



# City of Niagara Falls, New York

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

**DATE:** November 1, 2017  
**TO:** Council Members  
**FROM:** Lisa A. Vitello, City Clerk

The following claims have been filed in the Office of the City Clerk during the month of October 2017. The claims were subsequently referred to the Office of the Corporation Counsel.

RECEIVED  
CITY OF  
NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 NOV - 1 AM 8:32

## NOTICE OF CLAIM

Gardner, Anthony  
8518 Frontier Avenue

In reference to vehicle damage caused by Forestry Department while grinding tree stump.

Jeffs, Brenda J.  
622 Orchard Pkwy.

In reference to vehicle damage caused by city road repair.

Sirianni, Deborah  
1742 Cudaback Avenue

In reference to property damage caused by a city tree.

Sirianni, Deborah  
1742 Cudaback Avenue

In reference to personal injuries caused by a raised city sidewalk.

Cerminara Jr., Patrick  
c/o Sidney M. Mosher, Esq.  
The O'Brien Firm, P.C.

In reference to personal injuries caused when his motorcycle struck a utility cable hanging across the street.

Joseph Calato, Veronica Thornton,  
Anita Matusick, Sammie Lowe &  
& Peter Dussler  
c/o Waters & Kraus LLP

In reference to personal injury, damage to property or loss of property.

Scull, John T.  
422 10<sup>th</sup> Street

In reference to unreasonable and baseless charges.

Azzinaro, Cheryl  
1712 Elmwood Avenue

In reference to property damage caused by a limb from a city tree.

Thurston, Brandi  
1958 Welch Avenue

In reference to property damage caused by a city tree.

Connor, Darlene C.  
2939 Grand Avenue

In reference to vehicle damage caused by limb from a city tree.

NOV 13 2017

R&F



1 cont.

State Farm Auto Claims  
PO Box 106171  
Atlanta, GA 30348-6171  
Insured: Patrick Cerminara

In reference to claim number 52-0850-M58

Zientara, Leonard A.  
PO Box 3

In references to personal issues.

Wehrmeyer, George  
8324 Laughlin Drive

In reference to property damage caused by a city tree during wind storm.

Zientara, Leonard A.  
PO Box 3  
721 Pierce Avenue

In reference to personal issues.

Zientara, Leonard A.  
PO Box 3

In reference to personal issues.

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING**

Torres-Cummings, Alejandrina

Index No. E162814/2017

Yours truly,



Lisa A. Vitello

LAV/cs

2



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

November 7, 2017

The City Council  
Niagara Falls, New York

*RE: Request for encroachment on public right-of-way for outdoor patio area  
at 320 and 324 Niagara Street*

Council Members:

The developer of the project at the above referenced premises has requested permission to use the public right-of-way for the creation of an outdoor patio area. Attached hereto is a request from the project developer. The Planning Board reviewed this request during its meeting on October 25, 2017 and has recommended approval. Attached hereto is a copy of that approval.

In the event that the City Council approves this request, it will be subject to the following conditions:

1. The owner/applicant must obtain all applicable permits and inspections.
2. The owner/applicant will add the City of Niagara Falls as an additional insured on its liability insurance policy.
3. The owner/applicant will agree to defend and indemnify the City from liability related to the encroachment.
4. The City can revoke the license for the encroachment on sixty (60) day's notice.
5. The owner/applicant must comply with any conditions imposed by the City Engineer with regard to sufficient space for pedestrian passage on the sidewalk right-of-way and to insure that no damage occurs to the City's right-of-way.

Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

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CITY CLERK'S OFFICE  
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Attachments

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2 cont



500 Seneca Street Suite 508  
Buffalo, New York 14204  
Phone: (716)-332-5959  
Fax: (716)-332-5968

City of Niagara Falls  
Planning Office  
745 Main Street  
Niagara Falls, New York 14302

**Re: Patio within Public Right-of-Way Application**

Dear Planning Office Officials,

Savarino Companies, on behalf of the equitable titleholder 324 Niagara Street Landlord, LLC, is pleased to submit the attached Patio Application package for a mixed-use redevelopment in downtown Niagara Falls, NY.

324 Niagara Street Landlord, LLC is comprised of experienced real estate developers from Buffalo, NY. The development team is led by Savarino Companies, a Buffalo, NY based builder and developer with extensive experience in commercial construction and real estate development. Savarino Companies has successfully executed many redevelopment projects throughout Western New York.

As related to the contemplated patio, the proposed ground-floor use to be established consists of approximately 4,200 square feet of retail space to be occupied and operated by a local production microbrewery and restaurant with special event space.

The proposed action for which a patio permit is being requested consists of the installation of powder coated metal railings that will create a 9'x32', 288 SF square foot enclosed storefront patio directly abutting the southern building elevation while leaving sufficient unobstructed sidewalk width for pedestrian access. The use and design of the proposed patio is intended to comply with all rules, regulations, design guidelines, ordinances and/or laws established by the City of Niagara Falls and the NYS Liquor Authority.

324 Niagara Street Landlord, LLC is hopeful to enter into an encroachment agreement with the City to obtain a permit for the proposed storefront patio.

We thank you for your consideration.

Sincerely,

Samuel J. Savarino  
President & CEO

CC: 324 Niagara Street Landlord, LLC



# City of Niagara Falls, New York

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

October 25th, 2017

## NIAGARA FALLS PLANNING BOARD

**RECOMMENDATION TO CITY COUNCIL**  
**Encroachment of Public Right-of-Way**

Pursuant to action taken by the Niagara Falls Planning Board on the 25th day of October 25th 2017 your request is hereby **APPROVED**.

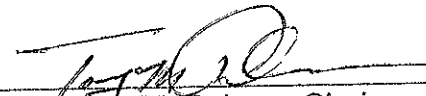
**NAME OF OWNER:** City of Niagara Falls

**ADDRESS OF ACTION:** 320 & 324 Niagara Street

**PURPOSE:** Allow 324 Niagara Street Landlord LLC to Encroach on Public Right-of-Way for a outdoor Patio area.

This Recommendation is hereby APPROVED.

