



City of Niagara Falls, New York

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

August 11, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Thursday, August 14, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

- ✓1. Approve settlement with One Niagara, LLC.
- ✓2. Approve e911 Support and Verizon Service Extension.
- ✓3. Approve Letter of Award for City Hall Parking Lot Rehabilitation Project to Yarussi Construction, Inc.
- ✓4. Approve Letter of Award for Griffon Park Cartop Boat Launch 2014 to Scott Lawn Yard, Inc.
- ✓5. Approve 2014 Municipal Resurfacing Project LaSalle Area – R.S. 937 to Yarussi Construction, Inc.
- ✓6. Approve funding for 2014 Annual Blues Festival to take place on September 11 – 14, 2014 on Old Falls Street.
7. Approve Letter of Award for Portable Security Tower to Stamm Manufacturing.
8. Approve Letter of Award for Fire Department Service Truck to Vision Ford.
- ✓9. Adoption of a resolution allowing the 107th Airlift Wing to utilize the City Bandstand for its Annual Family Day Picnic to take place on Saturday August 9, 2014 and waive fees nunc pro tunc for such use.
- ✓10. Adoption of a resolution allowing a not-for-profit Senior Program-the Willing Workers Picnic- to take place on August 12, 2014 at the Oasis Shelter at Hyde Park and waive fees nunc pro tunc for such use.

Respectfully submitted,

CHARLES WALKER
Council Chairperson

NIAGARA FALLS
CITY CLERK
14 AUG 11 PM 2:56

Members of Council who sign the foregoing notice hereby waive service of the same.



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Agenda Item #1

RE: One Niagara LLC vs. Board of Assessment Review, et al.
Tax Certiorari Proceedings
Assessment Rolls dated July 1, 2009 through 2014

Council Members:

Attached hereto is a copy of an agenda item pertaining to the above referenced matter which the City Council approved at its meeting on February 19, 2014. The settlement was linked to an order issued by State Supreme Court Justice Timothy A. Walker which, among other things, called for the closing of two (2) alternate sources of mortgage funding with different closing deadlines; one deadline was February 28, 2014 and the other was April 30, 2014. Neither of these mortgage loans were closed by the respective deadlines and therefore the settlement approved by City Council expired.

One Niagara LLC now advises that it has a new source of financing to fund a settlement which is very similar to the settlement previously approved by the City Council. The 2014 assessment is now included in the settlement as a new proceeding has been commenced. This does not change the amounts owed as the assessment for 2014 would have been reduced by operation of law if the settlement had been implemented earlier this year.

Following additional lengthy settlement negotiations, and with the assistance of State Supreme Court Justice Ralph A. Boniello, III, a new tentative settlement has been reached which provides that the challenge under Section 556 of the Real Property Tax Law will be discontinued and all of the taxes levied pursuant to assessment rolls prior to July 1, 2009 will be paid in full, together with all penalties and interest. In addition, for the assessment rolls from July 1, 2009 through July 1, 2014, the assessment will be set at \$1 Million dollars. Revised bills reflecting the \$1 Million dollar assessment will be issued for these taxes and they will also be paid in full. All of the above amounts for City and School taxes total approximately \$1,600,000.00 (all unpaid County taxes will also be paid in full.) These payments will be made on or before August 19, 2014. Attached is a copy of a communication from One Niagara's attorney in this regard. This new settlement is specifically contingent upon the City and the other taxing jurisdictions being paid the dollars they are owed no later than August 19, 2014.

One Niagara LLC requests that this new settlement be approved by the City Council at this time because it has taken steps to clear title to the 360 Rainbow Boulevard building and has secured a commitment for title insurance from a reputable title insurance company as well as securing a commitment for funding as described herein.

This is a settlement of real estate tax proceedings only. Nothing in this settlement compromises the City's ability to enforce any issues pertaining to site plan compliance, zoning and building code issues.

In the event that the payments described above are not made in a timely fashion, this new settlement is deemed null and void. In the event that this new settlement becomes null and void, the court has scheduled a trial date on the assessment challenges to commence on September 22, 2014, with a motion scheduled before Judge Montour on October 15, 2014 to strike One Niagara LLC's answer in the City's In Rem Tax Foreclosure matter.

It is the recommendation of the City Assessor and this Department that this settlement be approved.

Will the Council so approve?



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City of Niagara Falls, New York

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

February 11, 2014

The City Council
Niagara Falls, New York

RE: One Niagara LLC vs. Board of Assessment Review, et al.
Tax Certiorari Proceedings
Assessment Rolls dated July 1, 2009 through 2013

Council Members:

As the Council is aware, the above referenced taxpayer has commenced tax assessment challenges for the years set forth above for the property located at 360 Rainbow Boulevard.

