

Presentations

Tuesday September 3, 2013 Council Meeting

PRESENTATIONS:

ADMINISTRATIVE UPDATE:

Agenda Item #1

The following claims have been filed in the Office of the City Clerk during the month of July, 2013 the claims were subsequently referred to the Office of the Corporation Counsel.

NOTICE OF CLAIM

MacDougall, Sarah 282 Lakeshore Rd St.Catharines, ONT	Automobile damages sustained from being hit by a golf ball.
Traina, Karen 157 Parkdale Ave. Buffalo, NY 14213	Automobile damages sustained from hitting a pot hole.
Water Kraus LLC See attached list	Personal injury and/ or Damage to Property or Loss of Property for the individuals included on the Attached list. (on file in the City Clerk's Office)
Hess, Mary Ann c/o John J. DelMonte ESQ.	Personal injuries sustained from tripping on sidewalk
Clyde, Jesse & Jennifer 4205 McKoon Ave.	Property damages sustained from City tree.
Sankey, Willie 2933 Niagara Ave	Property and automobile and property damages sustained from City tree
Sisney, Nancy 2224 Woodlawn Ave.	Property damages sustained from fallen branches.
Bailor, Brenda 1178 Haeberle Ave.	Automobile damages sustained from fallen tree.
DeCarlo, Derek P. 2490 Forest Ave.	Automobile damages sustained from Waterboard truck.
Finklea, Calvin 2261 West Ave.	Damages sustained from July 19, 2013 storm.
Paterson, Jeffrey 9353 Hennepin Ave	Automobile damages sustained from rut in bridge.
Parker, Ocie 2261 Weston Ave.	Automobile damages sustained from a fallen tree limb.
Brundidge, Sharon 810 Willow Ave.	Automobile damages sustained from hitting handicap sign in City Hall Parking Lot.
Marasco, James 4810 Lewiston Rd	Property damages sustained from Lewiston Road construction.

Goodwin, Mitchell
816 88th St.

Automobile and house damages sustained from a
city tree.

SUMMONS WITH COMPLAINT

Lorriane, Michael
Hagelin Kent LLC

Index#150465

NOTICE PETITION

NFR Gateway, LLC aka Nabisco
c/o Peter Allen Weinmann, Esq.

Index# 150602

Eleventh Street Properties
c/o Peter Allen Weinmann, Esq.

Index#150597

GMA Properties, LLC
c/o Peter Allen Weinmann, Esq.

Index#150598

Upstate Associations
c/o Peter Allen Weinmann, Esq.

Index#150606

Niagara Falls Redevelopment, LLC
c/o Peter Allen Weinmann, Esq.

Index#150599

Blue Apple Properties
c/o Peter Allen Weinmann, Esq.

Index#150595

At & T Communication of New York
c/o Karen I. Levin Attorney for Petitioner

Index# E150544/2013

NOTICE OF VERIFIED PETITION

Mil Wal Associates
c/o Mark R. McNamara and
Stephanie O. Lamarque

Index#150689

SUMMONS

Harris, Tessia
c/o Cellino & Barnes P.C.

Index#150522

Yours truly,

Carol A. Antonucci

CAA/lp

Agenda Item #2

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of July, 2013.

			<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001				
A012	Vital Statistics		\$ 4,840.00	\$ 4,840.00
A1255-004				
A013	Copies of Records		\$ 587.25	\$ 587.25
A1255-004				
A013	Certificates of Marriage		\$ 1,380.00	\$ 1,380.00
A2501-006				
A042	Tour Attendant		\$ 50.00	\$ 50.00
A2501-006				
A042	Tour Driver/Guide		\$ 350.00	\$ 350.00
A2501-011				
A044	Peddler		\$ 775.00	\$ 775.00
A2501-014				
A046	Electrician - Exam Fee		\$ 125.00	\$ 125.00
A2501-016				
A047	Stationary Engineers		\$ 40.00	\$ 40.00
A2542-000				
A053	Dogs/NYS Agr.& Mkts	\$ 402.00	\$ -	\$ 402.00
A2542-000				
A053	Additional Dogs		\$ 4,081.00	\$ 4,081.00
A2545-001				
A054	Marriage License/NYSHD	\$ 3,105.00	\$ 1,035.00	\$ 4,140.00
A2550-001				
A056	Loading Zone		\$ 365.00	\$ 365.00
A2545-010				
A128	Petroleum - Retail		\$ 70.00	\$ 70.00
A2545-010				
A128	Petroleum - Storage		\$ 240.00	\$ 240.00
A2545-010				
A128	Petroleum - Wholesale		\$ 200.00	\$ 200.00
A2545-023				
A318	Hunters/NYS DEC RAU	\$ 243.75	\$ -	\$ 243.75
A2545-023	Hunters Fees		\$ 14.25	\$ 14.25