DATE: October 25th, 2017

  
Tony M. Palmer, Chairman  
Niagara Falls Planning Board

2017 OCT 26 PM 1:27

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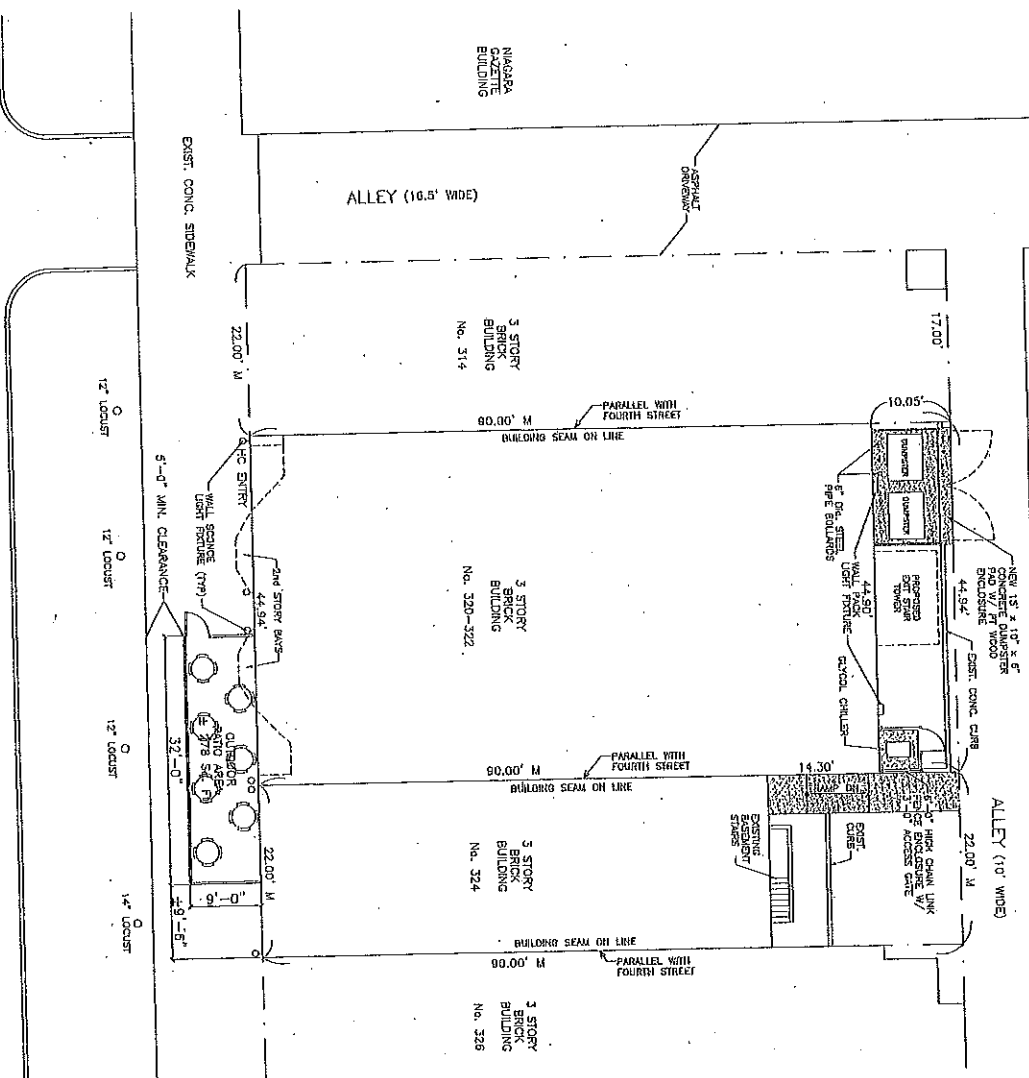


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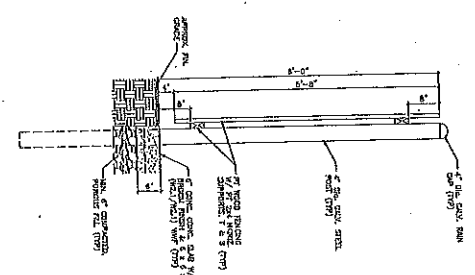
2017

**SITE PLAN**  
SCALE: 1" = 1'-0"

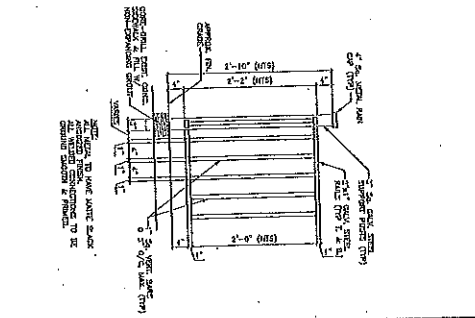
NIAGARA (156' WIDE) STREET



**(A) DUMPSTER FENCING**  
SCALE: 1" = 1'-0"



**(B) PATIO FENCING**  
SCALE: 1" = 1'-0"



- GENERAL NOTES:**
1. DIMENSIONS NOTED ARE "PLUS-MINUS" (+) AND ARE TO BE FIELD VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO THE START OF ANY WORK. REPORT ALL DISCREPANCIES TO THE ARCHITECT.
  2. DIMENSIONS ARE MEASURED FROM FINISHED FACE OF GWB TO FINISHED FACE OF GWB.
  3. FIELD VERIFY SITE CONDITIONS (DIMENSIONS, HEIGHTS, MATERIALS, ETC.) PRIOR TO BIDDING & CONSTRUCTION. REVIEW UNDER MOST CURRENT NTS & LOCAL BUILDING CODES.
  4. TOILET ROOMS AND ACCESSORIES ARE TO BE IN COMPLIANCE WITH ANSI A117.1, PROVIDING ACCESSIBILITY & USABILITY TO THE PHYSICALLY HANDICAPPED.
  5. ALL MECHANICAL & ELECTRICAL WORK TO BE COORDINATED WITH GENERAL CONSTRUCTION WORK. ALSO SEE MECHANICAL & ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION & SPECIFICATIONS.
  6. EXACT HVAC SUPPLY & RETURN LOCATIONS TO BE COORDINATED WITH MECHANICAL & LIGHTING CONTRACTORS.
  7. ALL PROPOSED WORK IS WITHIN AN EXISTING COMMERCIAL STRUCTURE.
  8. SEE TYPICAL DOOR AND WINDOW DETAILS (HEAD, JAMB & SILL).
  9. ALL PIPE, CONDUIT AND DUCT PENETRATIONS ABOVE CEILING IN FIRE RATED PARTITIONS SHALL BE SEALED TO MEET FIRE RATING.
  10. CEILING MOUNTED HVAC GRILLES TO BE COLOR OF ADJACENT CEILING MATERIAL.