In addition, there are a number of unpaid taxes included in the City's In Rem Tax Foreclosure and the taxpayer has also commenced a proceeding under Section 556 of the Real Property Tax Law, alleging errors with regard to the 2008 assessment of the property.

After lengthy negotiations, and with the assistance of State Supreme Court Justice Ralph A. Boniello, III, a tentative settlement has been reached. The settlement provides that the challenge under Section 556 referenced above will be discontinued and all of the taxes levied pursuant to assessment rolls prior to July 1, 2009 will be paid in full, together with all penalties and interest.

For the assessment rolls from July 1, 2009 through July 1, 2013, the assessment would be set at \$1 Million. Revised bills reflecting the \$1 Million assessment would be issued for these taxes and they would also be paid in full. All of the above amounts for City and School Taxes total approximately \$1,550,000. (All unpaid County Taxes will also be paid in full.) These payments will occur prior to February 28, 2014.

It is the recommendation of the City Assessor and this Department that this settlement be approved.

Will the Council so approve?

Respectfully submitted,


CRAIG L. JOHNSON
Corporation Counsel


JAMES R. BIRD
City Assessor

jt

Anderson _____ Choolokian _____ Grandinetti _____ Toussaint _____ Walker _____




Aug. 11. 2014 11:49AM

No. 3450 P. 1

LAW OFFICES
ANTHONY D. PARONE
750 MAIN STREET
NIAGARA FALLS, NEW YORK 14201-1787

ADMITTED
NEW YORK AND CALIFORNIA

TELEPHONE: (716) 262-1048
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NEJANDA S. CUSTO
JANUARY

August 11, 2014

THOMAS M. O'DONNELL, ESQ.
DEPUTY CORPORATION COUNSEL
Telefax No. 286-4424

Re: One Niagara, LLC vs. City Assessor, et al
Assessment Review
360 Rainbow Boulevard
Niagara Falls, New York
Our File No. 10-5198

Dear Tom:

I understand there will be a City Council meeting on Thursday, August 14, 2014. Please be advised that if the Council approves our settlement, we will pay all of the taxes due the City on or before August 19, 2014.

Very truly yours,



ANTHONY D. PARONE

ADP:masc

Agenda Item #2

RE: e911 Support and Verizon Service Extension

Council Members:

The Superintendent of Police and Fire Chief are requesting the e911 System Support Agreement with the City and Verizon be extended for a one year period of time. The cost for this extension is \$16,993.79. The twelve (12) month extension will extend coverage to May 18, 2015. The Software Support System is necessary for the utilization of the e911 System as per the attached communication from the Superintendent of Police.

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



**NIAGARA FALLS
POLICE DEPARTMENT**
Office of the Chief
1925 Main Street
Niagara Falls, New York, 14305

E. Bryan DalPorto
Superintendent of Police
Kelly J. Rizzo
Deputy Superintendent
Carlton Cain
Deputy Superintendent
Salvatore Pino
Administrative Captain

TO: Mayor Dyster / CA Donna Owens

FROM: Superintendent of Police, Bryan DalPorto

RE: e911 Support and Verizon Service Extension

The Police Department and the Fire Department e911 system support agreement with Cassidian and Verizon. This service includes Proactive Monitoring, Software Support Updates and Maintenance to the system. This is an unbudgeted expense that was not known at budget time.

Further, Verizon has agreed to include the equipment title transfer for \$1 of the last month's payment. To give the City some latitude to decide on the next system purchased as the current one will be out of out dated. The advantage to the city is that some of the computer hardware can be used in other capacities.

Buy out of leased equipment \$1.00
12 month extension of Cassidian support: \$16,992.79 payable as a lump sum

Total of: 16,993.79

The currently budgeted Verizon monthly maintenance fee for 12 months will drop slightly to \$1,662.52 from 1868.00 and will continue to be payable monthly.

This 12 month extension will take coverage to May 18, 2015.

E. Bryan DalPorto, NFPD
Superintendent of Police

Agenda Item #3

SUBJECT: LETTER OF AWARD FOR CITY HALL PARKING LOT REHABILITATION PROJECT

The following were the result of bids received on July 23, 2014 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction, Inc.	\$468,720.00
5650 Simmons Ave.	
Niagara Falls NY 14304	

It is the recommendation of the undersigned that this project be awarded to the sole bidder Yarussi Construction, Inc. at their total bid of \$468,720.00. Funding will be made available from casino funds transferred to code H1312.2013.1312.0449.599.

