

Meeting 06232014

Monday, June 23, 2014 Council Meeting

PRESENTATIONS:

ADMINISTRATIVE UPDATE:

Update on plans for city website changes

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of May 2014.

				<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001 A012		Vital Statistics		\$ 4,144.00	\$ 4,144.00
A1255-004 A013		Copies of Records		\$ 519.50	\$ 519.50
A1255-004 A013		Certificates of Marriage		\$ 1,170.00	\$ 1,170.00
A2501-006 A042		Tour Agency		\$ 700.00	\$ 700.00
A2501-006 A042		Tour Attendant		\$ 150.00	\$ 150.00
A2501-006 A042		Tour Driver/Guide		\$ 600.00	\$ 600.00
A2501-011 A044		Peddler		\$ 550.00	\$ 550.00
A2501-016 A047		Stationary Engineers		\$ 230.00	\$ 230.00
A2542-000 A053		Dogs/NYS Agr. & Mkts	\$ 356.00	\$ -	\$ 356.00
A2542-000 A053		Additional Dogs		\$ 3,255.00	\$ 3,255.00
A2545-001 A054		Marriage License/NYSHD	\$ 2,632.50	\$ 877.50	\$ 3,510.00
A1255-002 A123		Commissioners of Deeds		\$ 55.00	\$ 55.00
A2545-010 A128		Petroleum - Retail		\$ 70.00	\$ 70.00
A2545-010 A128		Petroleum - Storage		\$ 120.00	\$ 120.00
A2545-023 A318		Hunters/NYS DEC RAU	\$ 732.16	\$ -	\$ 732.16
A2545-023 A318		Hunters Fees		\$ 42.84	\$ 42.84
A1255-003 A499		Notary Fee		\$ 14.00	\$ 14.00
A1255-005 A528		Dog Release		\$ 600.00	\$ 600.00
TA63008 A597		Marriage Performance		\$ 1,875.00	\$ 1,875.00
A1255-006-A696		Photos/passport-license		\$ 9.00	\$ 9.00
TOTAL:			<u>\$ 3,720.66</u>	<u>\$ 14,981.84</u>	<u>\$ 18,702.50</u>
Check #	68064	NYS Dept.of Arg. & Mkts		\$ 356.00	
Check #	68041	NYS Health Department		\$2,632.50	
Check #	ET	NYS DEC RAU		\$ 732.16	

Agenda Item #2

RE: Compensation for Union and Non-Union Personnel at the Niagara Falls Housing Authority.

Council Members:

The Niagara Falls Housing Authority Board of Commissioners approved certain pay increases for its employees. Attached is a copy of the correspondence describing these pay increases. While the City of Niagara Falls does not contribute financially to the operations of the Niagara Falls Housing Authority, the New York State Public Housing Law requires the approval of the City Council for those increases.

Will the Council so approve?



Niagara Falls Housing Authority

Executive Office: 744 Tenth Street • Niagara Falls, NY 14301
Phone: (716) 285-6961 • Fax: (716) 283-3407 • TDD: 1-800-545-1833 x405
Website: www.nfha.org Email: nfha@nfha.org

Stephanie W. Cowart, Executive Director

Commissioners

Rev. Kevin Dobbs
Chairman

Cynthia A. Bianco
Vice Chairman

Vivian M. Watkins
Secretary

Caroleto M. Rotella
Jeff Peterson
Owen T. Steed
Alicia Liable

June 11, 2014

Chairman Charles Walker
City Council Members
Niagara Falls City Council
745 Main Street City Hall
Niagara Falls, NY 14302-0069

Dear Chairman Walker and Council Members:

In accordance with Section 32 of the New York State Public Housing Law, the Niagara Falls Housing Authority respectfully requests the approval of City Council for increases in compensation for CSEA union personnel.

The Niagara Falls Housing Authority Board of Commissioners has approved the following raises for CSEA: a 2.5% increase effective April 1, 2017 and a 2.0% increase effective April 1, 2018.

The City of Niagara Falls does not contribute, financially, to the operations of the Housing Authority; however, we are required to seek the approval of the local legislative body in this subject matter. We request that this item be placed on the June 23, 2014 City Council agenda.

