surveying and abstracting or other miscellaneous title work, will come out of the sale proceeds.

It is requested that the City Council approve the sale of this parcel as described herein, find that the sale of this parcel will benefit the City and that the best interest of the City will be sub served by the sale of this parcel to the Sheraton without public auction and that the Mayor be authorized to execute a Purchase and Sale Contract provided the same is in form and substance agreeable with the Corporation Counsel.

Will the Council so approve?



City of Niagara Falls, New York

P.O. Box 09, Niagara Falls, NY 14302-0009

September 9, 2015

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 9th day of September 2015 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: 219R Niagara Street

PURPOSE: Sell 0.57 acre parcel (SBL 159.09-1-1.2) to the NFNY Hotel Management LLC (d/b/a/ The Sheraton Hotel)

A real property disposition recommendation is made.

DATE: September 9, 2015


Richard D. Smith, Chairman
Niagara Falls Planning Board

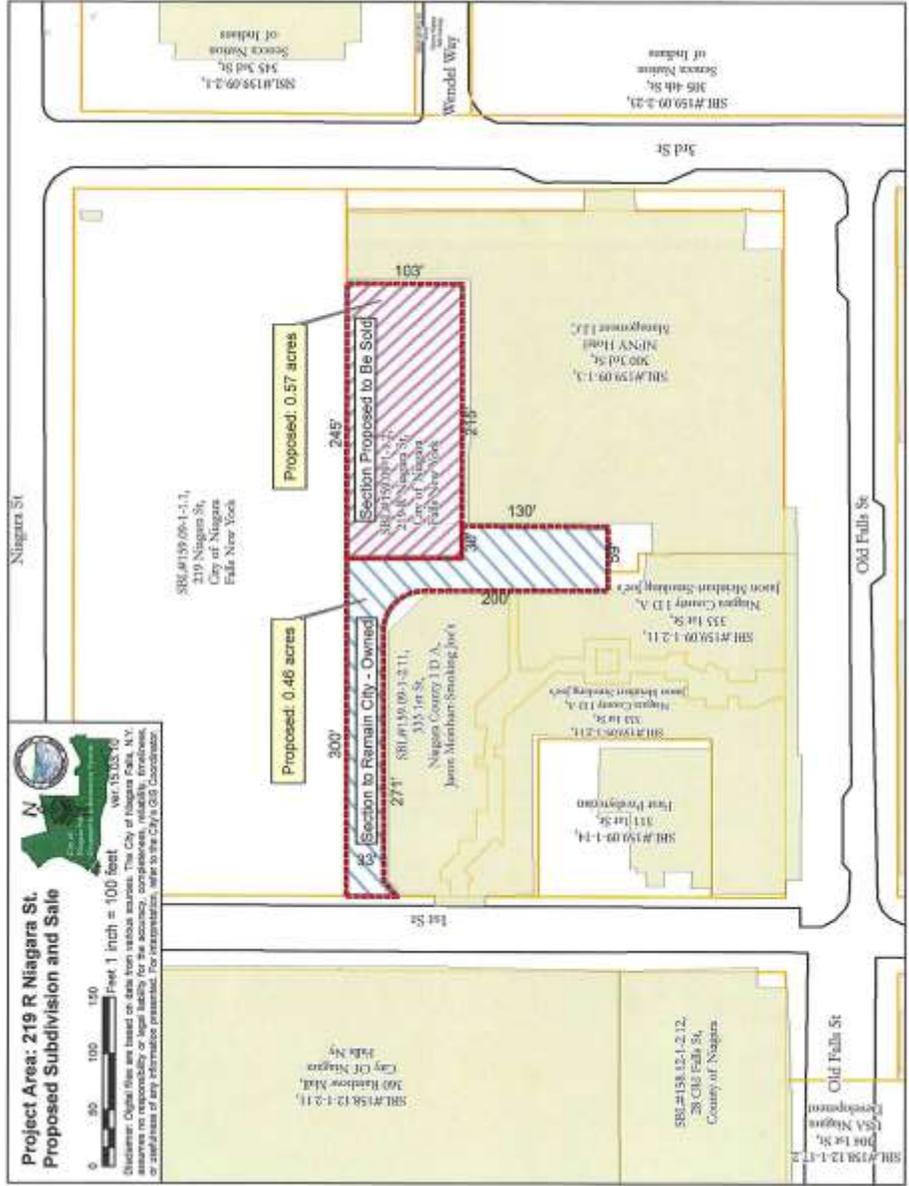
SEP 10 01 43 51
CITY OF NIAGARA FALLS
CLERK

