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JANUARY 1, 2014

ORGANIZATIONAL MEETING **NIAGARA FALLS, NEW YORK**

The January 1, 2014 Organizational Meeting of the Niagara Falls City Council was called to order by Council Chairman Glenn Choolokian at 11:08 AM in the Council Chambers.

The prayer was said by Reverend Raymond Allen and the Pledge of Allegiance to the Flag was said by all in attendance.

The Oath of Office was then administered to Council Members Kristen Grandinetti, Andrew Touma, and Charles Walker by The Honorable Angelo Morinello, City Court Judge.

The Roll was called with Council Members Robert Anderson Jr., Glenn Choolokian, Kristen Grandinetti, Andrew Touma and Charles Walker present.

Council Chairman Choolokian called for nominations for Council Chairman.

Council Member Walker was nominated by Council Member Grandinetti. The nomination was seconded by Council Member Andrew Touma.

As there were no further nominations, nominations were closed and the vote was called.

Yeas	5
Nays	0

Council Member Walker was unanimously elected Council Chairman for 2014.

The Oath of Office was then administered to Council Chairman Walker by The Honorable Angelo Morinello.

The Honorable Angelo Morinello then administered the Oath of Office to Niagara County Legislators representing the City of Niagara Falls:

Dennis Virtuoso
Owen Steed
Jason Zona
Mark Grozio

A Moment of Silence was observed for Reverend Jimmie Seright who recently passed away.

RESOLUTION: COUNCIL, 2014 MEETING SCHEDULE, 2014-1
BY: ALL COUNCIL MEMBERS

Agenda Item #1

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopts the following 2014 City Council Meeting dates as the official

2014 CITY COUNCIL AGENDA AND MEETING SCHEDULE.

5 pm -Work Session 6 pm -Council Meeting

January 6
January 21 - Tuesday

February 3
February 18 - Tuesday

March 3
March 17
March 31

April 14
April 28

May 12
May 27 - Tuesday

June 9
June 23

July 7
July 21

AUGUST RECESS

September 2 - Tuesday
September 15
September 29

October 14 - Tuesday
October 27

November 10
November 24

December 8
December 22

Yeas	5
Nays	0
	ADOPTED

All the Council Members wished the citizens a Happy & Healthy New Year.

There being no further business to come before the Council, Council Chairman Walker adjourned the Meeting at 11:25 p.m.

Carol A. Antonucci
City Clerk

The first session of the January 6, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:04 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Grandinetti moved to approve the Minutes from the City Council Meeting of December 23, 2013.

Yeas	5
Nays	0
	APPROVED

In the Administrative Update, City Administrator Donna Owens reported that Public Works Director David Kinney and Deputy Director John Caso were tracking weather and road conditions since the beginning of the weather event over the weekend, and City streets were being constantly salted. Council Member Grandinetti inquired about the salt that was being used, and the effect of the salt on the roads when the temperatures had dropped so low. Mayor Paul Dyster added that the John Duke Senior Center, the LaSalle Facility, the Library and all the City schools would be closed on Tuesday due to the weather conditions. Council Chairman Walker noted the amount of branches from the last storm that still have not been picked up, and asked if all the DPW crews were only on snow removal. The Mayor responded that the tree branches were a low priority as long as they were not blocking the roadway, and asked for patience from the citizens in dealing with the damages caused by the weather conditions.

Mayor Dyster said that the City is also dealing with water main breaks due to the weather conditions, and noted that no one in the City is without water service. He thanked the outside water crews, the DPW workers and all those who were working to deal with the issues. He added that the Governor had asked all the Mayors in Western New York to keep him informed of issues relating to the weather, and the Mayor would be part of a conference call with the Governor later in the day.

Council Member Grandinetti asked if there were any warming centers in the City, and the Mayor said that the John Duke Senior Center and the LaSalle Facility could be used as warming centers if there was an emergency situation.

Council Member Grandinetti asked that the City Administrator provide an update on the sanitation contract at the next Council Meeting. She also asked that Human Resources Director Ruby Pulliam provide an update on ADA compliance at the next Council Meeting.

Council Member Touma said that he had received a letter from a citizen complimenting the response of the Fire Department to a call about sparking wires during recent ice storm.

Council Member Anderson asked that the Mayor look into the use of Casino funds for tax relief for citizens, and the Mayor spoke on a program funded with Casino dollars that provides tax incentives for businesses.

This Session ended at 5:25 PM

Chairman Walker reconvened the Meeting at 6:01 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Katherine Johnson	Agenda Item #8
Kathie Kudela	Agenda Item #8
Paul Gromosiak	Congratulations to Chairman Walker & Council Member Touma; need for Niagara Experience Center; closing of local History Dept. at Library is disgraceful
Ron Anderluh	Congratulations to Chairman Walker & Council Member Touma; use Casino cash for tax decrease. Eliminate 2-tier tax system and all need to work together for the good of the city

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: NIAGARA COMMUNITY ACTION PROGRAM, INC., FUNDING

Agenda Item #1

The 2014 Budget contains an appropriation in the amount of $27,500.00 for the Niagara Community Action Program Inc. so that it may continue to provide assistance to qualified City residents during fiscal year 2014. This will require that the City enter into a Funding Agreement with this entity.

Will the Council so approve and authorize the Mayor to execute a Funding Agreement in form satisfactory to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	4
Anderson, Choolokian, Grandinetti, Touma	
Nays	0
Abstain	1
Chairman Walker	

APPROVED

CONTRACT: NIAGARA MILITARY AFFAIRS COUNCIL, FUNDING

Agenda Item #2

The 2014 Budget contains an appropriation in the amount of $2,500.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with NIMAC is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: NIAGARA FALLS BEAUTIFICATION COMMISSION, FUNDING

Agenda Item #3

The 2014 Budget contains an appropriation in the amount of $10,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with NBC is required. Funding is available from Tourism Fund Balance

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the NBC?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: NF BLOCK CLUB COUNCIL, FUNDING

Agenda Item #4

The 2014 Budget contains an appropriation in the amount of $10,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with the Council is required.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

PUBLIC WORKS: REORGANIZATION

Agenda Item #5

The DPW Director advises that a Welder position in the Central Garage (A.1640.0000.0110.000) included in the DPW 2014 budget is not needed. The designated salary for this position is $30,566.00. The position that is needed, however, is a Junior Account Clerk in the DPW Administration division (A.1490.0001.0110.000). The salary designated for this position is $22,559.38. Benefits budgeted for each position are the same and are separately budgeted. Abolishing the Welder position and creating the Junior Account Clerk position will result in a savings of $8,006.62.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: WATER BOARD, SAFETY SPECIALIST, SHARING

Agenda Item #6

In 2008 the City and Water Board entered into a Municipal Cooperation Agreement to share a Safety Specialist.

The current Agreement expires on December 31, 2013 and has been a benefit to both the City and the Water Board.

It is recommended that the City enter into an Amendment with the Water Board to provide for an additional four (4) year term commencing on January 1, 2014 and ending on December 31, 2017 with the other terms remaining the same.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: COOPER SIGN, SIGNAGE FOR 19TH ST. PARK, FUNDING

Agenda Item #7

During the City Council meeting on December 23, 2013, the Council unanimously approved naming the City Park on 19th Street in memory of Louis S. Serianni. Attached hereto (on file in the City Clerk's Office) is a copy of the City Council resolution, together with a copy of an artist rendering of the sign proposed to be created, along with a quote from Cooper Sign in the amount of $1,296.00 to create the sign. Installation will be accomplished by DPW crews.

Funding is available from the 2013 Tourism Signage line.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: NIAGARA ARTS & CULTURAL CENTER, FUNDING

Agenda Item #8

The 2014 Budget contains an appropriation in the amount of $30,000.00 for the non-profit agency listed above. In order to effectuate this, an appropriation agreement with the NACC is required. Funding is available from Tourism Fund Balance.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for the NACC?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: INVESTMENT POLICY, ADOPTION, 2014-2
BY: ALL COUNCIL MEMBERS

Agenda Item #9

WHEREAS, New York law requires the governing board of each municipality to adopt an investment policy; and

WHEREAS, the objectives of the investment policy are:

1. to conform with legal requirements
2. to provide for the safety of principal
3. to provide for sufficient liquidity to meet operating requirements
4. to obtain a reasonable rate of return; and

WHEREAS, the attached (on file in the City Clerk's Office) investment policy is designed to satisfy these objectives.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that it hereby adopts the attached investment policy.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NIAGARA GAZETTE, DESIGNATION AS OFFICIAL NEWSPAPER, 2014-3
BY: ALL COUNCIL MEMBERS

Agenda Item #10

BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the designation of the Niagara Gazette as the official newspaper of the City of Niagara Falls, New York for purposes of printing and/or publishing of all legal notices, public hearing notices and any other matters required by law or by the City Council or the Boards of the City to be printed and/or published is hereby continued.

BE IT FURTHER RESOLVED, that this designation shall be in effect for the year 2014, but such designation shall not thereafter lapse until superseded

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TRAFFIC ADVISORY COMMISSION, APPOINTMENT, 2014-4
BY: ALL COUNCIL MEMBERS

Agenda Item #11

BE IT RESOLVED, that the following individual is hereby re-appointed to the City of Niagara Falls Traffic Advisory Commission Board for the term expiring on the date which appears opposite their name:

RE-APPOINTMENT	TERM EXPIRES:
Chester Hyla	12/31/2018

Yeas 5
Nays 0

ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENTS
BY: COUNCIL MEMBERS ANDERSON, CHOOLOKIAN

Agenda Item #12

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Planning Board for the term expiring on the date which appears opposite their names:

RE-APPOINTMENTS	TERM EXPIRES:
Laurie Davis	12/31/2016
Willie Dunn	12/31/2016

BE IT FURTHER RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board for the term expiring on the date which appears opposite their name:

APPOINTMENTS	TERM EXPIRES:
Nicholas Stopa	12/31/2016

Council Member Grandinetti moved to Table the Resolution
Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

TABLED

Council Member Grandinetti said she recently got a lost of the Boards & Commissions that shows the vacancies & she wants a chance to look at the List before she votes for any appointments

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENTS
BY: COUNCIL MEMBERS ANDERSON, CHOOLOKIAN

Agenda Item #13

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Zoning Board of Appeals for the term expiring on the date which appears opposite their names:

APPOINTMENT	TERM EXPIRES:
Samuel Archie	12/31/2016
Robert Ventry	12/31/2016

Council Member Grandinetti moved to Table the Resolution
Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

TABLED

RESOLUTION: WATER BOARD APPOINTMENT
BY: COUNCIL MEMBERS ANDERSON, CHOOLOKIAN

Agenda Item #14

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Water Board for the term expiring on the date which appears opposite their names:

APPOINTMENT	TERM EXPIRES:
Harry R. Palladino	12/31/2016

Council Member Grandinetti moved to Table the Resolution
Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

TABLED

RESOLUTION: SECRETARY TO THE COUNCIL, APPOINTMENT, 2014-5
BY: COUNCIL MEMBERS GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #15

WHEREAS, the current Confidential City Council Secretary has retired effective Monday, December 31, 2013; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that pursuant to the authority of Section 3.2.e of the City Charter, Ryan Undercoffer is hereby appointed as Confidential Secretary to the City Council effective Tuesday, January 7, 2014.