Project	07-017
Date	8/17/2017
Scale	AS NOTED
Sheet	SP-

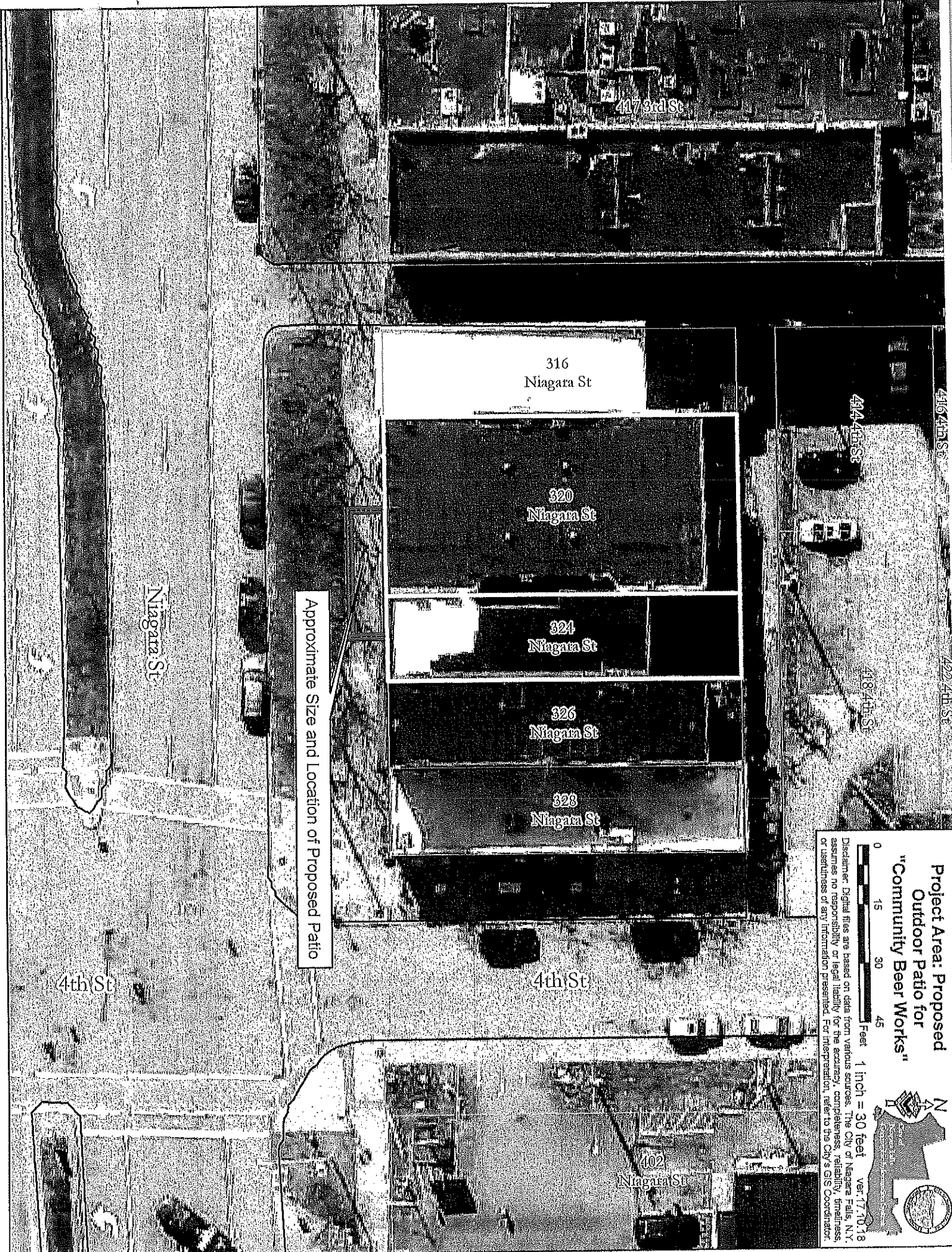
**SITE PLAN & NOTES**  
Community Beer Works - 2.0  
320-324 Niagara  
Niagara Falls, NY

**ALBERT ARCHITECTURE & DESIGN**  
ARCHITECTS  
14226  
1715 835 0857

No.	Revision/Notes
0	

General Notes

2 out



Approximate Size and Location of Proposed Patio

**Project Area: Proposed Outdoor Patio for "Community Beer Works"**

0 15 30 45 Feet 1 inch = 30 feet ver: 17.10.18

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, timeliness, or usefulness of any information presented. For interpretation, refer to the City's GIS Coordinator.



# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

November 7, 2017

RECEIVED  
CITY OF  
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The City Council  
Niagara Falls, New York

*RE: Temporary Assistance in Office of City Council*

Council Members:

The Executive Assistant to the Niagara Falls City Council has now resigned after being out of the office for approximately seven (7) weeks. In her absence during that period of time, many of the duties of that position were assumed by the City Clerk. This involved the managing of phone calls to the City Council Office, delivery of mail, etc..

Now that the City Council is in the middle of budget deliberations, it is anticipated that City Council members will have additional clerical tasks that need to be carried out. Since the City Clerk is familiar with the City Council office and many of its functions, the Council Chairman discussed this situation with the City Clerk and requested that she be available for use by the City Council during the months of November and December, 2017. It is estimated that she will spend approximately two (2) hours a day managing City Council business.

Because the City Clerk will be assuming additional responsibilities, it is requested that she be compensated accordingly. It is therefore requested that the City Clerk be paid a stipend in the amount of \$2,139.78 plus FICA for services rendered to the City Council during November and December of 2017. This amount will be included in her bi-weekly pay. This amount was computed on the basis of the hourly rate (\$26.74) of the City Council Executive Assistant position with a utilization of two (2) hours per day. Funding is available from the City Council bi-weekly pay line. Will the Council so approve?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

November 7, 2017

The City Council  
Niagara Falls, New York

*RE: Request for funding for Connect & Protect Niagara Mobile App Initiative*

Council Members:

The City Council recently heard a presentation from a representative of Niagara University detailing the initiative known as the Connect & Protect Niagara Mobile App. The concept is to develop a mobile app for smart phone utilization which will promote and enhance resident awareness of various programs and services that are available in the area. The goal is to avoid duplication of information services and encourage resident participation, community growth and enhancement of the quality of life for all in the City of Niagara Falls.

Attached hereto is detail on the Connect & Protect Niagara Mobile App proposal.

There is a request for funding to begin this initiative in the amount of \$2,500.00. Funding is available from tourism fund balance.

Will the Council so approve and authorize the Mayor to execute any documents or agreements in order to launch this initiative provided the same are in form and content satisfactory to the Corporation Counsel?

Respectfully submitted,  
  
PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

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4.01

**Development of Connect & Protect Niagara Mobile App  
Proposal**

**Ezra P. Scott Jr.  
Niagara Falls City Council**

**and**

**Dr. Yonghong Tong  
Niagara University**

**September 2017**

4 cont

## Development of Connect & Protect Niagara Mobile App Proposal

Mr. Ezra P. Scott Jr. campaigned tirelessly during the 2015 Niagara Falls City Council election with emerging hopes to revive the City of Niagara Falls. His slogan was and still remains the same “a connected city is a protected city”. Dr. Yonghong Tong, assistant professor in Niagara University, has the passion to develop smart applications for Niagara Falls with the emerging technology.

### The Vision

The Connect and Protect Niagara mobile app, through modern technology, promotes resident awareness, ensures equal opportunity of services, and minimize duplication of services by providing a mobile gateway to local services.

This streamlined access to services increases community awareness of available services, and is used as a programming tool for new agencies to identify services that is currently being provided, thereby, avoiding risk of duplication as well as allowing the opportunity for the complementarity of services. This app encourages resident participation, community growth, and enriches the quality of life for all in the city of Niagara Falls.

