

Monday November 2, 2015

PRESENTATIONS:

1. Niagara Falls Veterans Memorial Commission – Mr. David Fabrizio, Chairman
-

ADMINISTRATIVE UPDATE:

None

Agenda Item #1

*RE: Funding Support for United Way of Greater Niagara/Winter Wonderland
Project Holiday Lights Program*

Council Members:

The City has been asked to contribute the sum of \$10,000 to the expenses of the United Way of Greater Niagara and the Winter Wonderland Project Holiday Lights organization to plan and undertake the Holiday Lights Event at Hyde Park during the 2015 holiday season. The City's contribution will enable these organizations to fix, re-bulb and purchase items needed for this six (6) week event. This will also allow the organizations to continue the free carriage rides and opening night fireworks. Attached hereto is a letter from the United Way requesting funding.

Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to enter into any funding agreements in form and content acceptable to the Corporation Counsel?

TO: Honorable Mayor Paul Dyster
Members of the Niagara Falls City Council

FROM: Carol G. Houwaart-Diez

DATE: October 22, 2015

RE: Holiday Lights of Niagara



We would like to request for United Way of Greater Niagara/Winter Wonderland Project Holiday Lights to receive support from the City of Niagara Falls. This event brings people to Hyde Park during the holiday season.

We are asking for \$10,000.00 so that we can continue to fix, re-bulb and purchase items needed for the 6 week event. The support will also allow us to continue the free carriage rides and opening night of fireworks. Without this support, we can not do the lights in the park this year.

I have been told that we are behind on getting the displays up and the going but, I have told the crews that we can't do any of that until we get this commitment.

This year, the Winter Wonderland Project will be leading the event as they are in the first year of a purchase agreement with United Way for the displays.

This event, set during the holiday season, is a boost to the Tourism industry, as well as an opportunity for our local residents to enjoy the décor of Holiday Lights and displays in the beautiful setting of Hyde Park.

If you have any questions, please feel free to contact me at any time at 716-731-4580.

Thank you for your time and consideration.

Cc: Ms. Bridgette Myles, executive assistant

Agenda Item #2

*RE: Inter-Municipal Cooperation Agreement with Niagara Falls Water Board
("NFWB") for Water Line Replacement on 72nd Street*

Council Members:

The City Council recently approved the award of a contract for the replacement of certain water lines on 72nd street to address a frozen water line issue that affected certain homes on 72nd Street during extremely cold months in years 2014 and 2015. As the City Council is aware, the NFWB owns and operates the City's water supply and delivery system. Because the NFWB did not take appropriate action to address this problem, the City took action which resulted in the award of a contract to replace these water lines.

City officials have been in discussions with representatives from the NFWB regarding this water line replacement project. While the NFWB will not commit any financial resources to the cost of the project, it will agree that any grant funds it receives pertaining to the project will be applied to the project. Similarly, the City has applied for certain grants to apply to the cost of the project including a grant application submitted to the NYS Environmental Facilities Corporation with NFWB cooperation. When the project is completed, the NFWB will assume ownership of the new water line and be responsible to repair and maintain the same.

It is desirable to enter into an Inter-Municipal Cooperation Agreement to recite the responsibilities of the City and the NFWB for this project.

Will the Council so approve and authorize the Mayor to execute an Inter-Municipal Cooperation Agreement with the NFWB which agreement will be in form and substance satisfactory to the Corporation Counsel?

Agenda Item #3

*RE: Amendment to Municipal Cooperation Agreement with the Town of
Niagara*

Council Members:

The City Council recently approved a Municipal Cooperation Agreement (the “Agreement”) with the Town of Niagara (the “Town”) which allowed the Town to utilize the City’s bandstand on various occasions at a reduced resident rate in exchange for the City’s ability to utilize the Town’s hot patch machine. The Town has now determined that it is in possession of two golf carts that are in good condition which it has no use for. The Acting Director of the Department of Public Works has determined that he will be able to effectively utilize these golf carts at various locations in the City.

It is therefore requested that the Agreement be amended to accept these two golf carts from the Town of Niagara in consideration for the City waiving all fees for the bandstand utilization during nine (9) designated events. The City will also be permitted to utilize the hot patch machine as provided in the Agreement.

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

Agenda Item #4

RE: Amendment to Permit with the Power Authority of the State of New York

("Authority")

Council Members:

In October of year 2000, the City and the Authority entered into a permit which, among other things, allowed the City to construct, operate and maintain a hiking/biking trail together with necessary accessories on Authority real estate running along the Niagara River. It is now requested that this permit be amended in order to allow for the installation and operation by the City of various trail-side and shoreline improvement to the Niagara Riverview Trail. The term of the amendment shall be for a ten (10) year period of time. The amendment to this permit will not require the payment of any money by the City to the Authority.

Will the Council so approve and authorize the Mayor to execute a permit amendment in form and substance satisfactory to the Corporation Counsel?

Agenda Item #5

RE: City Council Agenda Item:

Center City Neighborhood Development Corporation

Community Housing Development Organization (CHDO) Agreements

1142 Ontario Avenue and 2013 Tenth Street

Council Members:

Each year, the Community Development Block Grant budget includes an appropriation of HOME funds for CHDO activities. Center City qualifies as a Community Housing Development Organization. These CHDO funds are used by CCNDC for rehabilitation of properties owned by Center City.

Center City has proposed to renovate two properties under the CHDO program. The City will enter into an agreement with Center City which will require, among other things, that the renovated properties are available to low income tenants for 15 years, and that rents are limited under HUD rent limitations.