I look forward to hearing from you soon.

Very truly yours,

NIAGARA FALLS HOUSING AUTHORITY

STEPHANIE W. COWART
Executive Director
swc/mvv

WE EMPOWER • WE ENRICH • WE BUILD STRONG COMMUNITIES!

Harry S. Jordan Gardens • Anthony Spallino Towers • Henry E. Weibel Towers • Packard Court • Beloved Community
Doris W. Jones Family Resource Building • Packard Court Community Center

Agenda Item #3

RE: Fishing Derby

Council Members:

The Niagara Falls Youth Bureau would like to co-sponsor the annual fishing derby at Hyde Park Lake with the Niagara River Anglers Association, Inc. It will be held on June 28, 2014 from 9:00 a.m. till noon at the Hyde Park Boat Dock area. Over 200 children are expected to attend.

It is requested that \$2,500.00 be appropriated from Tourism Fund balance to provide supplies and prizes for the event.

Will the Council so approve?

Agenda Item #4

RE: Reorganization in Billing & Collection Department

Council Members:

The City Controller is requesting that the title Cashier (Grade 7) be changed to Billing & Collection Clerk (Grade 7). The Controller advises that this request is being made in order to provide more flexibility in filling a position which is available. The Controller believes it would be in the best interest of the City if open interviews for this position could be conducted.

There is no change in the dollars allocated for this position.

Will the Council so approve?

Agenda Item #5

*RE: Purchase of Previously-owned Ladder Truck for Niagara Falls Fire Department
"NFFD"*

Council Members:

The Fire Chief is requesting that the sum of \$40,000 be made available to purchase a used ladder truck from the Village of Brockport. The Fire Chief advises that the NFFD chief mechanic has inspected this truck and reports that it is in good condition and the City should proceed to acquire it. This truck is over twenty years old and, therefore, there is no warranty available.

The Fire Chief had requested the purchase of a used ladder truck in his Capital plan. Funding is available from Casino revenues.

Will the Council so approve?

Agenda Item #6

RE: Stipend for person who applies Agricultural Chemicals and Pesticides

Council Members:

In order for the City to be able to apply agricultural chemicals and pesticides, it is necessary that an individual be certified by New York State to perform this task. A golf course employee has become certified by the State. It is requested that this individual be paid a \$1,000 stipend in order to perform these duties in addition to his regularly scheduled duties. This will cover approximately 300 hours of anticipated chemical applications over the next six (6) months. Attached is a communication from the Director and Deputy Director in this regard.

Funding is available from budget line transferred within the Golf Course accounts.

Will the Council so approve?



City of Niagara Falls

TO: Mayor Paul A. Dyster

FROM: David L. Kinney
Director of Public Works

[Signature] John P. Casco
Deputy Director of Public Works

DATE: June 4, 2014

SUBJ: NYS DEC Certified Chemical "Pesticide Applicator's" Stipend

There is no longer a Horticulturist/Arborist on staff to supervise and track our applications of agricultural chemicals and pesticides. Since last year a Golf Course employee has successfully taken the NYS test and become certified to perform this task for the city.

In order to compensate him while he is overseeing, reporting and keeping current our NYS DEC "Pesticide Agency Business" a stipend is requested. The city cannot apply agricultural chemicals without a "Certified Applicator" on staff working under our "Registered Pesticide Business" as dictated by New York State.

Therefore, a one-thousand dollar (\$1,000) stipend is requested.

This will cover approximately 300 hours of anticipated applications for the next six months. The newly appointed Greens Keeper has six months to complete his "Pesticide Applicator's Certification" with New York State.

Funding is available for transfer from within the Golf Course accounts. Council action is required for this stipend. If you have any questions or concerns feel free to call me.

cc: City Administrator
Corporation Council
Human Resources

JPC/t

JUN 9 2014

Agenda Item #7

RE: Stipends for two Climber 3 positions

Council Members:

Please recall that the Horticulturist/Arborist position has been removed from the DPW work force. Two individuals designated as “Climber 3” have been performing those tasks in addition to their regular duties. It is requested that they each receive a stipend of \$2,000 (for a total of \$4,000) to perform these duties. These stipends will be for the balance of calendar year 2014. Attached is a communication from the Director and Deputy Director of DPW in this regard.