Yeas	3
Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	
Abstain	1
Anderson	
	ADOPTED

Council Member Anderson said he was not part of the process & would therefore abstain from the voting

Council Member Choolokian said it's a shame that the former Chief of Staff was forced to retire & the Council lost a good person

RESOLUTION: MARRIAGE OFFICER, APPOINTMENT, 2014-6
BY: COUNCIL MEMBER TOUMA, CHAIRMAN WALKER

Agenda Item #16

WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capital; and

WHEREAS, couples arrive at the City Clerk's Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the municipal boundaries of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to maintain the existing number of Marriage Officers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, Kristen Grandinetti, a resident of the City of Niagara Falls, New York, be reappointed as a Marriage Officer for the City of Niagara Falls for a term of four years.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:30 P.M.

Carol A. Antonucci
City Clerk

The first session of the January 21, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Corporation Counsel Craig H. Johnson and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Organizational Meeting of January 1 & City Council Meeting of January 6, 2014

Yeas 5
Nays 0
APPROVED

Community Development Director, Seth Piccirillo, spoke about the Third Street Economic Development Projects. He recapped the Private Sector investment in relation to the Public Sector investment. Six store fronts have been sold to Private Developers. 1.7 million dollars in new investments for more permanent jobs, more revenue and more commerce is coming in & it's a win for the City that developers are investing here. There is a dollar for dollar match with Grant funds released only after the project is completed & inspected. He will update the Council on further actions. Council Member Andrew Touma asked if businesses fail within 3 years will they have to pay back the loan, Mr. Piccirillo said, yes, they would have to pay it back. Council Member Kristen Grandinetti stated to Mr. Piccirillo that he is doing a great job.

In the Administrative Update:

1. Senior Planner, Thomas DeSantis, stated that the Mayor attended a meeting in Windsor Ontario about the rollout of the Municipal Adaption and Resiliency Service, (M.A.R.S.) which relates to weather conditions in the Great Lakes Region.

Council Member Grandinetti asked what staff members would be trained for this. Mr. DeSantis responded that the Public Works Department, Engineering Department and the Water Board would be involved.

Mr. Johnson distributed copies of Items to be amended and/or added to the Agenda:

1. A Resolution relative to reappointment/appointment to the Planning Board that was tabled at the January 6, 2014 Meeting.

Council Member Grandinetti moved to remove the Resolution from the table.

Yeas 5
Nays 0
MOTION TO REMOVE FROM TABLE APPROVED

Council Member Grandinetti moved to amend the Resolution by changing the name of the person being appointed to the Board.

Yeas 5
Nays 0
MOTION TO AMEND RESOLUTION APPROVED

This Resolution was added to the Agenda as #24.

2. A Resolution relative to reappointment/appointment to the Zoning Board of Appeals that was tabled at the January 6, 2014 Meeting.

Council Member Touma moved to remove the Resolution from the table.

Yeas 5
Nays 0

MOTION TO REMOVE FROM TABLE APPROVED

Council Member Touma moved to amend the Resolution by changing the names of the persons being reappointed/appointed to the Board.

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Resolution was added to the Agenda as #25.

3. Council Member Grandinetti moved to amend Item #21, relative to Honoring Rev. Jimmie Seright, by correcting the spelling of Rev. Seright's name.

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

4. Council Member Choolokian moved to amend Item #15 by changing the amount of the contract.

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

5. Council Member Touma moved to amend Item #17 by changing the amount of the contract.

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

6. A communication relative to purchasing cold patch for the Department of Public Works.

Council Member Choolokian moved to add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The Communication was added to the Agenda as #26.

7. A communication relative to Emergency Clean-up of the Restaurant at the Hyde Park Golf Course.

Council Member Anderson moved to add the communication to the Agenda

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #27.

8. A communication relative to transfer of funds into Department of Public Works Administration Line.

Council Member Touma moved to add the communication to the Agenda.

Yeas 2
Anderson, Choolokian
Nays 3
Grandinetti, Touma, Chairman Walker

MOTION TO ADD COMMUNICATION TO AGENDA DEFEATED

(four Yea votes needed to add item to Agenda)

This session ended at 6:00 PM

Chairman Walker reconvened the Meeting at 6:10 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Choolokian and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Item #9
Paul Gromosiak	Rev. Seright; celebration of Dr. Martin Luther King, Jr.
Gerald Skrlin	Letter from Health Dept. about rooming house At 154 Buffalo Ave.; letter to Holiday Inn
Diane Tattersall	Likes back to back meetings; approve of Grant Writer Service; Engineering position; Focus on Parks, Recreation Programs; focus on proceeding on Ice Rink; blight on the City; Sal Maglie Stadium

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF DECEMBER 2013
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF DECEMBER 2013
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: 1515 ASHLAND AVE. & 1363 PIERCE AVE., DEMOLITION, CHANGE ORDER 1, REGIONAL ENVIRONMENTAL DEMOLITION, INC.

Agenda Item #3

The City encountered some unforeseen conditions in the course of this demolition contract. At 1515 Ashland Avenue, a wall with 425 square feet of asbestos containing material ("ACM") was discovered concealed behind another wall. This is an unusual occurrence, and results in additional work. The existence of the concealed wall could not have been foreseen by the asbestos services contractor. The removal and disposal of additional asbestos containing material represents an additional cost to the City

The demolition contract does not provide a unit price for removal and disposal of ACM. January, 2012 was the last time the City paid for additional ACM removal and disposal in a demolition contract change order. A different demolition contractor performed that contract, and the City paid $9.00 per square foot for removal and disposal. This proposed change order request is for removal and disposal of the ACM at a cost of $5.88 per square foot, or $2,499.00.

The building at 1363 Pierce Avenue presented unusual difficulties. The roof of the neighboring building was attached to the Pierce Avenue building, and the neighboring building abutted the building to be demolished. The demolition of the 1363 Pierce Avenue building required additional work to prevent damage to the neighboring building. The change order request for the additional work is $2,965.00.

This is the fourth demolition contract since 2011 which Regional Environmental Demolition, Inc. has performed for the City. In one prior contract, a change order was necessary to remove a building from the contract pursuant to a court order prohibiting the demolition. If approved, this change order will be the first for this contractor for additional work and an additional payment. The work reflected in this change order was unforeseen and necessary, and the cost is reasonable.

Funds are available for this change order under CD1.8666.0000.0450.500 (CDR399).

Will the Council vote to approve demolition contract CD2013-2 change order 1 in the total amount of $5,464.00 as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: TREE REMOVAL SERVICES, BENTLY TREE CARE, LLC

Agenda Item #4

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

TO: Bently Tree Care, LLC
9351 Route 20
Ripley, NY 14775
FOR: Removal of trees on City margins, including
stump removal and ground restoration: $92,495.00

The City Purchasing Agent 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 sixteen (16) vendors. Two (2) bids were received. The above referenced company submitted the lowest bid(on file in the City Clerk's Office).

If Council approves, funding will be provided thru Casino Funds that will be transferred into Department of Public Works-Forestry account code A8560.0000.0449.599.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Chairman Walker asked about the discrepancy in prices.
Public Works Director David Kinney responded that sometimes there were no addresses given.

CONTRACT: IN REM, COUNTY OF NIAGARA

Agenda Item #5

Attached (on file in the City Clerk's Office) is a proposed Agreement with the County of Niagara for the current In Rem which sets forth the terms for the distribution of proceeds from the sale of properties acquired in the In Rem.

Will the Council so approve and authorize the Mayor to execute same?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #6

The Director of the Department of Public Works ("DPW") is requesting that the sum of $33,000.00 be made available to the department's Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This $33,000.00 includes $30,000.00 of overtime and $3,000.00 for FICA.

Will the Council so approve?

Council Member Grandinetti moved to table the communication.

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian
Abstain 1
Anderson

TABLED

CONTRACT: SAL MAGLIE STADIUM, LIGHTING, FERGUSON ELECTRIC

Agenda Item #7

Director of DPW is requesting that improvements be made to two lower sets of lights on poles 4 and 6 at Sal Maglie Stadium. The Director advises that this work is necessary in order to remedy a recurring problem. The sum of $15,054.00 is requested in order to accomplish this work and the vendor submitting the best estimate was Ferguson Electric.

Funding is available from H0912.2009.0912.0419.006.

Will the Council so approve the expenditure of these funds for this purpose and the hiring of Ferguson Electric to perform the work?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: ENGINEERING DEPT., CONSULTING, CLARK PATTERSON LEE, FUNDING

Agenda Item #8

The City has been without a City Engineer for quite some time. While the City is in the process of conducting a search for a City Engineer, it is necessary for the City to engage the services of a consulting engineer to be available to the City on an "as needed" basis in order to assist the city engineering staff members with project development and tracking in order to move projects forward. Attached hereto (on file in the City Clerk's Office) is a proposal from the Clark Patterson Lee firm which provides a description of the services it offers and a brief summary of professional experience. The attachment also contains a summary of the hourly rates charged by Clark Patterson Lee staff. Fees will be charged the City on an hourly and "as needed" basis, not to exceed $94,000.00 for one (1) year. This agreement may be extended for one (1) year.

Funding is available from casino revenue.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Touma & Chairman Walker asked that when a City Engineer is hired, the Consultant be used as needed.

Corporation Counsel Craig Johnson stated that the City Administrator will be overseeing the Department.
Council Member Grandinetti said the Engineering Dept. is doing a good job.