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: LETTER OF AWARD FOR GRIFFON PARK CARTOP BOAT LAUNCH 2014

The following were the result of bids received on July 24, 2014 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Scott Lawn Yard, Inc. 5552 Townline Rd. Sanborn NY 14132	\$102,950.00
Yarussi Construction, Inc.	\$133,200.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Scott Lawn Yard, Inc. at their total bid of \$102,950.00. Funding will be made available from code H1213.2012.1213.0449.599.

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

SUBJECT: 2014 MUNICIPAL RESURFACING PROJECT LASALLE AREA - R.S. 937

The following is the result of bids received on August 6, 2014, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	\$1,568,930.00

It is the recommendation of the undersigned that this contract be awarded to the sole bidder, Yarussi Construction, Inc. in the amount of \$1,568,930.00. Funding is available in codes H0314.2014.0314.0449.599 (CHIPS) and H0812.2008.0812.0449.599 (Casino Revenue), respectively.

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 #6

RE: 2014 Annual Niagara Falls Blues Festival

Council Members:

The Niagara Festival & Entertainment Group is planning to promote and undertake its Annual Blues Festival scheduled to take place on September 11, September 12, September 13, and September 14, 2014 on Old Falls Street. The City has been asked to contribute the sum of \$10,000.00 to the cost of this festival. Funds will be dispersed pursuant to a funding agreement prepared by the Corporation Counsel. Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to sign a funding agreement approved by the Corporation Counsel?

Agenda Item #7

SUBJECT: Bid #2014-29 Portable Security Tower

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

TO: Stamm Manufacturing

Division of World Industrial Equipment, Inc.

4850 Orange Avenue

Fort Pierce, FL 34947

FOR: One (1) Used Stamm ST-21 Portable Security Tower \$ 53,500.00

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 four (4) vendors. Two (2) bids were received. Stamm Manufacturing submitted the lowest bid for both a new and a used portable security tower (\$ 59,000.00 and \$ 53,500.00 respectively,) whereupon the Police Department determined that the used model was sufficient for their needs. FLIR Detection, Inc. had submitted a bid of a new comparable portable security tower (Skywatch Sentinel for \$ 79,904.83.)

Funds for this expenditure were approved in the 2014 Capital Budget for the Police Department, Vehicles and Equipment.

Will the Council so approve?

Bid #2014-29 Portable Security Tower

August 8, 2014

Agenda Item #8

SUBJECT: Bid #2014-27 Fire Department Service Truck

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

TO: Vision Ford

4545 Ridge Road

Rochester, NY 14626

FOR: One (1) 2014 or newer Ford F-350 4 X 4 with Truck Utility
Body Option Two (2)
\$ 41,813.00

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 nine (9) vendors. Three (3) bids were received. Vision Ford also submitted a bid of \$ 43,073.00 for Option One, but the Fire Department determined that Option Two for \$ 41,813.00 better fulfilled their requirements as detailed in the bid specifications. Bids were also received from Steve Baldo

(\$ 45,039.80 and \$ 42,096.80 for Option One and Option Two respectively,) and from West Herr

(\$ 40,651.00 for Option Two but for an alternate vehicle [a Ford F-450] that did not satisfy the needs of the Fire Department.)

Funds for this expenditure were approved in the 2014 Capital Budget for the Fire Department, Vehicles and Equipment.

Will the Council so approve?

Bid #2014-27 Fire Department Service Truck

August 8, 2014

Agenda Item #9

RESOLUTION No. 2014

RELATIVE TO WAIVER OF BANDSTAND RENTAL FEES
FOR 107TH AIRLIFT WING 2014 FAMILY DAY PICNIC

BY:

Council Chairman Charles Walker
Council Member Robert Anderson, Jr.
Council Member Kristen Grandinetti
Council Member Glenn Choolokian
Council Member Andrew Touma

WHEREAS, the Niagara Falls City Council recognizes the integral role that the 107th Airlift Wing and the Niagara Falls Air Reserve Station play in our community and economy, and

WHEREAS, the City Council wishes to honor our military men and women for their selfless devotion to their country and community, and

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 bandstand rental, *nunc pro tunca*, fees for the 107th Airlift Wing, in support of their annual Family Day Picnic on Saturday, August 9, 2014 from 11:30 AM – 2:30 PM.

Agenda Item #10

RESOLUTION No. 2014

RELATIVE TO WAIVER OF HYDE PARK OASIS RENTAL
FEES FOR 2014 WILLING WORKERS PICNIC

BY:

Council Chairman Charles Walker

WHEREAS, the Niagara Falls City Council wishes to do its part to foster the community bonds that are strengthened by the Willing Workers Senior Group of the Mount Erie Baptist Church,

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 the fee for rental of the Oasis at Hyde Park, *nunc pro tunc*, for the August 12, 2014 Willing Workers Picnic.