Funding is available in the Forestry Acting Pay code.

Will the Council so approve?



City of Niagara Falls

JUN - 9 2014

TO: Mayor Paul A. Dyster

FROM: David L. Kinney, John P. Casella
Director of Public Works, Deputy Director of Public Works

DATE: June 4, 2014

SUBJ: Forestry Stipend Request
Vacant Horticulturist /Arborist Position

When the Horticulturist/Arborist went off on illness and eventual retirement two Climber 3 employees performed the tasks of this position and were reimbursed "Acting Pay" to compensate them for the work done outside of their job specifications.

The Horticulturist/Arborist position has been removed we cannot reimburse these employees in this manner.

Therefore, I am requesting that each of these two employees who share the work of this position be reimbursed a stipend of four thousand dollars (\$4,000).

This stipend has been determined based on remainder of hours in 2014 and also the estimated overtime hours for 2014.

As it has been planned to add the Forester position to the 2015 budget it is essential that these two employees carry the load of work for the remainder of 2014.

Funding is available in the Forestry Acting Pay Code. Council action is required for this stipend. If you have any questions or concerns feel free to call me.

cc: City Administrator
Corporation Council
Human Resources

JPC/t

Agenda Item #8

RE: Acquisition of Vehicles for Department of Public Works ("DPW")

Council Members:

The Director of DPW is requesting that the sum of \$360,000 be made available to acquire two single axle dump trucks with plows and salt bodies and that an additional \$191,600 be made available to purchase one tandem axle dump truck with a plow and salt body. Attached hereto is a copy of the Director's justification for purchase as well as details on ramifications if these purchases are not made.

Funding is available from Casino revenues.

Will the Council so approve?

2014 LG CAPITAL EQUIPMENT

SNOW REMOVAL	SINGLE AXLE DUMP TRUCK W/PLOW & SALT BODY	2	360,000.00
SNOW REMOVAL	TANDEM AXLE DUMP TRUCK W/PLOW & SALT BODY	1	191,800.00

EQUIPMENT	COST	JUSTIFICATION FOR PURCHASE	RAMIFICATIONS IF NOT PURCHASED
Single Axle Dump w/ Plow & Salter	\$180,000 \$180,000	To replace 10yr old truck needing constant costly repairs (#520)	Longer repair time meaning less equipment on road especially during snow plowing season. More costly to repair.

EQUIPMENT	COST	JUSTIFICATION FOR PURCHASE	RAMIFICATIONS IF NOT PURCHASED
Tandem Axle Dump w/ Two Plows & a Salter	\$191,600	To replace 7yr old truck needing constant costly repairs (#567)	Longer repair time meaning less equipment on road especially during snow plowing season. More costly to repair.

Agenda Item #9

SUBJECT: Maintenance Agreement for City Telephone System

We respectfully request you approve the above mentioned Agreement (on file in the City Clerk's Office) as follows:

TO: Advance 2000

1140 Wehrle Drive

Amherst, NY 14221

3 years maintenance of the telephone system at the Public Safety Building, City Hall, Central Garage and Carnegie Building.

\$31,195.00/yr.	<u>\$93,585.00</u>
TOTAL:	\$93,585.00

Advance 2000 has been servicing the City's telephone system since 2006 when the new telephone system was installed per Bid #30-06.

Funding for this service is budgeted within each Departments telephone budget code 0421.001.

Will the Council so approve?

Agenda Item #10

SUBJECT: Bid #2014-23 Tree Stumping

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

TO: Canyon Environmental LLC

114 Route 660

Mansfield, PA 16933

FOR: Tree Stumping at two hundred locations throughout City

\$ 59,257.00

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 seven (7) vendors. Three (3) bids were received. The above referenced company submitted the lowest bid.

If Council approves, funding will be provided through Casino Funds that will be transferred into Department of Public Works—Forestry account code A.8560.0000.0449.599.

Will the Council so approve?