CONTRACT: GRANT WRITING SERVICES, FUNDING

Agenda Item #9

In some prior years, the City entered into a non-exclusive Consulting Agreement with an individual to provide grant writing and grant administration services to the City. It is recommended in calendar year 2014 the City enter into an agreement with that same individual to provide those services. The fee for those services is not to exceed $35,000.00. Funding is available from casino revenues adopted 2014 budget in Department of Planning and Economic Development, A8020.4720.0451.000. Attached (on file in the City Clerk's Office) hereto is a copy of a proposal from the grant writer.

Will the Council authorize the Mayor to enter into and execute an agreement with the grant writer in a form acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	

APPROVED

Council Member Anderson stated that the Grant total received is more than the salary for this position.

CODE ENFORCEMENT: ELECTRICAL INSPECTOR, RESTORATION OF STIPEND, FUNDING

Agenda Item #10

The Director of Code Enforcement advises that a $1,200.00 stipend for the City Electrical Inspector was inadvertently omitted from the 2014 Budget. The purpose of the stipend is to compensate the City's Electrical Inspector for time spent, after hours, at meetings of the City's Electrical Board and for overseeing the exam for Master Electrician, including reviewing applications for the exam and attending the exam. Funding is available from Fund Balance.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CITY CONTROLLER: DEBT MANAGEMENT POLICY

Agenda Item #11

The City Controller has undertaken the task of preparing a Debt Management Policy to be followed by those individuals in and outside of City government who are involved in the process of incurring City debt. Attached (on file in the City Clerk's Office) hereto is a copy of that policy.

Will the Council approve the implementation of the attached Debt Management Policy?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTROLLER: REORGANIZATION, FINANCE DIVISION

Agenda Item #12

The City Controller's Office, Finance Division, has in its structure an Account Clerk Grade 7 position at an annual salary of $33,169 plus benefits. It is requested that the Account Clerk Grade 7 position be eliminated and replaced with a Senior Account Clerk Grade 12 position. The annual salary for the Senior Account Clerk Grade 12 position is $38,589 plus benefits. The reason for this is that the individual presently working in the Account Clerk Grade 7 position has been doing the work of a Senior Account Clerk Grade 12 position for quite some time. She has also successfully passed the Senior Account Clerk Grade 12 exam a few years ago.

As a result of a retirement of a Grade 17 employee, this reorganization may be done at this time and still achieve a savings of $4,510.00. It was not possible to do this during the budget process because the Grade 17 employee who retired did not notify the Human Resources Department of her decision to retire in time to accomplish this.

It is requested that this reorganization be effective immediately upon approval of the City Council.

Will the Council so approve the elimination of an Account Clerk Grade 7 position and the creation of a Senior Account Clerk Grade 12 with accompanying salary of $38,589 plus benefits, effective immediately?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: TRAIN STATION, WENDEL DUCHSCHERER, ARCHITECTS AND ENGINEERS, INC., FUNDING

Agenda Item #13

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, construction cost without a wholesale design NY 14228 by City Council on July 25, 2005, which was extended on February 11, 2010 and again on November 13, 2012. The latter extension covered "pre-obligation" requirements of the Federal Railroad Administration and additional "pre-construction" design and bidding activities.

Since then the above Project was publicly bid for construction. However, as of October the Project bids were rejected without award. Since October the Consultant has worked with City Planning and Engineering to reduce Project scope and associated change to meet the City's current budget constraints.

Accordingly there is attached (on file in the City Clerk's Office) hereto a proposal for those additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project as soon as possible.

These additional value engineering and re-bidding work tasks should total $350,000.00. A more detailed explanation of work activities in this additional phase are contained the letter and services summary provided by Susan Sherwood, Wendel Project Manager, dated December 30, 2013, is attached hereto.

The local funding share for this contract and any amendments thereto has previous Council approval. The source of local funding is casino funds. Further, any non-local share, greater than15.6%, is available for full reimbursement under the terms of the existing NYS-DOT Supplemental Agreement No. 2 (Comptroller's Contract No. D017307 for the NF Intermodal Transportation Center Project —PIN 5756.28), which specifically stipulates for reimbursement of eligible expenditures to the City up to $4,366,856.83.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Touma asked Senior Planner Thomas DeSantis who wrote the bid, and Mr. DeSantis responded that it was Wendel Duchscherer. The Council had various questions about the Project, and Susan Sherwood from Wendel responded to those questions.

CONTRACT: ROYAL AVE. REPAVING/RESURFACING PROJECT, CHANGE ORDER #1, L.J. QUIGLIANO, INC.

Agenda Item #14

A contract for the above referenced project was awarded to L.J. Quigliano, Inc. 2395 Lockport Road Sanborn NY 14132 on June 10, 2013, in the amount of $777,320.83.

Subsequent to award and throughout the project, the City and its contractor responded to requests for access and egress, for both supplies and personnel, from the businesses at the easterly end of the project area. Multiple rescheduling, alley rehabilitations, apron relocations and temporary asphalt placements comprised a majority of the extra tasks not included in the project's original scope. Additionally, the existing curbstone and subgrade soils slated for reuse within the industrial corridor were found to be unsuitable, requiring additional effort and materials on the contractor's behalf.

The cost associated with the extra tasks and quantities for the reconstruction of Royal Avenue is $60,933.43, bringing the final contract total to $838,524.26.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: STORMWATER POLLUTION PREVENTION PROGRAM REVIEW, GREENMAN-PEDERSON, INC.

Agenda Item #15

A contract for the above referenced project was awarded to Greenman-Pederson, Inc. (GPI) 4950 Genesee St. Buffalo New York, 14225 on May 14, 2013, in the amount of $7,500.00.

To accommodate reviews the City will need to perform as 2014 gets under way, the undersigned recommends an allotment of a not-to-exceed amount of $7,500.00 at this time. This will allow GPI to continue their review services without interruption.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: PEDESTRIAN ACTIVATED TRAFFIC SIGNAL, CHANGE ORDER #1, SOUTH BUFFALO ELECTRIC, INC.

Agenda Item #16

A contract for the above referenced project was awarded to South Buffalo Electric Inc.1250 Broadway Street Buffalo, New York 14212, on September 4, 2012 in the amount of $80,731.00.

Subsequent to the start of the signal installation, several alterations to the Maintenance and Protection of Traffic, signage, and even the actual location of the signal poles themselves were altered to accommodate the motoring and pedestrian public, while minimizing the impact this project had on the adjacent businesses. Costs associated with the extra tasks, signage and relocations, when coupled with contract underruns, equal $13,692.85. Funding can be made available from existing casino funds.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 4

Anderson Choolokian, Touma, Chairman Walker

Nays 1

Grandinetti

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT/REPAIR PROJECT II, CHANGE ORDER #1, YARUSSI CONSTRUCTION, INC.

Agenda Item #17

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on July 24, 2013 in the amount of $104,500.00.

Subsequent to the award of this contract, additional streets added to the City’s casino-funded portion of the In-House Paving Program required the addition of six (6) new catch basins to be installed that were not a portion of the project’s original scope. The costs associated with the extra basins removal, installation and restoration equal $19,740.00, bringing the final contract total to $124,240.00. Funding is available in Casino revenue.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #18

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Niagara Family Medicine Assoc.	08/14/2013	$ 49.21

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: GEICO, A/S/O LANGDON, STEPHEN

Agenda Item #19

Council Members:

Date Claim Filed:	November 9, 2011
Date Action Commenced:	August 30, 2012
Date of Occurrence:	September 2, 2011
Location:	Rainbow Center Parking Ramp
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Matthew Fedak
Status of Action:	Litigation stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,716.03
Make Check Payable to:	GEICO a/s/o Stephen Langdon
Conditions:	Stipulation of Discontinuance and 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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: ZONING BOARD OF APPEALS, REAPPOINTMENT
BY: COUNCIL CHAIRMAN CHARLES WALKER
Agenda Item #20
THIS ITEM WAS PULLED FROM THE AGENDA.
THERE WAS NO ACTION TAKEN ON THIS ITEM

RESOLUTION: SERIGHT, REV. JIMMIE, HONORING, 2014-7
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Rev. Jimmie Seright, Founder and Executive Director of the New Jerusalem Boys' Reporting Center, a leader in Operation SNUG, and a much-respected member of our community, and

WHEREAS, Rev. Seright remained a model citizen of Niagara Falls until his death, appearing many times before the City Council and Mayor on behalf of programs he believed would benefit our city, and

WHEREAS, our city has benefitted immensely from Rev. Seright's passion for turning around the lives of troubled young men,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council honors the legacy of Rev. Seright and his lifelong commitment to making the City of Niagara Falls a safe place for its residents.

BE IT ALSO RESOLVED, that the comments of Mayor Paul Dyster (on file in the City Clerk's Office) be added to this resolution and kept in the record of the Niagara Falls City Council.

From Mayor Paul Dyster, January 6, 2014:
"Rest in peace, Jimmie. You were one of a kind. We'll carry on, somehow. For those who didn't know him, Rev. Jimmie Seright was a vibrant and charismatic man who faced many challenges in his own life early on, then 'saw the light' and became – by any measure – one of the City's leading citizen. A 'community activist' in the finest sense, he fearlessly interceded in many 'street' situations where something other than a straight-forward police presence was needed—he was always a friend and ally of both our street kids on the tipping edge and our boys in blue. That's not an easy balance to maintain. But people are alive today who might not be if he hadn't answered the call. Finally, he was a friend and spiritual adviser of mine my whole time in office. He had an uncanny knack of showing up to see me when I didn't think anyone but me knew I was blue. We would talk, then hold hands and pray. And I would feel better, and inspired to get back to work. Every time I saw him – even when the topic was a troubled one – he left me smiling. Do you know someone like that? Aren't they a treasure?"

