

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

September 14, 2018

The City Council
Niagara Falls, New York

*RE: Amendment to agreement with State Parks relative to the creation and operation
of a Dog Park*

Council Members:

Please recall that during the City Council meeting held on July 5, 2018, the City Council approved an agreement between State Parks, the City and Niagara Falls Dog Park, Inc. ("NFDP") which contained the terms and conditions for the creation and operation of a Dog Park in Deveaux Woods State Park. The NFDP was to undertake certain day-to-day operations of the Dog Park such as removal of animal waste and removal of trash, recycling, etc. The agreement also provided for the NFDP to provide both State Parks and the City with an appropriate level of insurance coverage.

The NFDP has now informed State Parks and the City that it will not provide the required insurance. State Parks has advised that it will not enter into an agreement with a party that does not provide an appropriate level of insurance. Therefore, State Parks has re-drafted the proposed agreement to eliminate the NFDP as a party. In order to proceed, the City will be required to provide State Parks with a Certificate of Insurance as well as indemnify State Parks. Attached hereto is a copy of a proposed amended agreement without exhibits. As contemplated in Section 4(b) of the proposed amended agreement, the City may utilize the NFDP volunteers to perform the daily functions that will be required of the City such as removal of animal waste and the removal of trash, recycling, etc. Section 9 allows the City to withdraw from the agreement on thirty (30) days written notice.

Will the Council so approve and authorize the Mayor to execute the amended proposed agreement provided the same is in form and content acceptable to the Corporation Counsel?

Respectfully submitted,

PAUL A. DYSTER
Mayor

Kennedy_____ Scott_____ Tompkins_____ Voccio_____ Touma_____