Agenda Item #11

**RE: AGENDA ITEM: Sale of 436 Memorial Parkway
 Isaiah 61 Project**

The Niagara Falls Planning Board recommended sale of 436 Memorial Parkway to the Isaiah 61 Project, Inc. on April 24, 2013. The Isaiah 61 Project has offered to purchase the premises from the City of Niagara Falls for the sum of \$500 with the stipulation that the organization rehabilitate the structure on the premises pursuant to an Orleans/Niagara BOCES job training program. The Isaiah 61 Project will be responsible to pay all future property taxes for 436 Memorial Parkway after the sale is finalized. The process is consistent with the sale agreements made between the City of Niagara Falls and the Isaiah 61 Project for 540 16th Street and 2215 Whitney Avenue.

Will the Council vote to so approve the sale of 436 Memorial Parkway to the Isaiah 61 Project?

Agenda Item #12

RE: Library Application for 2014/2-2016 State Construction Grant Program

Council Members:

The Library is in the process of applying for the 2014/2016 State Construction Grant Program. This is for a library project that includes installing an energy efficient door (side door) at the LaSalle Library at the estimated cost of \$20,000. The State Grant will be in the amount of \$10,000. A \$10,000 match will be needed from the City. Attached is a copy of a communication from the Library Director in this regard.

Funding is available from Casino revenues.

Will the Council so approve?



NIAGARA FALLS PUBLIC LIBRARY
Earl W. Brydges Library Building

May 30, 2014

Dear Mayor Paul Dyster and Maria Brown,

The Niagara Falls Public Library is in process of application for funds for the 2014/2016 State Construction Grant Program. This grant requires a 50% match in funding, which is being requested from the City of Niagara Falls. The project includes installing an energy efficient door (side door) at the LaSalle Library at the estimated cost of \$20,000, with a contribution from the City in the amount of approximately \$10,000.

Your support of this project would be greatly appreciated as it would move us closer to the goal of a complete restoration of the LaSalle Library- a highly valued institution in the community. This year we were able to move forward with front door project and replacing the side door is greatly needed as well.

A confirmation letter of financial support is necessary before moving further along in the process.

Thank you for your support and assistance.

Sincerely

Michelle Petrazzoulo

Executive Director- Niagara Falls Public Library

Cc: Niagara Falls Public Library Board of Trustees

1425 Main Street

Niagara Falls, New York 14305

(716) 286-4910
FAX (716) 286-4912

Agenda Item #13

RE: Acquisition and installation of Infrared Door Curtains on City Hall Elevator

Council Members:

The Director of Public Works recommends that the City adhere to new safety standards to protect persons riding in City-owned elevators such as the elevator in City Hall. This involves the acquisition and installation of new infrared door curtains on the City Hall elevator. The cost per car door is \$1,800. Funding is available in account code H.0912.2009.0912.0449.599. See the attached estimate from D.C.B. Elevator Co., Inc.

Will the Council so approve?

H0912.2009.0912.0449, 599



D.C.B. Elevator Co., Inc.
P.O. Box 426
Lewiston, N.Y. 14092

Proposal #: 140508100

May 08, 2014

City of Niagara Falls
Attn: Robert Spacone
P.O. Box 68
Niagara Falls N.Y. 14302

Re: Niagara Falls City Hall Door Re-Opening Device.

Dear Mr. Spacone:

Infrared door curtains are now considered the industry standard for safety and offer the greatest level of protection for all of your passengers. This technology offers many advantages over the antiquated safe edge and electric eye system currently used on the elevator located in Niagara Falls City Hall:

- Infrared door curtains offer full coverage from door sill to six feet and are the ultimate in non contact door protection.
- For the existing safe edge to function the actuating bar must be manually pushed in, or strike the passenger to re-open the door.
- Safe edges still leave most of the door unprotected.
- There are many difficulties finding replacement parts for antiquated equipment due to obsolescence.

All of the rest of the elevators located at your facility take advantage of infrared door curtain protection.

D.C.B. Elevator Co., Inc. proposes to furnish and install new infrared door curtains on the elevators listed above. Our preferred customer rate per car door is One Thousand Eight Hundred Dollars, (\$1,800.00).