Yeas 5
Nays 0
ADOPTED

RESOLUTION: KING, DR. MARTIN LUTHER, JR., BIRTHDAY, 2014-8
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, Dr. Martin Luther King, Jr. stands as an eternal symbol of the struggle against racial inequality and poverty in the United States of America, and

WHEREAS, Dr. King's commitment to nonviolent activism brought about tremendous, positive change in the moral landscape of America, and

WHEREAS, the City of Niagara Falls seeks to honor the legacy and memory of Dr. King in observation of what would have been his 85th birthday, January 15, 2014,

NOW, THEREFORE, BE IT RESOLVED, that all citizens of the City of Niagara Falls be encouraged to observe the birthday of Dr. Martin Luther King, Jr. by living out the principles of love, compassion, and civic engagement that Dr. King professed during his life, as we work toward the betterment of our country and its people.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PLANNING BOARD, APPOINTMENT/REAPPOINTMENTS
BY: COUNCIL CHAIRMAN CHARLES WALKER
Agenda Item #23
THIS ITEM WAS PULLED FROM THE AGENDA.
THERE WAS NO ACTION TAKEN ON THIS ITEM.

RESOLUTION: PLANNING BOARD, APPOINTMENT/REAPPOINTMENTS, 2014-9
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #24
BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Planning Board effective immediately:

REAPPOINTMENT	TERM:
Laurie Davis 1316 24th Street Niagara Falls, New York 14305	12/31/2016
Willie Dunn 3075 Macklem Avenue Niagara Falls, New York 14305	12/31/2016

APPOINTMENT	TERM:
Charles MacDougall 8227 Bollier Avenue Niagara Falls, New York 14304	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: ZONING BOARD OF APPEALS, APPOINTMENT/REAPPOINTMENTS, 2014-10
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #25
BE IT RESOLVED, that the following individuals are hereby appointed to the City of Niagara Falls Zoning Board of Appeals effective immediately:

REAPPOINTMENT	TERM:
Robert Ventry, Jr. 1884 Niagara Avenue Niagara Falls, NY 14305	12/31/2016
John Pallaci 2711 Linwood Avenue Niagara Falls, New York 14305	12/31/2016

APPOINTMENT	TERM:
James Spanbauer 528 College Avenue Niagara Falls, New York 14305	12/31/2016

Yeas 5
Nays 0
ADOPTED

PURCHASE: PUBLIC WORKS, COLD PATCH, FUNDING

Agenda Item #26

The Director of DPW is requesting that the sum of $90,000.00 be made available for the purchase of cold patch to be used to fill potholes. This was included in the capital plan. The funds are available from casino funds transferred to The General Fund Department of Street Construction code A.5110.0200.0419.006.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4

Anderson, Choolokian, Grandinetti, Council Chairman Walker

Nays 1

Touma

APPROVED

Council Member Touma had reservations about the cost-Purchase of Cold Patch should not be considered a Capital Improvement.

GOLF COURSE: EMERGENCY CLEANUP, RESTAURANT, FUNDING

Agenda Item #27

During the recent period of extremely cold weather, five (5) water pipes burst in the restaurant at the Hyde Park Golf Course. The resulting damage was repaired and an expense of $8,800.00 was incurred in order to repair this damage ($7,800.00 was for a vendor to do emergency cleaning, $1,000.00 was for DPW tradesmen to purchase materials to repair the plumbing, walls, ceilings and smoke detectors). The vendor charge will be to code GC.7250.0200.0449.599 and the tradesmen purchase of materials will be to code GC.7250.000.0419.006. Funding is available from fund balance.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:53 P.M.

Carol A. Antonucci
City Clerk

The first session of the February 3, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson and City Controller Maria Brown.

Police Superintendent Bryan DalPorto gave a presentation on the use of CompStat by the Department. He said that: CompStat (Comparative Statistics/Computer Aided Statistics) is very effective as it allows the Department to identify problems and trends and to react proactively; Officers can be deployed as needed; it has been used effectively for other Police Departments for over twenty years; the Department holds regular CompStat Meetings to stay on top of issues; Officers can do their reports while in their cars, and the information is sent directly to Headquarters to be printed out and looked at by a Supervisor. Council Member Touma asked if the Department shared services with other Agencies, and the Chief replied that they worked with the DEA, FBI, US Marshals Service, Border Patrol and other State and Local Agencies. Council Member Anderson asked the Chief what would be the number of Officers he would like to see in his Department, and the Chief said that there are currently 156, and he would like to see 200. Council Member Anderson felt that increasing the size of the Police force might make using CompStat unnecessary. Council Member Grandinetti thanked the Chief for the information given in his Presentation.

Matt Green and Nirel Patel spoke on the development of the Courtyard by Marriott Hotel at 900 Buffalo Avenue. They said that groundbreaking on the $12M Project should be in 6 – 7 weeks, and the Project is being done with private funds and some funding through USA Niagara. The hotel will feature a restaurant and other amenities on site that will be open to the public.

Council Member Touma reported on his attendance at a one day workshop for Public Officials sponsored by NYCOM. He said that the Sessions were very informative and helpful to him as a newly elected Official. Mayor Paul Dyster added that he spoke with NYCOM representatives at the Governor's State of the State Address who were looking forward to the attendance at the Workshop by City Officials.

Corporation Counsel Craig Johnson distributed copies of Items to be added to the Agenda:

1. A Resolution relative to appointment to the Water Board, which was tabled at the January 6, 2014 Meeting.

Council Member Grandinetti moved to remove the Resolution from the table.

Yeas	5
Nays	0

MOTION TO REMOVE RESOLUTION FROM TABLE APPROVED

Council Member Touma moved to amend the Resolution by changing the name of the person appointed to the Board.

Yeas	5
Nays	0

MOTION TO AMEND RESOLUTION APPROVED

The Resolution was added to the Agenda as #16.

2. A communication relative to expenses to address the systemic problem involving frozen water lines.

Council Member Anderson moved to add the communication to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

Chairman Walker noted a misspelling of the name in Agenda Item #15, a Resolution relative to honoring Black History Month and Ada Lucile Williams.

Council Member Touma moved to amend the Resolution by changing the spelling of Lucile to include two "l's".

Yeas 5
Nays 0

MOTION TO AMEND RESOLUTION APPROVED

This Session ended at 5:55 PM.

Chairman Walker reconvened the Meeting at 6:13 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Dan Davis	Agenda Item #3
Paul Gromosiak	Perturbed by overuse of Buffalo Connection with other areas; Niagara Experience Center will spur other development

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: ROPE RESCUE EQUIPMENT, FIRE DEPARTMENT, FUNDING

Agenda Item #1

The Fire Chief advises that it is necessary to purchase replacement rope rescue equipment. The sum of $11,907.00 is needed for this purpose. Attached (On file in the City Clerk's Office) is a communication from the Fire Chief that itemizes the equipment that is needed. This amount was included in the NFFD 2014 Capital budget. Casino revenues are the source of this funding. These dollars will be transferred to account code H0818.2008.0818.250.000

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: GOLF COURSE RESTAURANT, ADJUSTMENT TO LICENSE AGREEMENT

Agenda Item #2

In the late summer of 2011, a problem developed with the air conditioning unit in the restaurant at the Hyde Park Golf Course run by the City's licensee. The weather was unusually warm during this period of time. The City was unable to repair this air conditioning unit in a timely fashion and in order to conduct his business and preserve his customer base, the licensee rented temporary air conditioners in order to address the problem. He advises that he did so with consent of a City representative. The licensee paid for these air conditioning units he rented from a vendor. The cost was $3,250.00. Attached (on file in the City Clerk's Office) is a copy of the invoice. The License Agreement specifically makes the air conditioning unit the City's responsibility. Because of the existence of this problem and continuing discussions

between the City and the licensee about a resolution, the licensee did not pay his license fee in 2012.

After much discussion with the licensee about options available, it is recommended that the City set off the cost of renting these two air conditioning units ($3,250.00) which is the balance before sales tax, from the licensee's payments due the City for year 2012 ($4,050.00). The licensee is current for all other years of the license. That leaves a balance due from the licensee of $800.00 which will be paid upon execution of an agreement resolving this matter.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

FIRE DEPARTMENT: ADMINISTRATION BLDG., REHAB WORK/REPLACE ITEMS

Agenda Item #3

The Fire Chief advises that it is necessary to do rehab work and replace certain items at the NFFD Administration building on Walnut Avenue. Damage occurred over the years from a leaking roof which must be addressed. There is also construction that was never completed which must be finalized and there is certain furniture, etc. which is in need of replacement. Attached (on file in the City Clerk's Office) hereto is an itemized list of necessary items which total $33,899.00. These items were included in the NFFD 2014 Capital Budget for infrastructure. The source of these funds is casino revenues. These dollars will be transferred to account code H1311.2013.1311.0449.599.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: HARLESS, DONALD

Agenda Item #4

Date Claim Filed:	July 20, 2013
Date Action Commenced:	N/A
Date of Occurrence:	July 3, 2013
Location:	2808 Lewiston Road, Niagara Falls, NY
Nature of Claim: Property damage	sustained from broken sewer pipe.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$34,897.59
Make Check Payable to:	Donald Harless
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: JACKSON, GLORY

Agenda Item #5

Date Claim Filed:	December 12, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 12, 2013
Location:	Griffon Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Robert E. Meidenbauer, Jr.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,495.80
Make Check Payable to:	Glory Jackson
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?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSSION

2750 LIVINGSTON AVE., INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #6

DENIED:

1) Request submitted by Savion Piotter, 2750 Livingston Avenue to INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 2750 LIVINGSTON AVENUE. The request was denied since the criteria for the handicapped access space was not met. The residence has a wide driveway to provide access, and therefore the Commission denied this request.

THIS ITEM WAS RECEIVED AND FILED

FERRY AVE. BETWEEN 21ST ST. & 22ND ST., OVERNIGHT PARKING

Agenda Item #7

At a Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended **APPROVAL** of the following item:

INSTALL OVERNIGHT PARKING ON FERRY AVENUE BETWEEN 21ST STREET & 22ND STREET (SOUTH SIDE ONLY) WITH "NO PARKING TUESDAY 7AM TO 1PM" RESTRICTION

The New York State Department of Transportation has agreed to allow overnight parking on this roadway as long as it satisfies the City's requirements.

A Petition from the residents of this block was received with 66% signatures.

Submitted By: Roxanne Ortenzi, 2113 Ferry Avenue, Apt. #1 and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

4013 BARTON ST., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #8

At the Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 4013 BARTON STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Teresa Wojton, on behalf of her husband Stanley N. Wojton, 4013 Barton Street

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

1118 ASHLAND AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #9

At the Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 1118 ASHLAND AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Carrie Brown, 1118 Ashland Avenue

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

87TH ST. BETWEEN MUNSON & PERSHING AVES., RESCIND ALTERNATE OVERNIGHT PARKING

Agenda Item #10

At a Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

RESCIND ALTERNATE OVERNIGHT PARKING ON 87TH STREET BETWEEN MUNSON AVENUE & PERSHING AVENUE

A Petition from the residents of this block was received with 77% signatures.