**Project Area: 219 R Niagara St.
Proposed Subdivision and Sale**



Scale: 1 inch = 100 feet

Disclaimer: Digital files are based on data from various sources. The City of Niagara Falls, NY, assumes no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information presented. For information, refer to the City's GIS Coordinator.



Agenda Item #7

SUBJECT: Purchase of Various Trees

We respectfully request you award the above referenced bid as follows:

TO: Schichtel's Nursery, Inc.

7420 Peters Road

Springville, NY 14141

FOR: Purchase of Various Trees (200 total)

Total Price \$19,655.00

The City Purchasing Division certifies that four quotations were solicited. Two quotes were received. The above referenced company submitted the lowest price.

If Council approves, funding will be provided through Casino Funds that will be transferred into Department of Public Works –Forestry account code A8560.0000.0449.599

Will the Council so approve?

Agenda Item #8

SUBJECT: Second Hand Dealers

Chapter 338 of the Codified Ordinances states: “338.03...City Council may grant a license to carry on the business of secondhand dealer within the City...”

The following has submitted an application for a secondhand dealer license. This application has been approved by the Niagara Falls Police Department.

Old House Treasures
2016 Pine Ave
Niagara Falls, NY 14301

Will the Council so approve?

Agenda Item #9

RE: Request for Approval to Settle and Pay Claim of National Fuel Gas Distribution Corporation

6363 Main Street, Williamsville, NY 14221

Council Members:

Date Claim Filed:	October 22, 2014
Date Action Commenced:	N/A
Date of Occurrence:	September 17, 2014
Location:	5651 Lindbergh Avenue
Nature of Claim:	Damage to underground utilities by City excavator.
City Driver:	Eugene Minnicucci
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	931.80
Make Check Payable to:	National Fuel Gas Distribution Corporation
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 John T. Kwarciak
3105 Baseline Road, Grand Island, NY 14072

Council Members:

Date Claim Filed:	January 21, 2015
Date Action Commenced:	N/A
Date of Occurrence:	January 13, 2015
Location:	300 block of Hyde Park Boulevard
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Louis G. Michel
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$3,134.57
Make Check Payable to:	John T. Kwarciak
Conditions:	General Release to City, approved by Corporation Counsel.

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

Agenda Item #11

*RE: Request for Approval to Settle and Pay Claim of Lara D. Haberberger
2225 Center Terrace #2, Grand Island, NY 14072*

Council Members:

Date Claim Filed:	October 10, 2014
Date Action Commenced:	N/A
Date of Occurrence:	October 6, 2014
Location:	400 block of Fourth Street
Nature of Claim:	Damage to vehicle when struck by walk-behind mower.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$537.45
Make Check Payable to:	Lara D. Haberberger
Conditions:	General Release to City, approved by Corporation Counsel.

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

Agenda Item #12

BY:

Council Chairman Andrew Touma
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

RELATIVE TO RENAMING OF ROBERT MOSES PARKWAY TO THE NIAGARA SCENIC
PARKWAY

WHEREAS, Tourists, visitors and the motoring public are presented signs to the Robert Moses State Parkway throughout Niagara County, and

WHEREAS, The name of the parkway is not helpful or descriptive in directing tourists or visitors to their destinations, and in fact, can actually confuse the motoring public since the name Robert Moses does not explain or denote the parkway's features or purpose, and

WHEREAS, Because the parkway is undergoing reconfiguration and redesign at the present time, this presents a golden opportunity to rename the parkway and make it more tourist and visitor friendly, and

WHEREAS, The idea of a name change has received the support of 80% of the respondents to an online poll conducted by the Historical Association of Lewiston, indicating public approval for the name change, and

WHEREAS, The name "Niagara Scenic Parkway" provides a logical solution and is a simple, direct and clear description which enables visitors to quickly understand the parkway's purpose and benefits;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls supports changing the name of the Robert Moses Parkway to the Niagara Scenic Parkway, and

BE IT FURTHER RESOLVED that copies of this resolution be directed to Governor Cuomo, Senator Robert Ort and Assemblyman John Ceretto, in an effort to encourage our state leaders to take the necessary actions to implement this name change as soon as possible.