*** Please note: This price is good for 90 days from the date listed above. ALL WORK TO BE PERFORMED DURING NORMAL BUSINESS HOURS, MONDAY-FRIDAY, 8:00AM-4:30PM ***

If you have any further questions or would like to schedule this work, please call our office @ 716.754.1645.

Respectfully submitted by:

Matthew Cattarin

Matthew Cattarin
Maintenance Supervisor
D.C.B. ELEVATOR CO., INC.

D.C.B. Elevator Co., Inc. Repair and Service Proposal

Agenda Item #14

RE: Funding Contribution to Niagara Street Area Business & Professional Association

Council Members:

The Niagara Street Business Association is sponsoring the International Festival once again this year which will take place on June 21, 2014 and June 22, 2014 at Gill Creek Park. The Association is requesting a contribution in the amount of \$2,500 which the Association advises it will utilize to help fund its entertainment expense. Attached is a communication from the Association in this regard.

Funding is available from Tourism funds.

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



Niagara Street Area Business & Professional Association
481 - 16th Street • Niagara Falls, NY 14303 • Phone: 946-1744

June 17, 2014

Chairman
Charles Walker

Dear Chairman Walker,

On behalf of the Niagara Street Business Association and its board of directors I am requesting the N.F. City Council to provide the funding for our entertainment for the 14th annual International Festival to be held on June 21 and June 22 at Gill Creek Park. The Entertainment will consist of 4 bands to play at the gazebo on Saturday and Sunday for a total cost of \$2500.00. The festival will again have amusement rides, children's pageant, petting zoo, pony rides, fire dept. smoke house, food vendors, etc.

Again the total amount that we are requesting is \$2500.00 to offset some of our expenses in running this community festival which benefits not only the Niagara Street area but the entire city of Niagara Falls.

Thank you for your consideration,

Ron Anderluh
Revitalization Coordinator
Niagara Street Business Association

Take Action and Create Change – A TEAM EFFORT

Agenda Item #15

RE: Request for Approval to Settle and Pay Claim of Carol E. Garito

629 72nd Street, Niagara Falls, New York

Council Members:

Date Claim Filed:	February 10, 2014
Date Action Commenced:	N/A
Date of Occurrence:	January 30, 2014
Location:	629 72nd Street, Niagara Falls, New York
Nature of Claim:	Damages due to frozen water line.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$2,246.40
Make Check Payable to:	Carol E. Garito
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 #16

RE: Disposition of 1614 Eighth Street

Council Members:

The City owns a vacant lot commonly known as 1614 Eighth Street. The occupant of 1618 Eighth Street, abutting to the north, and the owner of 1610 Eighth Street, abutting to the south, each expressed an interest in acquiring this City-owned lot. It should be noted that Val Alexander is the occupant of 1618 Eighth Street and is in the process of purchasing the same from the record owner. It is recommended that each be permitted to acquire one-half of this lot each, and proceed to amalgamate the portion acquired by each into the existing parcels that each owns. Each owner is proposing to pay the City the sum of \$250 for one-half of this lot. The Planning Board has recommended that this disposition take place. Attached hereto is a copy of the Planning Board recommendation.

Will the Council so approve?



City of Niagara Falls, New York

District No. 69, Niagara Falls, NY 14303-0069

June 11, 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 11th day of June 2014 your request is hereby granted.

NAME OF OWNER: City of Niagara Falls

ADDRESS OF ACTION: 1614 Eighth Street

PURPOSE: Sell property adjacent to Val Alexander and Tyra Jones (50% each) to use for garden and larger yard

The Planning Board has determined that each of the two competing applicants should benefit from the disposition and transfer of the city-owned lot that exists in between.

A real property disposition recommendation is made with the following:

- To effect the disposition/transfer of a parcel of city-owned land located at 1614 Eighth Street fairly between the two adjacent property owners and applicants, both applicants shall be responsible to effect the re-subdivided of 1614 Eighth Street.
- The re-subdivision shall divide 1618 Eighth Street equally in half. Additionally, each re-subdivided half shall also be amalgamated one-half each into the two adjacent owner's parcels.
- Once the re-subdivision maps are submitted to the city for review and to the county for filing, shall the transfer be considered complete.