Submitted By: Susan Fallon, 718 – 87th Street and Petition/Residents of Block

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

2746 WOODLAWN AVE., INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #11

At the Traffic Advisory Commission meeting held on January 15, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 2746 WOODLAWN AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Jeffrey Tornabene, 2746 Woodlawn Avenue

It is requested that City Council approve this recommendation.

Council Member moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: MARRIAGE OFFICER, APPOINTMENT, 2014-11
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #12

WHEREAS, Niagara Falls has an international reputation as The Honeymoon Capitol; and

WHEREAS, couples arrive at the City Clerk’s Office from all over the world to obtain a marriage license; and

WHEREAS, it is advantageous for the City and convenient to the couple to have these marriages solemnized within the confines of the City of Niagara Falls; and

WHEREAS, the Council finds it appropriate to reappoint a Marriage Officer.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that in accordance with Section 11-c of the New York Domestic Relations Law, the following employee in the City Clerk’s Office, Nadine A. Wasson, be reappointed as Marriage Officer for the City of Niagara Falls for a term of four years.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: TOURISM ADVISORY BOARD, REAPPOINTMENT/APPOINTMENT, 2014-12
BY: COUNCIL MEMBERS ANDERSON, GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #13

WHEREAS, the Niagara Falls City Council deems it desirable to renew the Tourism Advisory Board during 2014;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niagara Falls, New York renews the Tourism Advisory Board, consisting of sixteen (16) members appointed by the City Council; and

BE IT FURTHER RESOLVED that the Board in its function shall cease one (1) year from the date of the adoption of this Resolution.

BE IT FURTHER RESOLVED that the following individuals are hereby appointed to the City of Niagara Falls Tourism Advisory Board effective January 1, 2014 for a term concluding at the expiration date which appears opposite their names:

REAPPOINTMENT	TERM:
Laurie Davis 1316 24th Street Niagara Falls, New York 14305	12/31/2014
Lisa Vitello 4859 Terrance Drive Niagara Falls, New York 14305	12/31/2014
Mark Mistriner 2945 North Avenue Niagara Falls, NY 14301	12/31/2014
Gay Molnar 2114 River Road Niagara Falls, NY 14304	12/31/2014
Adrienne Bedgood 2256 South Avenue Niagara Falls, NY 14305	12/31/2014

APPOINTMENT	TERM:
Frank Strangio 7708 Niagara Falls Blvd Niagara Falls, NY 14304	12/31/2014
Mickey Dumas 1023 South Avenue Niagara Falls, NY 14305	12/31/2014
Shawn Weber 250 Rainbow Boulevard Niagara Falls, NY 14303	12/31/2014
Perry Jost 327 Buffalo Avenue Niagara Falls, NY 14303	12/31/2014
John Briglio 2725 Woodlawn Avenue Niagara Falls, NY 14301	12/31/2014
Dan Mehzir 2208 Weston Avenue Niagara Falls, NY 14305	12/31/2014
Allison Appoloney 333 Prospect Street Niagara Falls, NY 14303	12/31/2014
Ernest Lucantonio 2450 Forest Avenue Niagara Falls, NY 14301	12/31/2014

Willie A. Price 12/31/2014
91 Deuro Drive
Niagara Falls, NY 14304

Kim M. Congi 12/31/2014
8416 Carol Court
Niagara Falls, NY 14304

Traci L. Bax 12/31/2014
8654 Hennepin Avenue
Niagara Falls, NY 14304

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SENIOR CITIZEN COUNCIL, APPOINTMENT, REAPPOINTMENT, 2014-13
BY: Council Members Grandinetti, Touma, Chairman Walker

Agenda Item #14

BE IT RESOLVED, that the following individuals are hereby appointed and reappointed, respectively, to the City of Niagara Falls Senior Citizen Council effective immediately:

APPOINTMENT TERM:

Jean Stewart 12/31/2016
(To the seat formerly occupied by the retiring Ms. Elsie Golanka)
3022 Ontario Ave
Niagara Falls, New York 14305

REAPPOINTMENT TERM:

Marie DeFelice 12/31/14
2540 Jerauld Avenue
Niagara Falls, NY 14305

Yeas 5
Nays 0
ADOPTED

RESOLUTION: BLACK HISTORY MONTH, HONORING, ADA LUCILLE WILLIAMS 90TH BIRTHDAY, 2014-14
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, In February we celebrate Black History Month, a time to recognize people who made sacrifices for the common good, whose will was unbending, whose individual ambitions and endowments they put into a service of a cause greater than personal wealth or fame, and

WHEREAS, Ada Lucille Williams born February 29, 1924 in Vicksburg, Mississippi grew up in the segregated south where due to the hard times, she learned the valuable lessons about teamwork and

WHEREAS, Ms. Williams and her late husband James Louis Williams migrated from Vicksburg to Niagara Falls, New York in 1948, joining the New Hope Baptist Church, working in the mission society, raising 9 children, grand children and relatives and babysitting for neighbors while finding time to participate in the March of Dimes and Muscular Dystrophy campaigns, and

WHEREAS, the Williams home served as an oasis for those migrating from the south in search of a better quality of life, Ma Williams, as she is affectionately called, is a founding member of the Mt. Zion Missionary Baptist Church, where she serves as church mother and president of the Missionary Society, she has and continues to inspire those in the community to strive for greatness and put your best foot forward, she is a black pioneer, a virtuous woman, Niagara Falls has been blessed by the life of Ada Lucille Williams in many ways, now

THEREFORE, we the Niagara Falls City Council on behalf of the citizens of this great city would like to wish Ada Lucille Williams a happy 90th, birthday and we are proud to be able to do this during this month of recognition of African Americans who have contributed so much to the success of this country, of this state and this city..

Yeas 5
Nays 0
ADOPTED

RESOLUTION: WATER BOARD, APPOINTMENT, 2014-15
BY: COUNCIL MEMBER GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #16

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Water Board effective immediately:

APPOINTMENT	TERM:
Gary Laible 1118 Pasadena Avenue Niagara Falls, New York 14304	12/31/2015

Yeas 5
Nays 0
ADOPTED

CONTRACT: FROZEN WATER LINES, GROSS PHC

Agenda Item #17

On the morning of February 2, 2014 I declared a Limited State of Emergency for the area of the City described as follows: The 500 block of 72nd Street and the 400 block of 77th Street. At least 12 houses were without water service for several days as a result of frozen water lines. This is believed to be a systemic problem impacting multiple properties and beyond the ability of individual homeowners to address through the exercise of their normal maintenance responsibilities. Subsequent to declaring this Limited State of Emergency, I issued an Emergency Order directing the Acting Director of Code Enforcement to immediately engage the services of an outside contractor to begin the process of thawing water lines resulting in the restoration of water service, as the lack of water poses a threat to public health and safety.

Bids were solicited and the low bid was submitted by Gross PHC (Erie-Niagara Mechanical) of $2,920.00 for work needed to be performed at each property affected. The City reserved the right to add or subtract properties from the list that was compiled. I am requesting that the City Council confirm the retention of Gross PHC (Erie-Niagara Mechanical) the low bidder, to take appropriate action, pursuant to its bid, to remedy this emergency problem and that the sum of $45,000.00 dollars be made available for this purpose.

The City was required to mobilize Code Enforcement personnel to deal with this problem during non-working hours. Therefore, I am requesting that the sum of $2,000.00 plus $153.00 fringe costs be made available to the overtime budget line in the department of Code Enforcement.

Between the amount requested to pay the contractor and the amount requested for overtime, I am requesting that the sum of $47,153.00 dollars, in total, be made available. Funding is available from H0812.2008.Road Reconstruction.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:30 P.M.

Carol A. Antonucci
City Clerk

FEBRUARY 19 ,2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the February 19, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Meetings of January 21 and February 3, 2014.

Yeas	5
Nays	0
	APPROVED

Paul Gromosiak gave a presentation on the history of the Old Stone Chimney, and suggested replicating the house that the Chimney was originally attached to as a museum. Mayor Paul Dyster added that the timeframe for moving the Chimney was advanced by the Robert Moses Parkway Project, and funding was available to move the Chimney as part of the Project.

Deputy Corporation Counsel Thomas O'Donnell spoke on the history of the City Charter and work done on changes in the Charter over the years. He suggested using the Charter that was done by the Charter Commission in the 90's as a basis to start the process of updating and codifying the City Charter.

Council Member Grandinetti asked for an update on the sanitation contract at the next Council Meeting, and City Administrator Donna Owens said that she would provide the update.

Council Member Touma asked if the recommendation of Comptroller Thomas DiNapoli for a multi-year spending plan was being implemented. Mayor Paul Dyster responded that with the Casino funds now coming in, the City's spending plan was on track. The Mayor also encouraged the Council to take another look at participating in the State's Financial Restructuring Plan.

Council Member Anderson said that the condition of streets in the City is deplorable, and asked about getting the Pothole Killer back for use in the City. The Mayor responded that he was putting together a recommendation for the next Council Meeting. Council Member Walker asked if a cost analysis has been done on streets that have been repaired, and then seem to need repairs after a year or so. He also asked if research has been done on the type of materials used in the streets repairs. Council Member Anderson added that the State should provide assistance on repairs on State roads. The Mayor also said that City crews are cold patching streets when they are not plowing/salting the streets. Council Member Choolokian suggested that using a higher quality material for in-house street repairs may be more cost effective.

Council Member Touma inquired about selecting dwellings to be demolished (Agenda Item #3), and Community Development Director Seth Piccirillo responded that three areas of the City are targeted for demolitions with this round of funding. Director of Code Enforcement Dennis Virtuoso added that fire damaged, City owned and structurally unsound buildings are demolished first. Council Member Choolokian asked about the time frame involved before a structure is demolished, and Mr. Virtuoso responded that different situations required different time frames, and that the Housing Court process needed to be speeded up.

Mayor Dyster said that there were a number of persons who had expressed an interest in serving on the Library Board (Agenda Item #13), and he would submit additional names for appointment at the next Council Meeting.