### Introduction

Lack of awareness of available services is creating a disconnection within the City of Niagara Falls and is the cause for missed opportunities. For example, there was a resident receiving unemployment. Before his benefits were exhausted, he had hopes of taking advantage of free job training to become a carpenter. The source that he was in contact with was unaware of any carpenter trainings in the area. Three months later a relative told him that they had received information about a local carpenter training program. When this resident finally learned of this program, he was no longer receiving unemployment and no longer had the free time he once had to attend these classes. This missed opportunity to develop this skill was disappointing to this resident.

There are many residents and local agencies that share the desire of rising Niagara Falls, but often there is a breakdown in effective publishing of this kind of information. Guidance to local services, volunteer opportunities, and training programs are just a few examples of why we need to begin developing a unified platform of information. “Roughly three-quarters of Americans (77%) now own a Smartphone, including lower-income Americans and those ages 50 and older are exhibiting a sharp uptick in ownership over the past year”, according a Pew Research Center survey conducted in November 2016. Using technology to our advantage we are partnering with local agencies to create an alpha-directory of local services. This directory has the potential to be at the thumb of each city resident.

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This mobile application has been designed from my desire and inspiration to connect the City of Niagara Falls. The purpose of this app is to bring this network of local agencies to the thumb of the individual in need. In December of 2013, the John R. Oshei Foundation by the University at Buffalo Regional Institute, prepared "A Community Report: City of Niagara Falls". In the report, page 6 states "Residents express a lack of awareness of the programs and services in the community that can help them". In order for our City to progress, we need to create an efficient channel to available services and this mobile app will do just that. You will have access to information regarding health care, social services, legal advice, employment & training programs and so much more.

### **The Goal**

The Connect and Protect Niagara mobile app solves the issue of resident's lack of awareness of local agencies, services and programs that are available to improve each resident's quality of life. This also reduces the duplication of many services and creates a unified platform of services. This creates an efficient form of communication for agencies and residents. By partnering with agencies and residents within Niagara Falls, we can increase awareness while also establishing trust and equality.

### **The Objective**

The Connect and Protect Niagara mobile app is a partnership between The City of Niagara Falls and Niagara University. Dr. Yonghong Tong and his students' team will be working with Mr. Ezra P. Scott Jr. and the City of Niagara Falls Management Information Services (MIS) Department to accomplish this work. Dr. Yonghong Tong and Mr. Ezra P. Scott Jr., will create a local directory of local services by requesting local agency's partnerships. The obligation of local agencies who partner with the Connect and Protect mobile app will be to consistently and accurately input data about their agency and services, through proper security features. Agencies will also have limited access to the City of Niagara Falls website to upload agency information to the mobile app. The application will be regularly promoted in the media encouraging agencies to partner and upload information to the mobile app.

### **Benefits / Impacts**

- Expand your reach.
- Complementarity of services.
- Strengthen /support the existing coalition of human services providers
- Transform public perception and maximize awareness of agency(s).
- Drive citizen engagement with limited resources and budget.
- Improve your services and customer experience.
- Become more authentic and transparent.

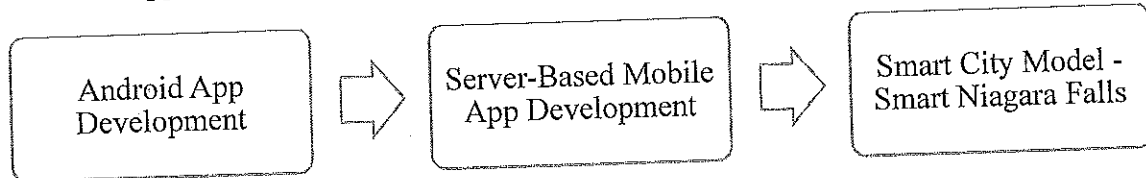
4 cont

- Greater opportunities for human connections, increasing resident follow through who are seeking services.

### Methodology:

#### 1. Model Design

This project include three phases: Phase 1: Android-based application development, Phase 2: Server-based application development, and Phase 3: Smart City model application development.



#### 2. Development Plan:

Phase 1: Android app development (9/1/2017-12/15/2017)

In this phase, an Android OS based app will be design and developed. The main functionalities include:

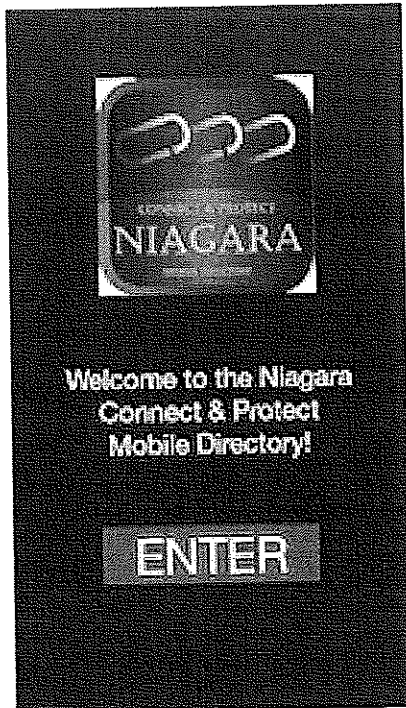
- 1) Find and access interested information
- 2) Show location on map
- 3) Make a phone call

Main work:

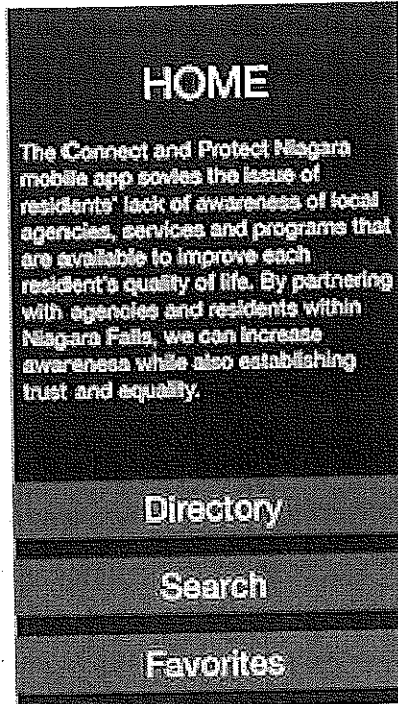
- 1) Planning – Activities, themes, and music
- 2) Design screen layout
- 3) Design database
- 4) Design images
- 5) Development
- 6) Test
- 7) Improvement

Draft Design:

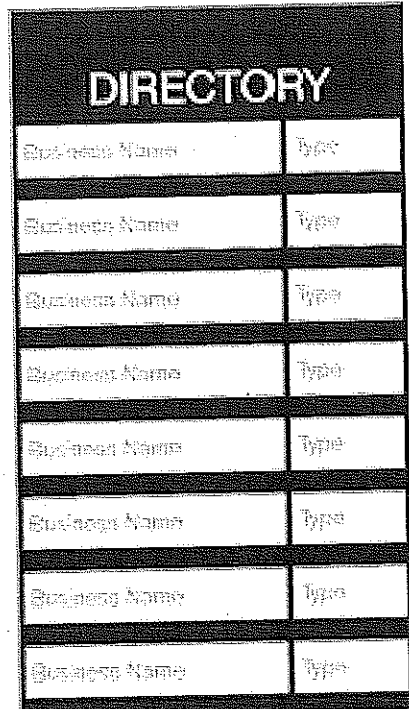
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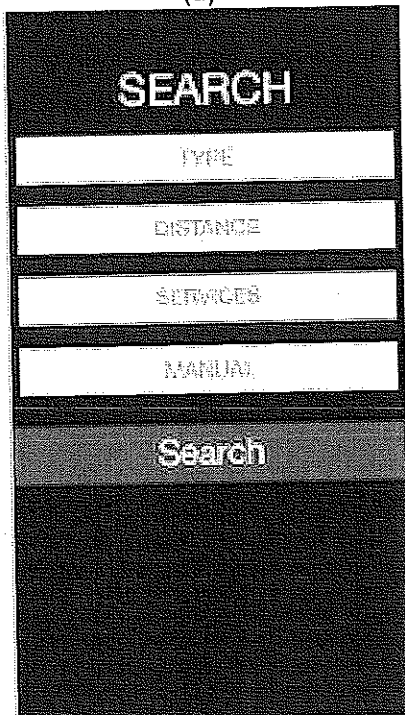
(a)



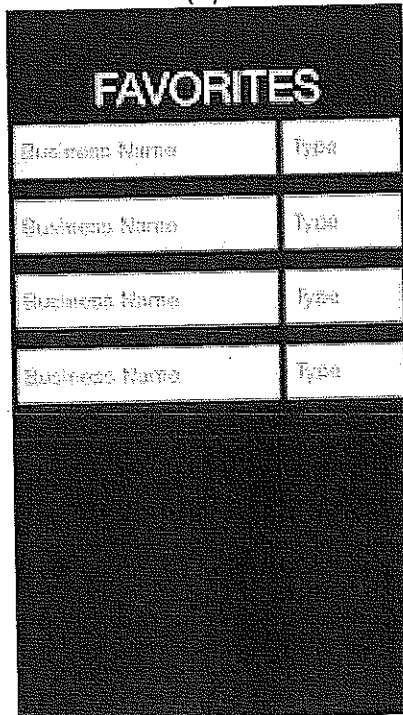
(b)



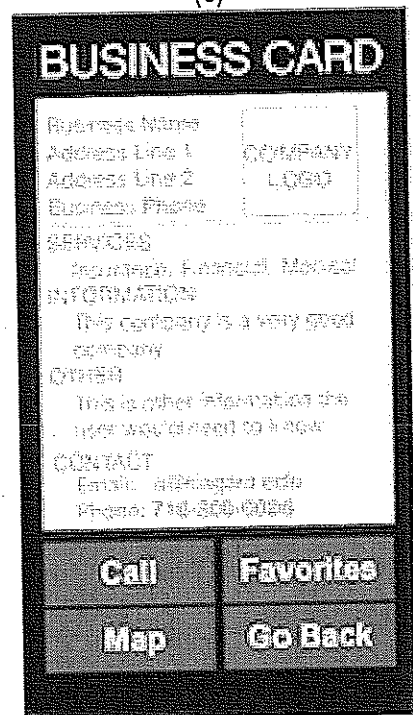
(c)



(d)



(e)



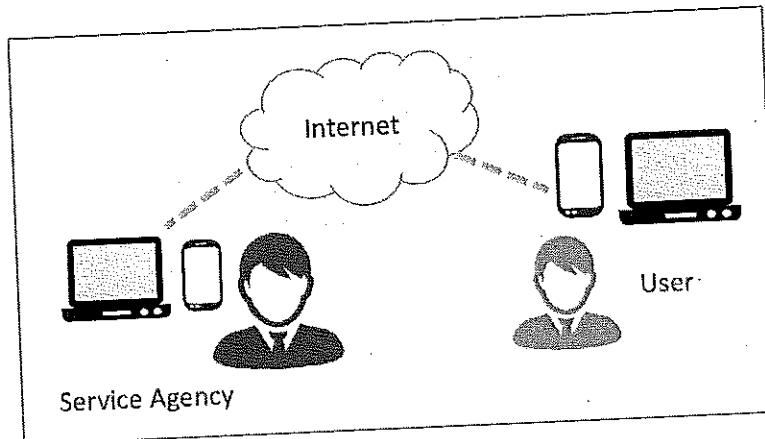
(f)

Phase 2: Server-based mobile app development (1/15/2018- 12/31/2018)

In this phase, based on the app developed in Phase 1, a server based database application will be developed. The main functionalities in the phase include:

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- 1) Automatically update information on mobile device
- 2) Report/write comments to service providers
- 3) Service provider can register a service via Internet
- 4) Usage statistics and visualization – (for officials and data analyst)



### Phase 3: Smart City Model – Smart Niagara Falls (1/1/2019-12/31/2019)

In this phase, based on the app developed in Phase 1 and Phase 2, a Smart City model for Niagara Falls will be developed. The main functionalities in the phase include:

- 1) Automatically update information on mobile device
- 2) Report/write comments to service providers
- 3) Service provider can register a service via Internet
- 4) Usage statistics and visualization – (for officials)

### Dissemination Plans and the Impact

In order to develop a Connect and Protect Niagara mobile app, it is critical to get a collaboration from various local service agency in the region, particularly in the public domain. We will approach the leadership of City of Niagara Falls and other related organizations in order to discuss possible ways to the operationalization of the app. Once the app is operationalized, we will open our invitations to any agencies that are not included in the original app in order to enhance the depth and width of the app's ubiquity.

We plan to submit this unique project to a national conference for a presentation opportunity. Once receiving some feedbacks from the conference attendees and other colleagues, further development would be conducted to achieve the best to serve the Niagara Falls region, and further to the Western New York. We would like to develop a Smart City model for City of Niagara Falls.

We believe the product of this project have dual contribution onto the resident's life and the economy of the Niagara Falls region, the other on the academia. First, we hope this project will be a great contribution from Niagara University to the city of Niagara Falls and Western New

4 cont

York in general, by helping Niagara Falls to make a solid first step to a 'smart city' in near future. This innovative approach will enhance the effectiveness and efficiency of utilizing the emerging technologies in community. This study will also provide meaningful implications and encouragement to the interested scholars.

### **Student Research Assistant**

Several undergraduate students will be expected to be involved in this research project. They will work together as a team and focus on 1) general information collection; 2) mobile app GUI design and development; 3) Database design and development, 4) Web based application development, 5) image and audio design, and 6) the structure and final app development. All these students should have background in mobile application development. Most important ability for them is the creativity.