A318				
A1255-003				
A499	Notary Fee		\$ 14.00	\$ 14.00
A1255-005				
A528	Dog Release		\$ 250.00	\$ 250.00
TA63008				
A597	Marriage Performance		\$ 2,225.00	\$ 2,225.00
TOTAL:		<u>\$ 3,750.75</u>	<u>\$ 16,641.50</u>	<u>\$ 20,392.25</u>
Check #	<u>63950</u>	NYS Dept.of Arg. & Mkts	\$ 402.00	
Check #	<u>63953</u>	NYS Health Department	\$3,105.00	
		NYS DEC		
Check #	<u>ET</u>	RAU	\$ 243.75	

Agenda Item #3

**RE: City Council Agenda Item:
Tract I and Tract II
Extension of Remediation and Development Dates**

Council Members:

On February 6, 2012, City Council approved the transfer of Tract I and Tract II, consisting of 23± acres for \$1.00. The Brightfields Corporations received the land and have undertaken to remediate and develop the real property. The sites are being remediated in accordance with DEC-approved Remedial Measure Work Plans. The original plans called for completion of the work and a final engineering report to be submitted by October 31, 2013. Due to additional remedial work that is necessary on the sites, the new date for completion of the work on both sites is March 17, 2014.

Within 18 months of completion of remediation, Brightfields will construct playground improvements costing a minimum of \$250,000.00 on five acres of the Tract II property. That land will be conveyed back to the City to become a City Park. This park will replace the Center Court playground which became part of the HOPE VI housing development. Within 24 months of completion of the remediation, Brightfields will complete on Tract I or Tract II at least one aspect of the proposed development at a cost, exclusive of remediation, of at least \$1.5 Million.

Due to the new completion date in the DEC-approved Work Plans, will the Council vote to approve the extended remediation completion date, which will also extend the park completion and development completion dates, and to authorize the Mayor to execute any documents, with Corporation Counsel approval, necessary to effectuate the same?

Agenda Item #4

RE: Proposed Fees

Council Members:

The City Controller is recommending the following fees be implemented immediately:

First, that the "All in One Search" tax search fee be increased from \$25.00 to \$35.00 to more accurately reflect the cost to the City in obtaining the information and providing the tax search.

Second, the creation of a fee of \$20.00 for checks returned to the City for insufficient funds to offset the City's cost for same.

Third, the creation of a fee of \$10.00 for a parking violation records check. This fee will offset the cost of conducting the check and providing the information when it is requested and is the same fee New York State charges for their check.

Will the Council so approve?

Agenda Item #5

RE: Niagara County Office For The Aging (NCOFA) use of LaSalle Facility

Council Members:

For more than 35 years the NCOFA has provided senior citizen residents of the City of Niagara Falls with a nutrition program, including providing high-quality meals, as well as the organization of programs such as bingo, exercise programs and many more. Approximately 30 to 40 seniors benefit from these programs, including the daily lunch program, on a regular basis.

The NCOFA has previously paid the City \$2,431.00 on an annual basis for the use of the LaSalle Facility for this purpose. The NCOFA has requested that this annual fee be eliminated due to adverse budget issues facing the NCOFA. The NCOFA advises that most of their other nutrition sites in other communities have allowed NCOFA to use available space with no payment. NCOFA has advised that it will re-locate to an alternate site outside of the City if this issue is not resolved, which would be detrimental to resident City seniors.

Given the benefit to City seniors by NCOFA every day with no payment from the City, it would appear that sufficient consideration exists to the City and its residents to justify allowing the NCOFA to use the LaSalle Facility during year 2013 for no charge. Attached is a copy of a communication from NCOFA in this regard together with a memo of support from the City's Senior Services Program Coordinator.

Will the Council so approve?