Council Member Choolokian said that he had questions on the settlement in the matter of One Niagara vs Board of Assessment Review (Agenda Item #15) and Corporation Counsel Craig Johnson said that the matter should be discussed in an Executive Session. Council Member Touma moved for an Executive Session at 6:00, and his motion was unanimously approved. His motion to end the Session at 6:14 PM was also unanimously approved.

This Session ended at 6:15 PM

Chairman Walker reconvened the Meeting at 6:20 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Richard Soluri	Agenda Item #15
Tony Farina	Agenda Item #15
Jim Haid	Agenda Item #5
Ken Hamilton	Agenda Items #5, 16, 17
Paul Gromosiak	Lectures at NACC about Portage history; there are good people & good things in this Community
Rev. Kevin Dobbs	Issues in North End relating to Community Development Dept.
Amy Witryol	Covanta Project
Ken Hamilton	Streets renaming; Lewiston Road Project leftovers; ball diamonds & football field in North End; Covanta Project

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF JANUARY 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JANUARY 2014
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DEMOLITIONS, REGIONAL ENVIRONMENTAL DEMOLITIONS

Agenda Item #3

The following bids were opened by the Department of Community Development on February 6, 2014 for the demolition of twenty (20) structures identified on the attached list (on file in the City Clerk's Office).

CONTRACTOR	BID AMOUNT
Regional Environmental Demolitions, Inc.	$456,822.00
Empire Dismantling, Inc.	529,150.00
Metro Contracting, Inc.	592,700.00

It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolitions, at their base bid amount of $456,822.00.

Funding is available from the following accounts
$90,000 – CDBG (CD1.8666.0000.0450.500
$366,822 – H0910.2009.0910.0449.599

Will the Council vote to award contract CD2014-1 to Regional Environmental Demolitions, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

HYDE PARK PLAYGROUND, EQUIPMENT REPLACEMENT, CD BLOCK GRANT FUNDING

Agenda Item #4

The Community Development Department has identified $52,300 in past year United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding that is eligible for Hyde Park Playground equipment replacement. Replacement of Hyde Park Playground equipment is consistent with the recently completed City Parks Master Plan.

Funding is being re-programmed from the following sources:
2011 Single Family Housing Rehabilitation - $25,000
2013 Un-programmed Funding (As a Result of 1212 Niagara Street – Year 2000) – $27,300

The proposed CDBG funds must be allocated and expended on CDBG eligible projects to meet HUD timeliness requirements. Public service programs are not eligible for these re-programmed funds because the City is currently at its 2014 public services cap of 15 percent of the total CDBG allocation.

Reallocation will ensure that these funds are dedicated to a project that meets the CDBG national objectives and delivers a community benefit in 2014.

Will the Council vote to allow the reallocation of $52,300 in CDBG funding to replace Hyde Park Playground Equipment?

Council Member Touma moved to table the communication.

Yeas 4
Anderson, Choolokian, Touma, Chairman Walker
Nays 1
Grandinetti

TABLED

CONTRACT: ISAIAH 61, PRE-DEMOLITION SALVAGE AGREEMENT

Agenda Item #5

Continuous evaluation of traditional municipal demolition practices is a necessity. In 2012, the Niagara Falls Community Development Department successfully began bidding smaller demolition contracts, 10-20 houses, to reduce costs. Adopting a pre-demolition salvage strategy now is another logical way to change our demolition strategy to help create employment and commerce, and to save building materials. The Community Development Department proposes an access and indemnification agreement with the Isaiah 61 Project, Inc. (I61) for pre-demolition salvage. This builds on the City’s job creation/home renovation partnership with the organization.

The agreement will give I61, a fully insured home renovation non-profit organization, access to specific City-owned residential properties on the pre-demolition list. The Community Development Department, in consultation with the Code Enforcement Office, will identify ten structures that I61 can enter for salvage purposes. Fully licensed I61 employees, not students, will be able to remove non-structurally significant materials from the house for re-sale purposes. Only materials which will not disturb any potential asbestos containing materials will be allowed to be removed. Community Development and Code Enforcement will approve in advance any materials to be removed from the structures, as it also oversees pre-demolition environmental services contracts.

After removal, the materials will be sold at the I61 Re-Use store, to be opened this year, generating sales tax and offering a community benefit. Currently, no such store exists in the City of Niagara Falls. In addition, the re-sale store will create three new jobs within I61, offered to graduates of its job-training program. In partnership with the City of Niagara Falls, the permanent home of the I61 Re-Use Store will be the 3721 Highland Avenue Fire House. The Re-Use store will create commerce in a currently vacant, city owned building, returning it to the tax roll.

The salvaged building materials have minimal value. The materials are within structures that the City is paying to demolish. The staff time associated with assessing the actual value per item and creating a public salvage proposal would be higher than the potential collected value. Because the materials have minimal or negative value, the removal of the materials by I61 will not conflict with the New York State Constitution prohibition of gifts of municipal property.

An initial ten house agreement allows the City to evaluate this approach without a long-term commitment. Contracting with an insured organization, with which the City has other performance-based agreements, makes more managerial sense. All salvage work will occur prior to pre-demolition environmental testing, so this contract will have no impact on required abatement. As the removed materials will not be structurally significant, the removal should have no impact on demolition contract cost. As stated above, the Community Development Department bids demolition contracts in 10-20 house increments. Pre-demolition salvage impact will be tracked and evaluated to determine if this will be repeated in the future.

Will the Council so approve the I61 access and indemnification contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: MEMORIAL PARKWAY, 452, SALE

Agenda Item #6

452 Memorial Parkway is currently a city owned vacant house. It was included in the September 14, 2013 Niagara Falls Community Development Home Ownership Auction. Artina K. Deakyne was the successful bidder at $2,650. Property sale was approved by the Niagara Falls Planning Board on January 22, 2014 (Approval of Recommendation Letter Attached)(on file in the City Clerk’s Office).

Purpose of sale: Sale with return vacant, city owned property to the tax roll, prevent a city funded demolition, allow the rehabilitation of a blighted structure and increase home ownership.

Home Ownership Auction Stipulations: (1) Purchaser must live in the home as the prime occupant for no less than five years. (2) Purchaser must agree to rehabilitate the property to code within one year of signing the sale agreement with the City of Niagara Falls. (3) Purchaser must submit a detailed repair/rehabilitation plan to the Community Development within 60 days of the auction date.

Tasks completed prior to Planning Board submission: (1) MiKelly Construction completed a full rehabilitation cost estimate. (2) The Niagara Falls Inspections Department completed a full code violation report. (3) The Community Development Department completed a financial resources review and qualified the successful bidder for the United States Department of Housing and Urban Development Deferred Home Loan Program: $30,000 home renovation. $10,000 led based paint assessment and abatement. (4) Niagara Falls Planning Board recommended disposition on January 22, 2014. Upon City Council approval, the successful bidder will enter into a legal agreement with the City of Niagara Falls, including the stipulations above.

Will the Council vote to allow the sale of 452 Memorial Parkway?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: HYDE PARK ICE FACILITIES RENOVATION, LOCKER ROOMS, DIDONATO ASSOCIATES

Agenda Item #7

In 2009 Request for Proposals were issued by the City for architectural and engineering professional services for the Rehabilitation of Hyde Park Ice Pavilion. The original firm chosen, based on a NYSDOT merit selection process, was DiDonato Associates, P.E., of Buffalo, NY.

The City has negotiated an extension of their services for the next phase including coordination with the ongoing Rink 1 reconstruction approved by Council, slated to start this summer.

It is the recommendation of the undersigned that the scoping and design phases of this project be awarded to DiDonato Associates at its Proposal Price of $94,500.00 Funding is available through Casino Revenues.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: FIRING RANGE/TRAINING EQUIPMENT, FUNDING

Agenda Item #8

The Superintendent of Police has requested certain pieces of equipment for firing range/training for members of the NFPD. Attached (on file in the City Clerk’s Office) is an itemized list of the requested equipment totaling $40,100.00. This equipment was contained in the NFPD 2014 Capital Budget. Casino revenues is the source of this funding.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

FIRE DEPARTMENT: THERMAL IMAGING CAMERAS, FUNDING

Agenda Item #9

The Fire Chief is requesting that the sum of $34,644.00 be made available to his department for the purchase of thermal imaging cameras as well as a truck mount charger. This is pursuant to the attached quote (on file in the City Clerk’s Office). These items were included in the NFFD 2014 Capital Budget. Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPARTMENT: COMPUTER EQUIPMENT/UPGRADES, FUNDING

Agenda Item #10

The Superintendent of Police is requesting certain new computers and upgrades, some of which are in order to comply with the Consent Decree with the Office of the NYS Attorney General. Attached (on file in the City Clerk's Office) hereto is an itemized list of the requested computer equipment and upgrades which totals $42,250.00. This computer equipment was included in the NFPD 2014 Capital Budget. Casino revenues is the source of funding for this equipment.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: FROZEN WATER LINES, APPROPRIATION OF ADDITIONAL DOLLARS, GROSS PHC

Agenda Item #11

During the City Council meeting on February 3, 2014 the City Council appropriated the sum of $45,000.00 in order to remedy the weather-related frozen water line emergency problem that arose in the 500 block of 72nd Street and the 400 block of 77th Street. Recall that the Mayor declared a Limited State of Emergency and issued an Emergency Order which has now been supplemented due to additional properties being adversely affected. The City reserved the right to add or subtract properties from the list of adversely affected properties that existed at that time. Water service has been restored to the properties contained on the original list. There are, however, additional properties that are adversely affected by this systemic problem resulting in frozen water lines. It is therefore requested that an additional $21,000.00 be made available to the Department of Code Enforcement in order to continue the services of the low bidder, Gross PHC (Erie-Niagara Mechanical), to take appropriate action, pursuant to its low bid, to remedy this emergency problem. It is also requested that an additional $1,000.00 be made available to the Department of Code Enforcement overtime line in anticipation of follow up inspections that must be performed.

Funding is available from H0812.2008.Road Reconstruction

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said that if it is determined the issue is the fault of the Water Board then the City should be reimbursed by the Water Board.

CONTRACT: LEWISTON ROAD RECONSTRUCTION II, CHANGE ORDER #4, ACCADIA SITE CONTRACTING, INC.