### **References**

- <http://www.pewresearch.org/fact-tank/2017/01/12/evolution-of-technology/>
- [https://www.oishei.org/docs/niagara\\_falls2013.pdf](https://www.oishei.org/docs/niagara_falls2013.pdf)





# City of Niagara Falls, New York

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

OFFICE OF THE MAYOR  
Telephone: (716) 286-4310

November 7, 2017

The City Council  
Niagara Falls, New York

*RE: Funding towards expenses for College Simulation Experience*

Council Members:

The College Simulation Experience is taking place once again in the City of Niagara Falls on Friday, December 1, 2017 and Saturday, December 2, 2017 at the Conference and Event Center. This is a two-day event which provides students with a view of a college experience. It includes sessions on social justice and advocacy, social circles and describes fraternity and sorority involvement. It also acquaints students with healthy habits, lifestyles and describes athletics available in a college environment.

There is revenue generated for City businesses through the College Simulation Experience as students attending this experience stay in City hotels, dine in restaurants and visit attractions. It is anticipated that approximately 200 students will attend.

The City is being asked to contribute the sum of \$2,500.00 toward the cost of the College Simulation Experience. Funding is available in tourism fund balance.

Will the Council so approve and authorize the Mayor to execute any agreements in order to implement the same provided any agreements are in form and content satisfactory to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER  
Mayor

Funding is in place

Daniel Morello  
City Controller

2017 NOV - 8 AM 10: 31  
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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_



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CITY OF NIAGARA FALLS  
NEW YORK

November 7, 2017

RECEIVED  
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NIAGARA FALLS  
CITY CLERK'S OFFICE  
2017 NOV -8 AM 10:31

TO: City Council  
FROM: Mayor Paul A. Dyster  
SUBJECT: CHANGE ORDER #1/FINAL - \$0.00  
TROTT ACCESS CENTER PARKING LOT

A contract for the above referenced project was awarded to Louis DelPrince and Sons, Inc. 580 Cayuga Road, Cheektowaga NY 14225 on November 28, 2016 in the amount of \$409,475.00.

Subsequent to the start of the project, the Contractor encountered conditions that were not included in the project's original scope. Soil testing, for both bearing and chemical content, and additional drainage pipe installations constitute the majority of the extra tasks performed by the Contractor, for a total cost of \$7,200.00. However, cost underruns on other items contained in the contract will allow these tasks to be performed at no additional cost to the project.

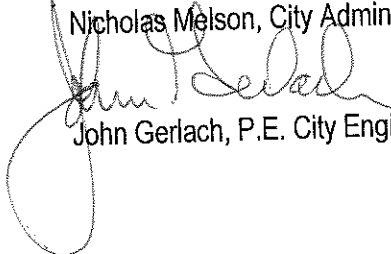
Will the Council vote to so approve and authorize the Mayor to execute a contract in a change order acceptable to the Corporation Counsel?

Respectfully submitted,



Mayor Paul A. Dyster

Nicholas Melson, City Administrator



John Gerlach, P.E. City Engineer

Council Meeting: November 13, 2017

NOV 13 2017

Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

CITY OF NIAGARA FALLS  
NEW YORK

November 3, 2017

**TO:** City Council  
**FROM:** Mayor Paul A. Dyster  
**SUBJECT:** CHANGE ORDER #1 – Consultant Services for  
Rehabilitation of Buffalo Avenue, Bridge over  
Cayuga Creek – PIN 5761.44

A contract for the above reference project was awarded to C & S Engineers, Inc. on July 23, 2017 for professional services and design related tasks. Change Order #1 is to add funding for the tasks associated with Construction Support Services and Construction Inspection to the consultant's current contract.

Therefore it is the recommendation of the undersigned that Change Order #1 in the amount of \$43,000.00 be approved.

Please note that the City is receiving 80% reimbursement of all project cost from Federal Highway Administration, 15% State Marchiselli Funding, and the Local share funding match of 5%.

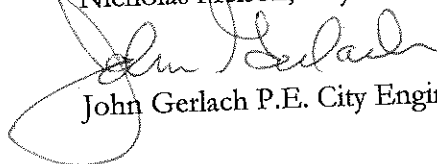
Will the council vote to so approve and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

Respectfully submitted,



Mayor Paul A Dyster

Nicholas Melson, City Administrator



John Gerlach P.E. City Engineer

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Funding Approval



Daniel Morello, City Controller  
Council Meeting: November 13, 2017

NOV 13 2017

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CITY OF NIAGARA FALLS  
NEW YORK

November 6, 2017

TO: City Council  
FROM: Mayor Paul A. Dyster  
SUBJECT: CHANGE ORDER #1/FINAL - \$ 2,600.00  
70TH STREET PLAYGROUND INSTALLATION

A contract for the above referenced project was awarded to Gardenville Landscape & Nursery LLC on February 21, 2017 in the amount of \$109,608.50.


Prior to the completion of the project, the Contractor encountered two issues that led to the performance of additional tasks that were not within its original scope of services. The first issue dealt with the removal and replacement of stolen/vandalized playground equipment. Additionally, at the request of the Engineering and Parks Departments, the Contractor provided secure, on-site storage for park and playground equipment not directly related to this project. This extra storage protected recently purchased assets while saving City and Contractor personnel the time and effort of "double handing" materials and securing them as well. The cost for performing both tasks were \$1,100.00 and \$1,500.00, respectively, bringing the final change order to a "not to exceed" amount of \$2,600.00, and the project's final total to \$112,208.50. Funding is available from the Community Development Department.

Will the Council vote to so approve and authorize the Mayor to execute a change order in a form acceptable to the Corporation Counsel?

Respectfully submitted,

  
Mayor Paul A. Dyster

Nicholas Melson, City Administrator

  
Seth Piccirillo, Director of Community Development

  
John Gerlach, P.E. City Engineer

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Council Meeting: November 13, 2017

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**CITY OF NIAGARA FALLS  
NEW YORK**

November 7, 2017

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**TO:** City Council  
**FROM:** Mayor Paul A. Dyster

**SUBJECT: LETTER OF AWARD FOR HYDE PARK BALL DIAMOND IMPROVEMENTS – PHASE 1**

The following is the result of bids received on October 5, 2017 for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ALTERNATE BID</u>	<u>TOTAL BID</u>
4 <sup>th</sup> Generation Construction Inc. 5650 Simmons Avenue Niagara Falls, NY 14304	\$347,000.00	\$154,000.00	\$501,000.00

Due to funding constraints, the low bidder, 4<sup>th</sup> Generation Construction, Inc., has agreed to accept award of the contract with the removal of one of the bid items (Bid Item 5 – Construction of New T-Ball Diamond, \$95,000.00), as well as an adjusted amounts for Bid Items 1 (Survey & Stakeout) and 6 (Mobilization) proportional to the reduced total bid. This would result in a reduced total base bid in the amount of \$244,600.00. It is recommended that the alternate bid not be awarded.