DATE: June 11, 2014

92 JUN 17 AM 11 41

NIAGARA FALLS
CITY CLERK


for Richard D. Smith, Chairman
Niagara Falls Planning Board

**Project Area: Purchase Request
for 1614 8th Street**



1 inch = 75 feet

ver. 13.06.12

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



Agenda Item #17

RELATIVE TO WAIVER OF PARKING FEES IN DOWNTOWN PARKING LOTS/RAMP FOR
PERSONS ATTENDING NIAGARA FALLS HIGH SCHOOL 2014 GRADUATION REHEARSAL AND
GRADUATION CEREMONIES

BY:

Council Chairman Charles Walker

Council Member Robert Anderson, Jr.

Council Member Glenn Choolokian

Council Member Kristen Grandinetti

Council Member Andrew Touma

WHEREAS, over the years, the City Council has traditionally waived parking fees in appropriate downtown parking lots/parking ramp for persons attending graduation ceremonies and rehearsals in connection with persons graduating from Niagara Falls High School; and

WHEREAS, the graduation ceremonies for 2014 will take place on June 28, 2014 with rehearsals to take place on or about that date; and

WHEREAS, the City Council wishes to be consistent with its past practices; 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 parking fees in downtown City parking lots/parking ramp for persons attending graduation rehearsals and graduation ceremonies recognizing persons graduating from Niagara Falls High School which ceremony will take place on June 28, 2014.

Agenda Item #18

**REQUESTING RECONSIDERATION OF THE LOCATION OF
THE NEW YORK STATE PARK POLICE STATION**

BY:

Council Chairman Charles Walker

WHEREAS, the City Council of Niagara Falls deems it necessary to protect the city's waterfront and to ensure that city residents benefit from its unparalleled natural beauty, and

WHEREAS, the Council finds that the proposed location of the New York State Police Station (behind 454 Main Street in Niagara Falls State Park) would not represent the best use of its proposed location, and

WHEREAS, members of the Niagara Falls Tourism Advisory Board have strongly expressed their opposition to this project, and have requested that they be included in future deliberation on the location of the police station,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby joins with Mayor Paul Dyster, New York State Assemblyman John Ceretto, New York State Senator George Maziarz, United States Congressman Brian Higgins, and the Niagara Falls Tourism Advisory Board in requesting that the New York State Office of Parks, Recreation, and Historic Preservation consider alternative locations for the proposed State Park Police station, and

BE IT FURTHER RESOLVED, that the Niagara Falls City Council supports the Niagara Falls Tourism Advisory Board in their efforts to be included in future deliberations over the location of the proposed police station.

Agenda Item #19

RELATIVE TO:

**ALLOWING THE NIAGARA FALLS CITY SCHOOL DISTRICT TO
REQUEST THE WAIVER OF EVENT-RELATED FEES**

BY:

Council Chairman Charles Walker

WHEREAS, the School District of the City of Niagara Falls provides an invaluable public service to our community, and

WHEREAS, the Niagara Falls City Council wishes to make it known that this legislative body will seriously consider the waiving of any and all fees related to the hosting of events on city property, should those events be hosted by the School District of Niagara Falls or one of its constituent schools,

NOW THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council will consider waiving applicable fees for events held by the Niagara Falls City School District or its constituent schools, should the Mayor of Niagara Falls put forward a resolution waiving said fees in advance of the event.

RELATIVE TO:

**CALLING ON THE GOVERNOR, THE NEW YORK STATE ASSEMBLY, AND THE
NEW YORK STATE SENATE TO ENACT THE “ABANDONED PROPERTY
NEIGHBORHOOD RELIEF ACT OF 2014”**

BY:

Council Chairman Charles Walker
Council Member Robert Anderson
Council Member Kristen M. Grandinetti
Council Member Glenn Choolokian
Council Member Andrew P. Touma

WHEREAS, in the wake of the financial crisis of 2008, New York State has seen a marked increase in the incidence of vacant and abandoned residential properties that secure delinquent mortgages, which frequently fall into disrepair, devaluing nearby properties and harming the larger community; and

WHEREAS, these vacant and abandoned residential properties create considerable blight in the City of Niagara Falls and in many similarly-situated communities across New York State; and