Agenda Item #12

A contract for the above-referenced project was awarded to Accadia Site Contracting, Inc. on October 1, 2012 in the amount of $4,359,854.00.

Subsequent to the long-awaited completion of the road construction project, several tasks not originally included in the project's scope were performed to effectively finish the outstanding signage, signalization and landscaping issues required within the Lewiston Road right-of-way. The cost associated with these extra tasks is $175,726.00, bringing the final construction total to $4,869,920.00.

It is important to note that a substantial portion ($131,205.84) of this change order request is 95% reimbursable by the New York State Department of Transportation via a pending supplemental agreement. Additionally, any remaining costs ($44,520.16) can and will be added as a damage claim against the original contractor as ongoing litigation continues. Funding is available from Road Construction H0812.2008.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

LIBRARY BOARD: APPOINTMENT/REAPPOINTMENTS

Agenda Item #13

I hereby appoint the following to the Niagara Falls Library Board:

Appointment:	Term Expires:
Miguel J. Marin	12/31/2018

I hereby reappoint the following to the Niagara Falls Library Board:

Reappointments:	Term Expires:
Carmen Granto	12/31/2014
Carrie Hunter Mitchell	12/31/2017
Don King	12/31/2018

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #14

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Cardamone Chiropractic	1/29/2014	$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: ONE NIAGARA LLC, TAX CERTIORARI PROCEEDINGS

Agenda Item #15

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

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

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

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

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

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 3

Anderson, Choolokian, Touma

Nays 2

Grandinetti, Chairman Walker

APPROVED

Council Member Choolokian said he will accept the recommendation of the Corporation Counsel & the City Assessor to approve the settlement.
Council Member Grandinetti said that a dangerous precedent is being set & the City should let the Courts tell us what to do.
Council Member Touma said the choice is to continue a long standing dispute or settle on a compromise & a compromise will provide a continuing revenue stream for the City.

RESOLUTION: CITY CHARTER REVISION, 2014-16
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #16

WHEREAS, this City Council is aware of the fact that there are in existence several versions of the City Charter; and

WHEREAS, issues have arisen which make it apparent that inconsistencies exist in the various versions of the City Charter and that it is necessary to address and eliminate those inconsistencies; and

WHEREAS, this City Council believes that it is in the best interests of the City, its taxpayers and residents to have a City Charter that is able to be understood and used by City officials, City taxpayers and City residents as a resource that defines the relationships between the various branches and levels of City government and also as a foundation upon which to base the orderly transaction of City business.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does hereby declare a need to address and eliminate the inconsistencies in the various versions of the City Charter that exist; and be it further

RESOLVED, that pursuant to Article III, Section 3.2(d) of the City Charter, this City Council does hereby designate itself as a temporary committee to begin the process of addressing and eliminating the inconsistencies between the various versions of the City Charter that exist; and be it further

RESOLVED, that this City Council will meet for this purpose on an "as needed" basis for the purpose of undertaking this Charter revision task and will frequently call upon the public to participate in this process and provide input as the process continues.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: REDUCTION OF SPEED LIMIT IN DOWNTOWN NIAGARA FALLS, HOME RULE
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator George Maziarz introduced Senate Bill No. S4673 and Assemblyman John Ceretto introduced Assembly Bill A06611, as annexed hereto, which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S4673 and Assembly Bill A06611, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

Council Member Grandinetti moved to table the resolution.

Yeas 5
Nays 0
TABLED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

MARCH 3,2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the March 3, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of February 19, 2014.

Yeas	5
Nays	0
	APPROVED

Jeff Pirrone of Goodwill Industries spoke on the Western New York Mobile Safety Net Team, sponsored by the Oishei Foundation. He said that the Team has identified that poverty, unemployment/underemployment, lack of a vehicle for transportation, lack of health insurance and cost of housing have impacted the residents in the area, and the Team is working with other entities to address these quality of life issues.

Deputy Superintendent of Police Kelly Rizzo spoke on the recent situation at a Pine Avenue Store, and said that the investigation is ongoing, and is now being handled by other Agencies. Mayor Paul Dyster commended the Police Department for taking a pro-active approach to the situation, and also commended the presence of Officers walking the streets in areas of the City.

Mayor Dyster spoke on the Agreement for Parking Consulting Services provided by Desman Associates (Agenda Item #5) and said that USA Niagara was assisting the City in developing the Project. During a lengthy discussion on the Project, Chairman Walker questioned the function of the Parking Director; Council Member Grandinetti said that this was not just a "cigar box" operation; Council Member Anderson spoke on implementing a system that was simple to use. Council Member Touma asked that a Council Member be added to the Committee for the Project.

Council Member Touma asked if the City Controller had confirmed that funding was in place for Personnel adjustments in various Departments (Agenda Item #12). Mayor Dyster and City Administrator Donna Owens explained that funding was available in each of the Departments, the personnel changes had been justified by the Department Heads, and no "new" money was being requested. City Controller Maria Brown added that she needed to review the adjustments.

Council Member Grandinetti moved to amend Agenda Item #15 by adding additional names for appointment as Commissioner of Deeds.

Yeas	5
Nays	0
	AMENDMENT APPROVED

This Session ended at 6:13 PM

Chairman Walker reconvened the Meeting at 6:30 P.M. in the Council Chambers with all Council Members present. The Chairman said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Item #5
Sean Edwards	Agenda Items #16, #17
Denise Easterling	Agenda Items #18, #19

Diane Tattersall	Agenda Item #5
Michael Henderson	Agenda Item #5
Michael Quarcini	Agenda Item #5
Paul Gromosiak	Niagara Falls program on History Channel; make Museum of History on electricity
Ron Anderluh	Homestead/Non Homestead proportion; use money from One Niagara settlement for tax relief; develop 39th St. school property
Perry Jost	Condition of Fallside Hotel; condition of street lights in downtown area; condition of Hotel Niagara roof

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPT.: PURCHASE OF VARIOUS ITEMS, SWAT DIVISION, FUNDING

Agenda Item #1

The Police Superintendent advises that it is desirable and, in some cases, necessary to purchase items to be utilized by the NFPD SWAT team, inclusive of a vehicle. The SWAT team presently operates without a vehicle suited for its purposes and it is desirable for the NFPD to acquire one such vehicle. In addition, it is also requested that new bullet proof vests be acquired together with various other items which are included on the attached itemized list (on file in the City Clerk's Office). This is primarily directed at narcotics enforcement. The sum of $341,266.00 is requested for this purpose. These items and those costs were included in the NFPD 2014 Capital Budget. The source of the funding is casino revenues.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said this vehicle has a 20 year life expectancy & he's happy to approve the funding.

CONTRACT: POTHOLE KILLER, PATCH MANAGEMENT, INC,

Agenda Item #2

The City finds itself once again in need of the services of the Pothole Killers. Attached (on file in the City Clerk's Office) hereto is a copy of a proposal from Patch Management, Inc. for year 2014 to provide trucks, operators and materials for 480 patching hours at a cost of $105,000.00. The DPW Director will coordinate with Patch Management, Inc. for the commencement and conclusion of services.

Funding is available from casino revenues. I take this opportunity to once again remind the Council that Patch Management, Inc. is a sole source item.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: POSTRETIREMENT HEALTH BENEFITS PLAN, CONSULTING SERVICES, HARBRIDGE CONSULTING GROUP, LLC

Agenda Item #3

The City Controller is recommending that the City retain the services of Harbridge Consulting Group, LLC to provide actuarial consulting services relating to the Niagara Falls City Postretirement Benefits Plan in order to be in compliance with Governmental Accounting Standard Number 45. The fees for these services are $8,000.00 for calendar year 2014. Funding is available from City Controller's Budget line number A.1315.0000.0451.000.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: SCHOOL DISTRICT, OSC-21, FUNDING

Agenda Item #4

The 2014 Budget contains an appropriation in the amount of $10,000.00 to the School District to assist in funding the operation of the OSC-21, public access channel ("OSC"). In order to effectuate this, an appropriation agreement with the School District is required.

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

Council Member moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Choolokian, Grandinetti, Council Chairman Walker
Nays 0
Abstain 1
Touma

APPROVED

CONTRACT: PARKING CONSULTING SERVICES, DESMAN ASSOCIATES

Agenda Item #5

The City Administrator advises that she has been in discussions with Desman Associates regarding Desman's availability to provide Parking Consulting Services to the City in an effort to implement a series of actions to enhance the City's downtown parking system. Attached (on file in the City Clerk's Office) hereto is a communication from Desman which details the Consulting Services it will provide at an estimated cost of $78,000.00 plus anticipated travel expenses in an amount not to exceed $17,200.00 for a total of $95,200.00. Funding is available from casino revenues.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 2
Grandinetti, Touma
Nays 3
Anderson, Choolokian, Chairman Walker

DEFEATED

Council Member Anderson said he thinks there are more important priorities.
Council Member Choolokian said there are other options for parking & the money should be spent on something more important.
Council Member Touma said there are a lot of positives to do this & this will provide a needed source of revenue.
Chairman Walker said he has more questions that need to be answered.

CONTRACT: 1022 MAIN ST. PROTECTIVE CEILING SCAFFOLDING, SAFESPAN SCAFFOLDING, LLC

Agenda Item #6

The 2014 City budget contains an appropriation for much needed repairs to the roof of the Carnegie Building at 1022 Main Street. Part of the work was to include protection of the interior of the building while repairs are under way.

Recently, a large piece of plaster fell from the ceiling in the Leased Housing Office at the Carnegie Building. There is an immediate need to protect the offices, Carnegie Building visitors and City employees from the future possibility of falling plaster. It has been proposed to erect protective scaffolding as soon as possible. The scaffolding will remain in place until the roof repair is complete, which should take approximately 20 weeks. Scaffolding is a required component of the roof repair, this proposal is simply acceleration of phase one to address the aforementioned safety concerns.