Improvements to Hyde Park Baseball facilities will not require any municipal general fund or casino capital fund revenue. The entire project, including the purchase of equipment and installation, is funded by United States Department of Housing and Urban Development Community Development Block Grant (CDBG) grant funds. These improvements will best serve Hyde Park Babe Ruth Little League operations and also promote better safety in the area, as they will move more activities off of the Linwood Avenue/Hyde Park Boulevard corner.

The Niagara Falls Community Development Department (CD) partnered with Niagara Falls Engineering Department and Hyde Park Babe Ruth Little League to plan these improvements. The Niagara Falls City Council approved this project as part of the 2016 Action Plan. The administration is hopeful that in addition to serving current league play, improved fields will encourage more local, regional, and out of state tournament play at Hyde Park and Niagara Falls. These enhanced fields can supplement the growing youth baseball trend at Sal Maglie Stadium, and facility availability at the Niagara Falls High-school Sports complex and Midtown Field.

It is the recommendation of the undersigned that this project be awarded to the sole bidder 4<sup>th</sup> Generation Construction Inc. in the amount of \$244,600.00.

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

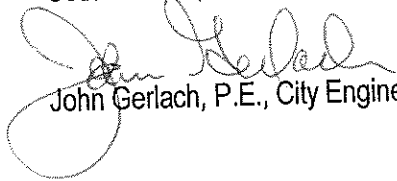
4 cont

Respectfully submitted,

  
Mayor Paul A. Dyster

Nick Melson, City Administrator

  
Seth Piccirillo, Director Community Development

  
John Gerlach, P.E., City Engineer

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CITY OF NIAGARA FALLS  
NEW YORK

November 7, 2017

TO: City Council  
FROM: Mayor Paul A. Dyster  
SUBJECT: COMPLETION OF TENTH STREET RECONSTRUCTION PROJECT  
PIN 5757.17

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The following was the result of bids received on July 12, 2017, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Accadia Site Contracting Inc.	\$339,407.19
Mark Cerrone Inc.	\$443,421.50
Scott Lawn Yard	\$449,892.00
4 <sup>th</sup> Generation Construction Inc.	\$458,541.80

It is the recommendation of the undersigned that this project be awarded to the lowest responsive bidder, Mark Cerrone Inc. at their base bid of \$443,421.50. The City Council previously approved resolutions appropriating funding which is still available in the original fund balance.

Our design consultant Foit Albert Associates has reviewed the bid package and recommended award of this project to the above-referenced contractor. Please note that this award is Federally reimbursable and also State (Marchiselli) reimbursable, costing the City only 5% of the total contract cost.

It is recommended that this contract not be awarded to the apparent low bidder, Accadia Site Contracting, Inc. Though Accadia's bid was substantially lower (approximately 30%) than the next lowest bid, we believe that Accadia's bid fails to comply with the City's bid specifications and should therefore be deemed non-responsive. When questioned regarding its bid submission, Accadia's representative explained that they believed that the City's specifications for the amount of asphalt required to complete the project was incorrect and adjusted the bid amount accordingly. Thus acceptance of Accadia's bid (which does not comply with the bid specifications) would likely deprive the City of the assurance that the contract will be entered into, performed and guaranteed according to the specified requirements.

In addition, if the City accepted Accadia's position that a lesser amount of asphalt is required, it would effectively be an alteration of the bid specifications for the benefit of one bidder over other bidders, and undermines the competitive bidding process.

Will the Council vote to reject the bid of Accadia Site Contracting for the reasons stated above, and award the contract to Mark Cerrone Inc. and authorize the Mayor to execute a contract in a form acceptable to the Corporation Counsel?

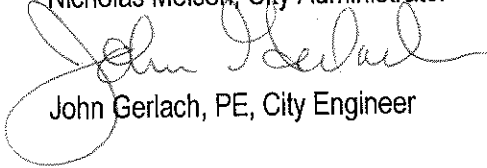
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Respectfully submitted,



Mayor Paul A. Dyster

Nicholas Melson, City Administrator



John Gerlach, PE, City Engineer

Funding Approval:



Daniel Morello, City Controller

Council Meeting: November 13, 2017

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NOV 13 2017





# City of Niagara Falls, New York

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

November 8, 2017

The City Council  
Niagara Falls, New York

RE: Request for Approval to Settle and Pay Claim of Anthony Gardner of 8818 Frontier Avenue, Niagara Falls, NY 14304

Council Members:

Date Claim Filed:	October 2, 2017
Date Action Commenced:	N/A
Date of Occurrence:	August 18, 2017
Location:	8518 Frontier Avenue
Nature of Claim:	Forestry was grinding a stump to a tree, previously removed, and struck a brick which shattered and chunks flew up into claimant's driveway striking his vehicle causing damage
City Driver:	N/A
Status of Action:	Claim Stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$566.68
Make Check Payable to:	Anthony Gardner
Conditions:	General Release to City received by Corporation Counsel.

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

Respectfully submitted,

CRAIG H. JOHNSON  
Corporation Counsel

WAF

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RESOLUTION No. 2017-

**RELATIVE TO AMENDING RESIDENT PARKING RATES IN DOWNTOWN  
NIAGARA FALLS**

BY:

Council Member Andrew Touma

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**WHEREAS**, by Resolution adopted on September 6, 2016, this City Council initiated a program to allow residents of the City of Niagara Falls to park their vehicles in the three City owned parking lots and the parking ramp in the downtown area at a reduced rate when attending events and/or visiting locations in the downtown area rather than pay established per diem rates; and

**WHEREAS**, this City Council believes that a \$25.00 annual fee to be paid by a resident of the City of Niagara Falls for the first passenger vehicle or SUV registered at that resident's home address and a \$15.00 annual fee for each second, third and fourth passenger vehicle or SUV (with four (4) being the limit) registered at that resident's home address in order to park in the three City owned parking lots and the parking ramp located in downtown Niagara Falls when attending events and/or visiting locations in the downtown area continues to be fair and reasonable; and

**WHEREAS**, this City Council wishes to expand that program by offering further reduced rates for those City of Niagara Falls residents who are age 62 or over and also offer a similar program to residents of the County of Niagara who do not reside in the City of Niagara Falls.

