

Agenda Item #1

**RE: City Council Agenda Item:
Award Asbestos Services Contract 2013-2014
Stohl Environmental, LLC for up to \$299,100.00**

Council Members:

Every two years, the City awards a contract to an asbestos services contractor for preparation of the asbestos surveys, lab tests and demolition monitoring for City demolitions. The costs are paid by the Community Development Department.

This year, the Department solicited proposals and received the following proposals:

Upper New York State Environmental (UNYSE)	\$290,325.00
Stohl Environmental, LLC	299,100.00
AMD Environmental Consultants, Inc.....	311,850.00
AFI Environmental.....	314,975.00

The UNYSE price corrects an arithmetic error in its proposal.

The proposal prices represent an upset figure based on an estimate of the services to be rendered. The actual cost is based upon unit prices for the services for the total services provided.

We have reviewed the submittals from the asbestos services contractors. In reviewing the submittals from UNYSE, we have discovered discrepancies between the laboratory reports for asbestos containing material, the tables listing the sampling areas and the floor plans showing the locations of the samples and which samples contain asbestos. A confusing asbestos survey will make it very difficult for a demolition contractor to identify the asbestos containing material for a bid and for the actual demolition.

An asbestos services contract is exempt from the sealed, competitive bid requirements of General Municipal Law §103. The City has discretion in determining to whom to award the contract. For that reason, the Community Development Department solicited prices through an RFP process, as opposed to a sealed bid process. The CD Department carefully reviewed all of the submissions, with attention to the quality of the submissions and, of course, to the price.

In fact, the Community Development Department gave UNYSE a chance to supplement its initial sample reports, so as to demonstrate an ability to address the Department’s concerns. However, the additional reports still included inconsistencies.

Due to the inconsistencies in the sample report submitted by UNYSE, it is recommended that the asbestos service contract be awarded to Stohl Environmental, LLC. Stohl has provided these services in the past, and have a demonstrated track record of exemplary service. The proposal submitted by Stohl only served to emphasize its ability to deliver the services requested.

The contract period will be from the date the contract is signed through December 31, 2014. The contractor will provide the services as directed by the City. All standard City professional services and liability insurance is required. Funds are available to pay the costs in any of the funding sources set out below. This is a pay as you go contract, with no financial liability for the City being created on awarding the contract.

Will the Council vote to approve asbestos services contract to Stohl Environmental, LLC as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Funding Source	Amount	Cash-in-hand	Approved grant expenditure
2012 HUD CDBG Funding	\$125,000	*	*
Existing Inspections Dept. Budget Line	\$162,000	*	*
Empire State Development Downtown Stabilization Project*	\$160,000		*
CDBG Funding Transfer from NHS, Inc. and Center City Development Corp.	\$100,000	*	*
2013 HUD CDBG Funding	\$599,000		*
TOTAL	\$1,146,000		

**Part of the \$450,000 NYS competitive grant awarded to Niagara Falls Community Development in December 2012*

Agenda Item #2

SUBJECT: Lease of Mailing Equipment

We respectfully request you authorize the Mayor to enter into a lease agreement as follows:

WITH: Pitney Bowes, Inc.
Suite 116
405 North French Road
Buffalo, NY 1428-2097

FOR: 60 month lease of a Pitney Bowes Connect+2000 Series
mailing system including maintenance: \$590.45/mth.

This equipment is available through a NJPA (National Joint Powers Alliance) Contract #043012. The City is eligible to use this contract per the amendment to Section 103 of the General Municipal Law which the City currently uses as its Purchasing guidelines.

The new equipment will replace the existing mailing system whose lease is expiring. The new lease will show a cost savings of \$3,186.60 per year over the previous lease because of our ability to use the NJPA Contract pricing.

Funds for this expenditure are available in the City Clerk's Office budget code: A1410.0000.0440.599.

Agenda Item #3

**RE: John R. Oishei Foundation
Acceptance of challenge grant for 2013
Niagara Arts and Cultural Center Funding
(Up to but not exceeding \$15,000)**

Councilmembers:

The John R. Oishei Foundation has offered the Niagara Falls City Council a dollar for dollar matching grant from any funds restored to the Niagara Arts and Cultural Center (NACC). Robert Gioia, President of the John R. Oishei Foundation, sent the City Council correspondence dated February 12, 2013, formalizing the offer. As stated in that correspondence, the Oishei Foundation will match any restored dollar, up to a \$15,000 maximum. The foundation has successfully executed the same funding model in Erie County.