Agenda Item #6

RE: Business Associate Agreement with Family & Children's Service of Niagara (FACS)

Council Members:

The City has agreements in place with FACS to provide an Employee Assistance Program (EAP). In order to comply with the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") FACS has requested that the City enter into a Business Associate Agreement that complies with the new HIPAA privacy regulations and protects the privacy of protected health information of individuals for whom FACS provides services. The agreement defines the responsibility of both parties. Attached (on file in the City Clerk's Office) is a communication from FACS in this regard.

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

Agenda Item #7

RE: Microfilm Reader-Printer

Council Members:

The Principle Purchasing Clerk is requesting that the City purchase a Microfilm Reader-Printer to replace the existing reader-printer which is 14 years old and breaks down frequently. Repairs for this item are expensive. This item is necessary in order for the records center to fulfill departmental requests that are stored on microfilm.

The cost of this item is \$11,494. Funding is available from casino interest.

Will the Council so approve?

Agenda Item #8

**RE: AGENDA ITEM: Adoption of Community Development
2014 Annual Plan & Budget
HUD Funding**

Council Members:

A copy of the proposed 2013 Niagara Falls Community Development Department (CD) Action Plan is attached. All Council Members received the DRAFT Action Plan via memo and email on July 26, 2013 to allow ample time for review, as well as an invitation from Community Development Director Seth Piccirillo to review the plan in person. The proposed budget is the key component of the City's 2014 Annual Plan and Strategy, a United States Department of Housing and Urban Development (HUD) mandated planning document that assesses community needs and identifies how the City will address those needs.

The 2014 Annual Plan is the end result of a lengthy, detailed, and well advertised, citizen participation process that included four neighborhood based meetings in May/June 2013 and a new paper and online citizen survey designed to encourage comments, suggestions, and ideas from various community groups, residents, business persons, and other interested parties. The Community Development Department successfully followed the transparent schedule (attached) presented to the City Council in May 2013. The DRAFT Action Plan was made available for public review on July 24, 2013, a public hearing was held on July 25, 2013, and a month long public comment period concluded on August 26, 2013. The public hearing reviewed the plan specifics, and a copy of the public hearing minutes is included with this agenda item.

CD will directly administer the federal grant programs listed below. The funding levels indicated are projected revenues for 2013 that may change once U.S. Congressional funding appropriations are announced at a date to be determined.

Community Development Block Grant (CDBG)	\$2,202,000
HOME Investment Participation Program (HOME)	\$357,000
HOME Program Income	\$75,000
Emergency Shelter Grant (ESG)	\$155,000
Section 8 Leased Housing Program	\$3,100,000
PROJECTED FEDERAL REVENUE	\$5,889,000

The Consolidated Plan, including the proposed budgets, must be adopted by the City Council and submitted to HUD by November 15, 2013. HUD must review and approve the Consolidated Plan in order to establish our letter of credit with the United States Treasury. There is value in early submittal, as HUD must receive and approve plans from around the Country. Therefore, Council's approval at this time will represent the officially adopted CDBG, HOME, and ESG budgets for FY 2014. The Section 8 Leased Housing is renewed automatically by HUD but must still be adopted at this time by the City Council.

Will the City Council vote to so approve the 2014 Annual Plan and Budget and authorize the Mayor to implement all activities specifically identified in the plan? Any activity not specifically identified in the plan will be returned to Council for approval.

Agenda Item #9

RE: Approval of the sale of 1307 South Avenue to Wayne Nottingham, Jr.
for the sum of \$50.00

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 \$50.00. This property was approved for sale by the Planning Board.

Will the Council approve the sale of this premises for this price in an “as is” condition and with the requirement to combine the property, 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, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Agenda Item #10

RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$1,277.60

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	07/29/2013	\$ 35.52
Cardamone Chiropractic	08/01/2013	\$ 35.52
ProScan Radiology Buffalo	08/02/2013	\$1,100.00
Cardamone Chiropractic	08/05/2013	\$ 35.52
Cardamone Chiropractic	08/08/2013	\$ 35.52
Cardamone Chiropractic	08/12/2013	<u>\$ 35.52</u>
		\$1,277.60

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Agenda Item #11

RE: Request for Approval to Settle and Pay Claim of GEICO a/s/o Tessia C Harris
P.O. Box 88, Woodbury, NY 11797

Council Members:

Date Claim Filed:	2/15/13
Date Action Commenced:	N/A
Date of Occurrence:	1/18/13
Location:	Intersection of 11 th Street and Niagara Ave.
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	John Rosino
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$703.39
Make Check Payable to:	GEICO a/s/o Tessia C. Harris
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

SUBJECT: Commissioner of Deeds

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2013 to September 30, 2015.