**NOW, THEREFORE, BE IT RESOLVED** that commencing January 1, 2018 residents of the City of Niagara Falls may purchase from the Director of the Department of Public Works or his designee a Resident Swipe Card which will be in effect for a one (1) year period of time from

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Grandinetti \_\_\_\_\_ Scott \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Walker \_\_\_\_\_

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the date of purchase, which will enable that resident (or his or her designee) to park his or her passenger vehicle or SUV in the three City owned parking lots located at the corner of Third and Niagara Street or Third Street or First Street and Rainbow, or the City parking ramp for a \$25.00 annual fee for the first passenger vehicle or SUV registered at that resident's home address and a \$15.00 annual fee for each second, third and fourth passenger vehicle or SUV (with four (4) being the limit) registered at that resident's home address; and

**BE IT FURTHER RESOLVED** that in the event that a resident of the City of Niagara Falls is age 62 years or over, the cost to purchase such a Resident Swipe Card is a \$15.00 annual fee for the first passenger vehicle or SUV registered at that resident's home address and a \$10.00 annual fee for each second, third and fourth passenger vehicle or SUV (with four (4) being the limit) registered at that resident's home address; and

**BE IT FURTHER RESOLVED** that a County of Niagara resident not residing in the corporate bounds of the City of Niagara Falls may purchase from the Director of the Department of Public Works or his designee, a Non-Resident Swipe Card which will be in effect for a one (1) year period of time from the date of purchase, which will enable that Niagara County Resident (or his or her designee) to park his or her passenger vehicle or SUV in the three City owned parking lots located at the corner of Third Street and Niagara Street or Third Street or First Street and Rainbow or the City parking ramp for a \$50.00 annual fee for the first passenger vehicle or SUV registered at the Niagara County resident's home address and a \$30.00 annual fee for each second, third and fourth passenger vehicle or SUV (with four (4) being the limit) registered at that Niagara County resident's home address; and

**BE IT FURTHER RESOLVED** that in the event that such a resident of the County of Niagara who purchases a Non-Resident Swipe Card is 62 years of age or over, the purchase price of

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that Non-Resident Swipe Card is \$30.00 for the first passenger vehicle or SUV registered at that Niagara County resident's home address and a \$20.00 annual fee for each second, third and fourth passenger vehicle or SUV (with four (4) being the limit) registered at that Niagara County Resident's home address; and

**BE IT FURTHER RESOLVED** that each Resident Swipe Card and Non-Resident Swipe Card so obtained is valid for a period of one (1) year of time from the date of purchase; and

**BE IT FURTHER RESOLVED** that a Resident Swipe Card or a Non-Resident Swipe Card is issued to a specific passenger vehicle or SUV registered at that resident's home address in the City of Niagara Falls or non-resident's home address in the County of Niagara, respectively, and may be utilized by any person designated by the resident or non-resident, as the case may be, to operate such passenger vehicle or SUV registered at that resident's or non-resident's home address; and

**BE IT FURTHER RESOLVED** that such Resident Swipe Card or Non-Resident Swipe Card may be utilized by a resident purchaser (or his or her designee) or non-resident purchaser (or his or her designee) only when that resident purchaser (or his or her designee) or non-resident purchaser (or his or her designee) is attending events and/or visiting various locations in downtown Niagara Falls and may not be utilized by such purchaser (or his or her designee) if such purchaser (or his or her designee) is employed at a business located in the downtown area and is reporting to his or her job rather than attending an event and/or visiting a location in the downtown area; and

**BE IT FURTHER RESOLVED** that the Resident Swipe Card or Non-Resident Swipe Card may be utilized any day of the week at any time of day, inclusive of Saturday, Sunday and holidays, without restriction; and

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**BE IT FURTHER RESOLVED** that each Resident Swipe Card or Non-Resident Swipe Card is assigned to a specific passenger vehicle or SUV and may not be transferred or utilized for a vehicle other than the one it is assigned to; and

**BE IT FURTHER RESOLVED** that in addition to the annual fee for each Resident Swipe Card or Non-Resident Swipe Card, the purchaser is required to pay a \$10.00 security deposit which will be refunded to the purchaser at such time as the Resident Swipe Card or Non-Resident Swipe Card is surrendered to the Director of the Department of Public Works; and

**BE IT FURTHER RESOLVED** that such Resident Swipe Card or Non-Resident Swipe Card must be displayed upon entering or exiting the three City owned parking lots or parking ramp when the purchaser (or his or her designee) is parking in the City owned parking lots or parking ramp in downtown Niagara Falls; and

**BE IT FURTHER RESOLVED** that the Director of the Department of Public Works or his designee will determine the criteria required to establish residency as well as the protocol required to be followed by the resident purchaser (or his or her designee) or non-resident purchaser (or his or her designee) in the utilization of the Swipe Card; and

**BE IT FURTHER RESOLVED** that this resolution be effective January 1, 2018 and that the City Council resolution adopted September 6, 2016 remain in effect through and including December 31, 2017.

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2017 NOV - 8 AM 10:32

RESOLUTION No. 2017-

*RELATIVE TO AMENDING PARKING RATES*

BY:

Council Member Andrew Touma

**WHEREAS**, the City has installed parking pay stations in the downtown area on various City streets as shown on the map on file in the City Clerk's office; and

**WHEREAS**, the Administration and this City Council wish to amend the rates for parking in the downtown area as concerns on-street and off-street parking.

**NOW, THEREFORE, BE IT RESOLVED** that this City Council does hereby establish rates for on-street parking as being \$5.00 per hour during the peak tourist season defined as May 1<sup>st</sup> – October 31<sup>st</sup> and \$3.00 per hour during the off-peak tourist season which is defined as being November 1<sup>st</sup> – April 30<sup>th</sup>; and

**BE IT FURTHER RESOLVED** that the rates for parking in the RV parking lot located at 256 – 3<sup>rd</sup> Street be established as follows:

- a. For a 24 hour period, the parking rate for a passenger or SUV type vehicle is \$25.00 during the peak tourist season defined as May 1<sup>st</sup> – October 31<sup>st</sup> and \$15.00 during the off peak tourist season defined as November 1<sup>st</sup> – April 30<sup>th</sup>.
- b. For a 24 hour period, the parking rate for a Recreational Vehicle ("RV") is \$50.00 during the peak tourist season defined as May 1<sup>st</sup> – October 31<sup>st</sup> and \$20.00 during the off peak tourist season defined as November 1<sup>st</sup> – April 30<sup>th</sup>; and

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**BE IT FURTHER RESOLVED** that the rate for parking to be charged for the Rainbow/First Street Parking Lot is \$25.00 for each 24-hour period during the peak tourist season defined as May 1st – October 31st and \$15.00 for each 24-hour period during the off peak tourist season defined as November 1st – April 30th; and

**BE IT FURTHER RESOLVED** that the rate for parking to be charged for the City parking ramp as well as the City owned parking lot at the corner of Third Street and Niagara Street is \$25.00 for each 24-hour period during the peak tourist season defined as May 1st – October 31st and \$15.00 for each 24-hour period during the off peak tourist season defined as November 1st – April 30th; and

**BE IT FURTHER RESOLVED** that the rates for parking described herein be applicable regardless of whether the rate specified for parking is collected by an attendant or a pay station; and

**BE IT FURTHER RESOLVED** that the rates for parking established by this City Council by resolution on February 22, 2016 and May 31, 2016 continue through and including December 31, 2017 and the rates for parking described herein become effective January 1, 2018; and

**BE IT FURTHER RESOLVED** that the Director of the Department of Public Works be and is hereby authorized to make occasional adjustments to the parking rates for good cause shown.