BY:

Council Chairman Andrew Touma
Council Member Glenn Choolokian
Council Member Kristen Grandinetti
Council Member Charles Walker

RESOLUTION IN OPPOSITION TO LAKE ONTARIO WATER PLAN (PLAN 2014)

WHEREAS, the International Joint Commission (IJC) has proposed the adoption of Plan 2014 which would regulate water levels on Lake Ontario; and

WHEREAS, Plan 2014, if implemented, will likely have a negative effect to the tourism industry, commercial fishing, boaters and residents within the impacted communities which include Niagara County; and

WHEREAS, IJC itself acknowledged the impacts of Plan 2014, noting at least a 13% rise in costs felt by property owners, municipalities and businesses along the shoreline for such things as erosion damage and maintenance or replacement of structures such as sea walls and break walls; and

WHEREAS, the Niagara USA Chamber of Commerce has issued a memorandum of opposition to Plan 2014, a copy of which is attached hereto;

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 go on record as opposing the adoption of Plan 2014 which would regulate water levels on Lake Ontario;

AND BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Senator Rob Ort, Assemblyman John Ceretto, Senators Charles Schumer and Kristen Gillibrand.

B.M.
Resoluti

Please give
to Craig
Johns
create
Resoluti

Thank
for



Memorandum of Opposition

Niagara USA Chamber opposes Lake Ontario Water Plan (Plan 2014)

The Niagara USA Chamber, Niagara County's leading business advocacy organization, opposes the International Joint Commission's (IJC) adoption of Plan 2014, which would regulate water levels on Lake Ontario.

The negative effect to the tourism industry, commercial fishing, boaters and residents within the impacted communities comes at a time when these communities are trying to recover from the economic depression felt throughout the country in recent years. Counties impacted include Niagara, Orleans, Wayne and Monroe.

The IJC itself acknowledged the impacts of Plan 2014, noting at least a 13 percent rise in the costs felt by property owners, municipalities and businesses along the shoreline for such things as erosion damage and maintenance or replacement of structures such as seawalls and breakwaters.

"This plan strikes at the heart of these communities and the IJC has offered no solutions to offset the negative economic impact," stated Deanna Alterio Brennen, President and CEO of the Niagara USA Chamber.

Also at issue is the science behind this decision. Both the National Research Council and the Royal Society of Canada have stated that the study used by the IJC to reach their decision is inadequate for use as basis for reaching their conclusion. While the IJC has responded that these issues have been addressed, including the recommendation that an adaptive management strategy be developed to address future uncertainties, questions still remain.

"The Federal Government must recognize the immediate and long term negative effects this plan will have. If there are still uncertainties or questions regarding this plan then it should not be enacted," stated Anthony McKenna, the Chamber's Legislative Committee Chairman.
"While we need to respect the need for good environmental policies, this is not one of them."

RELATIVE TO THE 2016 PROPOSED BUDGET MEETING SCHEDULE

BY:

Council Chairman Andrew Touma

BE IT RESOLVED, that the City Council of Niagara Falls, New York, does hereby schedule Budget Meetings to commence at 4:00 PM in the City Council Chambers on:

October 6, 7, 13, 14, 20 and November 5, 2015; and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York, does hereby schedule Budget Amendment Meetings to commence at 4:00 PM in the City Council Chambers on:

November 9, 13 and 17, 2015

BE IT FURTHER RESOLVED, that a public hearing be held on November 2, 2015 at 6p.m. Daylight Saving Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2016 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.