This challenge grant is in direct response to the City Council's elimination of the NACC's \$30,000 allocation after it was passed in the 2013 Annual Budget. The NACC was set to receive its funding from the bed tax, generated from tourist visits, and not local taxpayer dollars. Historically, the city has used a small portion of the bed tax to fund arts and cultural programs because they provide clear tourism benefits. Nevertheless, the City Council voted to reverse the NACC funds by a vote of three to two.

As this is a monetary offer to the City of Niagara Falls, just as with certain grants, acceptance or denial of these funds is being submitted for a full City Council vote.

Will the Council vote to approve the John R. Oishei Foundation's matching grant offer, restoring funding to the Niagara Arts and Cultural Center?

Agenda Item #4

**SUBJECT: Contract Amendment #3: Cannon Construction Services
Construction Management and Inspection Services for the
Rehabilitation and Upgrade of City Parking Ramp II.**

A contract for consultant services for the above-referenced project was entered into by the City with Cannon Construction Services ("Cannon CS"), 2170 Whitehaven Road, Grand Island, NY 14072.

This work has involved construction management and inspection services for Phase 1 of the project, which involved a large rehabilitation of City Parking Ramp II. Part of the construction of the rehabilitation work required special inspections to include concrete testing and testing and inspection of a carbon fiber reinforcement wrap. To streamline the required inspection, it was determined that the best way to manage and schedule the special inspection was for Canon Construction Services to enter into an agreement with SJB Services Incorporated.

Because of delays of the delivery of new elevator and special testing to complete the structural fiber wrapping of concrete columns and beams, it was required to keep SJB Services, Inc. while these items were completed to finish the project.

The final cost incurred by Canon Construction Services for providing those special inspections was \$5,331.79. Contract Amendment #2 was approved by the City Council on October 15, 2012 for \$33,800.00. Therefore, total sum required for the special inspections by SJB Services, Inc. for the Rainbow Ramp Rehabilitation project is \$39,131.79.

The City will be fully reimbursed for the balance all costs incurred through a funding agreement with USA Niagara Development Corporation; the funds to cover this amendment would come from the already-established contingency account to cover unforeseen costs for the Project.

Therefore, it is the recommendation of the undersigned that Contract Amendment #3 for the contract between the City of Niagara Falls and Cannon Construction Services for an amount \$5,331.79 be approved.

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

Agenda Item #5

*RE: Request for Approval to Settle and Pay Claim of Allstate Insurance Company a/s/o
Kimberly Youngblood
3800 Electric Road, Suite 301, Roanoke, VA 24018*

Council Members:

Date Claim Filed:	April 6, 2012
Date Action Commenced:	N/A
Date of Occurrence:	February 27, 2012
Location:	In front of 1306 Niagara Avenue
Nature of Claim:	Automobile damage from falling limb
City Driver:	N/A
Status of Action:	Claim stage
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	\$1,592.09
Make Check Payable to:	Allstate Insurance Company
Conditions:	General Release to City, approved by Corporation Counsel.

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

Agenda Item #6

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2013 to March 31, 2015.

Lorrie Alvarez	NFPD
Shawn Bosi	NFPD
Amy Guiliani	NFPD
Patricia McCune	NFPD
Nicholas Paonessa	NFPD
James Bragg	Planning
John P. Caso	DPW
Thomas Etopio Jr	Fire Department
Theresa Kasper	DPW
Fifi Sandonato	Waterboard
Jane Travis	Law Department
Dennis Virtuoso	Inspections
Nadine Wasson	City Clerk's Office
Gloria Andrews	207 84 th St., NF NY 14304
Kathleen Baldwin	839 17 th St., NF NY 14301
Patricia Castillo	9129 Rivershore Dr., NF NY 14304
Luke A. Copelin	9302 Hennepin Ave., NF NY 14304
Cheree J. Copelin	9302 Hennepin Ave., NF NY 14304
Maria Crea-Smith	5252 Lewiston Rd. Lewiston, NY 14092
Lisa Dugan	519 87 th St., NF NY 14304
Rebecca Dyster	626 Orchard Parkway, NF NY 14301
Peggy Frame	8403 Buffalo Ave.,#3, NF NY 14304
Jerauld Genova	757 Seymour Ave., NF NY 14305
Bobbie Hart	PO Box 1022, NF NY 14304
Ragini Jain	NF Housing Authority, 744 10 th St., NF NY 14301
David James	4660 Perry Ct., Lewiston NY 14092
James Joyce	2744 Thornwood Dr., NF NY 14304
Michelle Kelly	6921 Nash Rd., North Tonawanda, NY 14120
Rita Larson	3700 Lockport Rd, Sanborn, NY 14132
Thomas Larson	3700 Lockport Rd, Sanborn, NY 14132
Gloria Mayes	243 77 th St., NF NY 14304
Joshua Mayes	191 59 th St., NF NY 14304
Vincent Mameli	462 77 th St., NF NY 14304
Gail Merino	9365 Rivershore Dr., NF NY 14304
Rozanne Muto	NF Housing Authority, 744 10 th St NF NY 14301
Eugene Piekarski Sr.	151 Buffalo Ave P1412, NF NY 14303
Diana Restaino	826 College Ave., Niagara Falls, NY 14305
Brian Shaffer	1401 Lafayette Ave. NF NY 14305
Betty Scrivano	1269 91 st St., NF NY 14304
Pam Smith	628 Chestnut Ave, NF NY 14305
David Tothill	2256 Ontario Ave., NF NY 14305
Jocely Viola	USA Niagara 222 1 st St. 7 th Fl, NF NY 14303