WHEREAS, an accumulation of vacant and abandoned residential properties that are not properly secured or maintained for extended periods can cause a marked decline in a community’s real estate market and property tax base; and

WHEREAS, there are documented instances of such properties being used by criminals to manufacture and/or distribute illegal drugs, thus leading to an increased likelihood of crime in and around the property and neighboring community; and

WHEREAS, the City of Niagara Falls and similarly-situated municipalities across New York State are often forced to expend taxpayer funds to prevent vacant and abandoned residential properties from becoming a public hazard, thereby depleting limited local resources; and

WHEREAS, the City of Niagara Falls and similarly-situated municipalities across New York State are often forced to expend taxpayer funds to investigate and determine the ownership, occupancy and foreclosure status of vacant and abandoned residential properties in order to ensure that, where applicable, the mortgagee is complying with current obligations under Federal, State and/or local law to secure and maintain the property, thereby further depleting limited local resources; and

WHEREAS, provisions of existing State law governing the maintenance of abandoned residential properties impose a duty on plaintiff-mortgagees to maintain vacant residential properties only *after* a judgment of foreclosure and sale has been entered by a court; and

WHEREAS, this recent State law has in many instances proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair in the City of Niagara Falls

and in many similarly-situated municipalities across New York State, given that many such properties are not subject to a pending foreclosure action, and many that are subject to a pending foreclosure have not proceeded, and will not in the foreseeable future proceed, to a court judgment of foreclosure and sale; and

WHEREAS, there is evidence showing that many current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than the law actually requires, thus resulting in even more vacant and abandoned residential properties throughout our communities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Niagara Falls and similarly situated municipalities and their residents across the State to better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties that can be electronically accessed by such municipalities; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Niagara Falls and similarly-situated municipalities and their residents across the State to better address the growing problem of vacant and abandoned residential properties by imposing a duty on mortgagees and their loan servicing agents to promptly report these properties to the statewide registry and take earlier, *pre-foreclosure*, action to identify, secure and maintain such vacant and abandoned properties; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Niagara Falls and similarly-situated municipalities and their residents across the State to better address the growing problem of vacant and abandoned residential properties by providing a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Niagara Falls and similarly-situated municipalities and their residents across the State to better address the growing problem of vacant and abandoned residential properties by establishing a statewide toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them; and

WHEREAS, the “Abandoned Property Neighborhood Relief Act of 2014” would help the City of Niagara Falls and similarly-situated municipalities and their residents across the State to better address the growing problem of vacant and abandoned residential properties by ensuring that homeowners are provided with clear and early notice that they are legally entitled to remain in their homes until ordered to leave by a court;

NOW THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby requests that the Governor of the state of New York, the New York State Assembly and the New York State Senate promptly enact the “Abandoned Property Neighborhood Relief Act of 2014;” and

BE IT FURTHER RESOLVED, that the Niagara Falls City Council hereby requests that the City Clerk transmit copies of this Resolution to Governor Andrew Cuomo, New York State Senator George Mazarz, and New York State Assembly Member John Ceretto.

RELATIVE TO:

**HONORING JOHN CAREY AND BART DEROSA,
2014 FIREFIGHTERS OF THE YEAR**

BY:

Council Chairman Charles Walker

Council Member Robert Anderson

Council Member Kristen M. Grandinetti

Council Member Glenn Choolokian

Council Member Andrew P. Touma

WHEREAS, on May 6, 2014, the rescue of a 33-year-old man at Prospect Point was successfully carried out through the combined efforts of Truck 1, Engine 4, and Car 80 of the Niagara Falls Fire Department, and

WHEREAS, Captain Carey and Firefighter Derosa worked quickly to secure the man as he was nearly swept over the Falls, stopping his descent only a few yards from the brink, preventing a tragic end to the harrowing event, and

WHEREAS, Captain Carey and Firefighter Derosa have merited the utmost commendation for their selfless and life-saving efforts,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby honors John Carey and Bart Derosa, the 2014 Firefighters of the Year for the Niagara Falls Fire Department, and commends them for their heroism in the face of grave danger and in service to their community.