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

Herbert, Latricia	City Clerks Office
Carter, Kimberly	Engineering
Cain, Carlton	NFPD
Jones, Daniel	NFPD
Reynolds, James	NFPD

Cannello, Leonard M	9141 Rivershore Dr., NF NY 14304
Conti, Irene	603 38 th St., NF NY 14301
Erias, David	2422 Forest Ave. NF NY 14301
Fasciano, Louisa	8321 Laughlin Dr., NF NY 14304
Genova, Jerauld	757 Seymour Ave., NF NY 14305
Mayes, William	243 77 th St., NF NY 14301
Shank, Victoria	1839 Niagara Ave., NF NY 14305
Thomas, Duane	419 12 th St., NF NY 14303
Trimmer, Maureen	3611 Chapin Ave., NF NY 14301

Agenda Item #13

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 have submitted applications for secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Niagara Coins & Collectables
509 Third St
Niagara Falls, NY 14301
Louis Muzzillo

Niagara Metals LLC
4861 Packard Rd.
Niagara Falls, NY 14304
Jamie Hypnarowski

Rubens Buy & Sell Shop
Mikes Buy & Sell Shop
2101 Pine Ave
Niagara Falls, NY
Michael Giangreco

Will the Council So approve?

Agenda Item #14

SUBJECT: Pawnbrokers

Chapter 337 of the Codified Ordinances states: “337.03...City Council may grant a license to carry on the business of Pawnbrokers within the City...”

The following have submitted applications for Pawnbroker Dealer license. This application has been approved by the Niagara Falls Police Department.

Niagara Collateral
509 Third St
Niagara Falls, NY 14301
Louis Muzzillo

Agenda Item #15

RELATIVE TO AUTHORIZING THE IMPLEMENTATION AND FUNDING
IN THE FIRST INSTANCE 100% OF THE FEDERAL AID ELIGIBLE COSTS,
OF A TRANSPORTATION FEDERAL AID PROJECT, TO
FULLY FUND THE LOCAL SHARE OF FEDERAL AID ELIGIBLE AND
INELIGIBLE PROJECT COSTS AND APPROPRIATING FUNDS THEREFOR.

BY: Council Member Kristen Grandinetti
Council Member Charles Walker

WHEREAS, a Project, The Niagara Falls Intermodal Transportation Center Project, in the City 01 Niagara Falls, Niagara County, PIN 5756.28 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds or 100% Federal funds, depending on the Source of Federal funding; and

WHEREAS, the City of Niagara Falls desires to advance the above project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Schematic & Detailed Design), Right-of-Way Incidentals (ROW Mapping) and Construction & Construction Inspection phases of the Project, PIN 5756.28 .

NOW, THEREFORE, the Council of the City of Niagara Falls, duly convened does hereby

RESOLVE, that the Council of the City of Niagara Falls hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Council of the City of Niagara Falls hereby authorizes the City of Niagara Falls to pay in the first instance 100% of the Federal and Non-Federal share of the cost of the Preliminary Engineering (Schematic & Detailed Design), Right-of-Way Incidentals (ROW Mapping) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$ 726,000.00 is hereby appropriated from funds previously received and allocated for this project (in addition to \$ 816,000.00 previously appropriated for the project's Preliminary Engineering and Right-of-Way Incidentals Phases via City Resolution Nos. 2001-81 and 200980, adopted July 16, 2001 and October 5, 2009, respectively) and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Schematic & Detailed Design), Right-of-Way Incidentals (ROW Mapping) and Construction & Construction Inspection phases exceeds the amount appropriated, \$ 1,542,000.00 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Schematic & Detailed Design), Right-of-Way Incidentals (ROW Mapping) and Construction & Construction Inspection phases exceeds \$ 9,101,680.14 , the City of Niagara Falls shall convene its Council as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Niagara Falls be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Niagara Falls with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.