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

RELATIVE TO A SPENDING FREEZE ON NON-ESSENTIAL SERVICES

BY:

Council Chair Glenn Choolokian
Council Member Robert A. Anderson, Jr.
Council Member Sam Fruscione

Whereas, the City is facing a potential structural deficit in its 2013 Budget of approximately \$7 million as a result of revenues budgeted: \$5.3 million budgeted from anticipated Casino Revenues and \$2 million from 2012 appropriated fund balance. As a result of the City of Niagara Falls, NY not receiving the local share of Casino Funds for 2009, 2010, 2011 and 2012 this has placed a significant hardship on the City's cash flow, and

Whereas, the \$5.3 million due from Casino Funds consists of approximately \$3.6 million for increase in debt service since 2005, and other projects and commitments that are included in the \$5.3 million, and

Whereas, due to the fact that there currently exists no financial plan with which to address the coverage of this debt payment beyond the wishing and hoping that the casino revenue owed to the City does appear, and

Whereas, nothing less than the financial stability and very future of the City rests in the balance as to how this anticipated debt payment is resolved, and

Whereas, in light of the debt payment and in light of the lacking of a plan with which to address this debt payment the City Council does recommend a series of actions to address the situation,

Now therefore be it resolved, that the Niagara Falls City Council does hereby: impose a spending freeze to be effective immediately on non-essential services such as consultants, engineering studies, training, conferences, travel, events, concerts, advertising and **all meals** (including the city council's meals) and planning consultants. The City Controller shall submit a monthly expenditures report to the City Council Chairman and all requests to move and or spend money shall be submitted to the Council Chairman for review. This freeze will work to prevent the possibility of an unexpected tax increase mid-year along with layoffs and reduction of essential City services.

Be it further resolved, that the City Council will act as a Control Board and freeze all non-essential City services and their related expenditures in order to address the approximate \$7 million structural deficit, as above, until the Mayor enacts a financial plan.

**RESOLUTION IN SUPPORT OF THE HOUSING ASSISTANCE REFORM PACKAGE
INTRODUCED TO THE NIAGARA COUNTY LEGISLATURE BY COUNTY LEGISLATORS
DENNIS VIRTUOSO AND JASON ZONA AND PASSED BY THE NIAGARA COUNTY
LEGISLATURE ON FEBRUARY 19, 2013**

WHEREAS, Niagara County Legislators Dennis Virtuoso and Jason Zona introduced the Housing Assistance Reform Package to the full legislative body on January 15, 2013 and it was passed by the full legislative body on February 19, 2013, and

WHEREAS, the continuous deterioration of Niagara Falls housing stock, as with many American urban areas, is a serious problem that affects crime prevention, loss of property value, and loss of population in this city, and

WHEREAS, the State of New York provides a shelter allowance grant for people on public assistance which is to go toward the cost of rent with no guarantee that these funds will be used properly, and

WHEREAS, a revision to county law, and possibly a New York State home rule approval, is necessary to ensure that social services clients use their housing allocations properly, and

WHEREAS, this City Council and administration supports a greater level accountability for all public spending, and strategies that will preserve the value of neighborhood housing stock in Niagara Falls

NOW, THEREFORE, BE IT RESOLVED, that this City Council and administration supports the Housing Assistance Reform Package and urges its expedient passage by the Niagara County Legislature.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Chairman William Ross of the Niagara County Legislature, State Senator George Maziarz, Assemblyman John Ceretto and all others deemed necessary and proper.

Presentations/Administrative Update

Monday March 4, 2013 - Council Meeting

PRESENTATIONS:

Seth Piccirillo - Community Development Demolition Plan

ADMINISTRATIVE UPDATE:

1. 2013 financial plan regarding debt payment