Center City will use \$50,000.00 of previously appropriated CHDO funds for 1142 Ontario Avenue, which will be multi-family housing consisting of 2 units. Center City will use \$50,000.00 of previously appropriated CHDO funds for 2013 Tenth Street which will be multi-family housing consisting of 2 units. While the funds have been appropriated, the specific CHDO contracts are subject to City Council approval.

Will the Council vote to approve the two CHDO agreements as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Agenda Item #6

**SUBJECT: CHANGE ORDER #1& FINAL – \$0.00
2015 DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT**

A contract for the above referenced project was awarded to Mark Cerrone Inc., 2368 Maryland Avenue, Niagara Falls, NY 14305 on April 13, 2015 in the amount of \$463,992.00.

Subsequent to the award of this contract and during the course of work, it was determined that the need for pavement restoration, castings and granite curb resetting would exceed the City's original proposal estimates by approximately \$12,720.00. However, these costs were more than offset by bid item cost underruns experienced elsewhere in the same contract, allowing for a \$0.00 change to the contract.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of \$0.00 be approved, causing no increase to the contract's original upset total.

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 #7

*RE: Approval of recommendation to authorize the reconveyance of title
to former owners of parcels acquired in the 2012 In Rem*

Council Members:

The City is in the process of acquiring title to a number of parcels through the 2012 In Rem Tax Foreclosure. These properties will be auctioned later this year. Frequently, the former owners attempt to redeem their property by paying all outstanding or delinquent City, School and County taxes with penalties and interest prior to the auction. Although this is not a legal right, this has been allowed by the City Council in the past to avoid unnecessary hardship. Accordingly, we are recommending that this Council authorize the reconveyance of title to those former owners who pay all outstanding In Rem fees, auctioneer redemption fee, City, School and County taxes with penalties and interest, and any applicable recording fees on or before the close of business on the day before the auction.

Will the Council so approve and authorize the execution and delivery of deeds by the Mayor to any property owners who tender payment as set forth?

Agenda Item #8

RE: Request for Approval to Settle and Pay Claim of Erie Insurance
a/s/o Daniel J. Bazzani
301 Commonwealth Drive, Warrendale, PA 15086

Council Members:

Date Claim Filed:	March 3, 2014
Date Action Commenced:	N/A
Date of Occurrence:	March 2, 2014
Location:	4003 Glenn Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Hugh Leftwich
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$4,130.18
Make Check Payable to:	Erie Insurance a/s/o Daniel J. Bazzani
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 #9

RESOLUTION RELATIVE TO AMENDING CHAPTER 501
OF THE CODIFIED ORDINANCES ENTITLED
"TRAFFIC GENERALLY"

Council Chairman Andrew Touma

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 501 of the Codified Ordinances entitled "Traffic Generally" is hereby amended by amending Section 501.10 to read as follows:

501.10 NIGHT PARKING RESTRICTIONS

(a) Except as hereinafter provided in subsection (b) hereof, no owner or operator of any vehicle shall park such vehicle or leave the same standing unattended, except in an emergency, at any time between the hours of 3:00 a.m. and 6:00 a.m. **from April 1st through November 30th or between the hours of 11:00 p.m. and 7:00 a.m. from December 1st through March 31st** at any place between the curb lines on any of the streets and avenues within the City; nor upon any street or avenue within the City for a period of time longer than the time designated therefor by the City **[Manager] Administrator**, according to regulations promulgated by him/**her** from time to time for that purpose and where signs indicating such time limit are conspicuously placed in accordance with the regulations.

(b) On all streets and avenues set forth in Schedule "A", as amended by the Traffic Advisory Commission on January 18, 1968, which schedule is attached (not supplied) hereto and made a part hereof, passenger vehicles will be permitted to park parallel to the curb between the hours of 3:00 a.m. and 6:00 a.m. **from April 1st through November 30th or between the hours of 11:00 p.m. and 7:00 a.m. from December 1st through March 31st** on the side of the street bearing even house numbers on the even days of each month and on the side of the street bearing odd house numbers on the odd numbered days of the month.

Parking, may hereafter be permitted on additional streets and avenues within the City in accordance with this subsection, as to those streets and avenues for which such parking has been recommended by the Traffic Advisory Commission after the same have been approved by Council, providing any such street meets the following requirements:

- (1) Has a paved width of at least thirty feet.
- (2) Does not have permanent parking restriction on either side of the street.
- (3) Has not been designated as a truck route or snow emergency route.

Any such street or avenue for which parking has been approved, pursuant to the recommendation of the Traffic Advisory Commission and approval of Council, shall be added to Schedule "A" without the necessity of any further revision of this section. Any street or avenue set forth in Schedule "A", or hereafter added, may be deleted from Schedule "A" without any further revision, upon the recommendation of the Traffic Advisory Commission and approved by Council.

Bold and Underlining indicate **Additions**.
Bold and Brackets indicate **[Deletions]**.

***RELATIVE TO CONGRATULATING REVEREND JIMMIE
HARDAWAY, JR. PASTOR OF TRINITY BAPTIST CHURCH***

BY:

Councilman Charles Walker

***WHEREAS, Reverend Jimmie Hardaway, Jr. was installed as the new
Pastor of Trinity Baptist Church on October 4, 2015; and***

***WHEREAS, Reverend Hardaway will contribute to the legacy of Trinity
Baptist Church, which played a historically significant role in our
community during the civil rights movement; and***

***WHEREAS, the church ministry has touched the lives of many, giving
hope and counseling to the lost, support and service to the needy, and
remaining steadfast, unmovable and always abounding in the Lord.***

***NOW, THEREFORE, BE IT RESOLVED, that the City Council of the
City of Niagara Falls, New York does hereby congratulate Pastor
Jimmie Hardaway, Jr., Reverend Karen Anderson Hardaway and the
Trinity Baptist Church family on this Union.***