Proposals were solicited to install protective ceiling scaffolding in the Leased Housing Office and front entranceway. Only Safespan Scaffolding, LLC submitted a proposal. The proposal is to install the scaffolding in the Carnegie Building entrance and in the Leased Housing Office, and to remove the scaffolding when the roof repair work is complete. The price is $4,988.00, and includes four weeks of scaffolding rental. Thereafter, the cost of the scaffolding is $135.00 per week. The work will be paid for from State Finance Law 99-h funds, and is necessary for public safety and infrastructure improvement. Funds are available in budget line H0827.2008.0827.0449.599

Will the Council vote to approve the protective scaffolding contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Funding is available.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PURCHASE: LIGHT FIXTURES/LIGHT BULBS REPLACEMENT, LASALLE FACILITY GYM, ANDERSON ELECTRIC

Agenda Item #7

The Department of Public Works Director has advised that it is necessary to replace light fixtures and light bulbs at the LaSalle Facility Gym as fixtures are failing and unsafe conditions are being created. Attached (on file in the City Clerk's Office) is a quote from Anderson Electric for updated fixtures and bulbs in the amount of $3,264.00 and the other is a quote from R.B. Uren Equipment Inc. for the rental of a lift for four (4) weeks in the amount of $1,500.00 with a delivery and pickup fee of $130.00. The City is advised by Anderson Electric that a $2,400.00 rebate will be forwarded to the City by the manufacturer because of the conversion to energy savings fixtures. The total funding needed for this initiative is $4,894.00 minus the anticipated rebate of $2,400.00 for a net City investment of $2,494.00. Attached (on file in the City Clerk's Office) is a memo from the DPW Director detailing the codes to which funds should be transferred. Funding is available from casino funds.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

LAW DEPT.: MICROCASSETTE TRANSCRIBERS, FUNDING

Agenda Item #8

The Corporation Counsel advises that it is necessary to purchase two (2) Microcassette Transcribers at a cost of $550.00 each to replace equipment that is not functioning properly. In addition, it is also requested that two (2) Microcassette Tape Erasers be purchased at a cost of $20.00 each (the transcribers are not equipped with this function). This equipment is necessary to assist with the Law Departments dictation needs. The total cost for this equipment is $1,140.00. Funding is available from casino funds.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NEW ROAD CORPORATION YARD EQUIPMENT STORAGE FACILITY, CHANGE ORDER #1, RB MAC CONSTRUCTION CO., INC.

Agenda Item #9

A contract for the above referenced project was awarded to RB Mac Construction Co., Inc. on September 4, 2012 in the amount of $438,000.00.

During the course of the project, additional necessary site and building work was completed to ensure compliance with applicable codes and various field conditions encountered. The total cost of this additional work is $16,798.29. This change order to the contract will bring the total revised contract sum to $454,798.29. Funding is available in code H1119.2011.1119.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: FIRE DEPT. OFFICERS ASSOCIATION, LOCAL 3359

Agenda Item #10

Attached (on file in the City Clerk's Office), please find the proposed 2013 Memorandum of Agreement between the City of Niagara Falls and the Niagara Falls Fire Department Officers Association, Local 3359. This proposed Agreement is a four (4) year extension of the parties' collective bargaining agreement.

Will the Council so approve and authorize the Mayor to execute the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said this is long overdue & well deserved.

CONTRACT: GOLF COURSE RESTAURANT, PATRICK DRISCOLL

Agenda Item #11

The License Agreement for the operator of the restaurant located at Hyde Park Golf Course expired on November 30, 2013. The City Purchasing division prepared a Request for Proposals ("RFP") for the operation of the restaurant and advertised the availability of this opportunity in the Niagara Gazette and also forwarded the RFP to eleven (11) different vendors. Proposals were received from three (3) different vendors.

The opportunity contained in the RFP is described as a "License to operate a concession during the period of April 1st through November 30th of each year this License is in effect. The concession includes the exclusive sale of all food and drink plus any vending and game machines installed in the club house." The City further requested that proposals be based on a term of five (5) years to commence on April 1, 2014 and end on March 31, 2019. Any agreement reached between the City and the vendor may be "extended annually for up to five (5) additional years through March, 2024, if mutually agreeable." The City further required that the restaurant be open for business during the entire golf season however, it may not be open prior to April 1st or later than November 30th in each year of the License.

The basis for the award was stated to be as follows:

"Award of the concession will be based on the total of the payments for the first five (5) years of the agreement as well as any other offers submitted in the proposals which may be deemed advantageous to the City. Experience in operations of a restaurant/bar shall also be a major factor in determining the best proposal."

As stated previously, three (3) proposals were submitted and each of the individuals submitting a proposal was interviewed. Each individual submitting a proposal described his experience in the restaurant/bar business. The proposals were opened on February 13, 2014 at 11:00 a.m. Attached (on file in the City Clerk's Office) is a spreadsheet detailing the proposals submitted. Since all three (3) individuals have experience in the restaurant/bar business, it is recommended that the City make its award based upon the amount proposed to be paid to the City during the first five (5) year period. The amount to be paid to the City during any annual extensions will be subject to negotiation at that time.

It is recommended that the license to operate the restaurant at the Hyde Park Golf Course be awarded to Patrick Driscoll based on his high proposal of $62,400.00.

Will the Council so approve and authorize the Mayor to execute an agreement specifying the terms and conditions of the license to operate the restaurant at the Hyde Park Golf Course in form and content satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

PERSONNEL CHANGES: VARIOUS DEPARTMENTS

Agenda Item #12

Request approval of the following personnel changes to the 2014 budget. Funding is in place in each of the respective departments.

I. Pursuant to Civil Service Law, the Civil Service Commission has reclassified the following positions that have been changed in a permanent and material way over time. Incumbents have performed additional duties for a number of years and successfully passed the appropriate civil service exams. It is requested that the lower grade positions be eliminated and replaced with the higher grade positions.

- Account Clerk (Grade 7) position at an annual salary of $33,801 to Senior Account Clerk (Grade 12) position at a salary of $35,021 in the Police Department; a salary increase of $1,220
- Account Clerk (Grade 7) position at an annual salary of $34,435 to Senior Account Clerk (Grade 12) position at an annual salary of $35,620 in the Police Department; a salary increase of $1,185
- Jr. Account Clerk (Grade 3) position at an annual salary of $28,062 to an Account Clerk (Grade 7) position at an annual salary of $30,495 in the City Clerk's Office; a salary increase of $2,433

II. A recent retirement in Billings and Collections division of the City Controller's office has created an opportunity for a staff member to not only continue her daily duties and responsibilities but also to share in the burden of additional work which is required by the In Rem tax foreclosure proceedings. This individual is presently a Senior Cashier, grade 12, at an annual salary of $42,499.00. The Senior Cashier position is proposed to be abolished and her new title will be Principal Account Clerk, grade 17, at an annual salary of $44,398.00. Funding for this reorganization is available as a result of the recent retirement of a person in the Billing & Collections division. After this reorganization, a savings of $13,155.00 will be achieved.

III. Increase the hourly rate of Permanent Clerk's position in Planning & Development from current hourly rate of $13.00 to $15.00 per hour, an annual increase of $1,768. The incumbent performs all clerical duties of a full time clerk at a less comparable rate and is not eligible for negotiated pay increases and/or steps. The last pay adjustment occurred in 2007.

Will the Council so approve?

Council Member Anderson moved to table the communication.

Yeas 4
Anderson, Choolokian, Touma, Chairman Walker
Nays 1
Grandinetti

TABLED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #13

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Cardamone Chiropractic	2/03/2014	$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: WULF, DANIEL

Agenda Item #14

Date Claim Filed:	October 24, 2013
Date Action Commenced:	N/A
Date of Occurrence:	October 17, 2013
Location:	City parking lot on First Street
Nature of Claim:	Damage to vehicle at City parking lot.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$499.94
Make Check Payable to:	Daniel Wulf
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS: APPOINTMENTS

Agenda Item #15

The following have requested City Council approval for Commissioner of Deeds for a term from April 1, 2014 to March 31, 2016 .

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Leonard Lapp	City Clerks Office
Dave Kinney	DPW
Michael Kachurek	NFPD
William Smith	NFPD
Betty Ivancic	1246 86th St., NF NY 14304
Lisa Kaczor	7050 Lake side Dr., NF NY 14304
Larry Kensinger	496 23rd St., NF, NY 14303
Carletta Tyson	1744 Tennessee Ave., NF NY 14305
Diane Ward	1416 13th St., NF NY 14305

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: PLUMBING ORDINANCE, AMENDING CHAPTER 1111, 2014-17
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #16

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1111 of the Codified Ordinances entitled APlumbing Code of the City of Niagara Falls, New York@ is hereby amended by amending Section 1111.09 entitled "Registration and Licensing of Journeymen Plumbers" to read as follows:

1111.09 REGISTRATION AND LICENSING OF JOURNEYMEN PLUMBERS

• • •

(e) Examination:

(1) An applicant who has been accepted by the Board shall be given an examination. If the applicant obtains a passing grade, he shall be entitled to a journeyman's license. The Board shall determine a passing grade but in no case shall it be lower than 50 percent.

(2) An individual currently licensed as a journeyman plumber in a municipality in Niagara, Erie, Orleans, Genesee, Wyoming, Chautauqua or Cattaraugus Counties is not required to take the examination set forth in subparagraph (1) above.

• • •

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

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

ADOPTED

Council Member Choolokian said he has concerns that this will hurt current & future Niagara Falls workers.

RESOLUTION: "PERMITS, FEES AND CERTIFICATES", AMENDING CHAPTER 1107, 2014-18
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #17

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 entitled "Permit Fees" to read as follows:

1107.10 PERMIT FEES

No permit shall be issued by the Director of Inspections until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, New York, the School District of Niagara Falls, the State of New York, the County of Niagara or the United States government. The fees to be paid for permits shall be as follows:

• • •

ADDITIONAL PLUMBING FEES:

Application [to take the Plumbing Examination]:

a. Master Plumber	$70.00	
b. Journeyman Plumber	[$70.00]	$100.00

• • •

Registration Fees:

a. Mechanical Contractor	$175.00	
b. Apprentice Plumber	$ 20.00	
c. Journeyman Plumber	[$ 35.00]	$50.00
d. Master Plumber	$200.00	

Renewal Fees:

a. Mechanical Contractor	$150.00	
b. Apprentice Plumber	$ 15.00	
c. Journeyman Plumber	[$ 20.00]	$40.00
d. Master Plumber	$150.00	
e. Inactive Master Plumbers	No fee	

Reinstatement Fees:

a. Apprentice Plumber	$ 20.00	
b. Journeyman Plumber	[$ 35.00]	$50.00
c. Master Plumber	$200.00	
d. Mechanical Contractor	$175.00	

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

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: TUBMAN, HARRIET, HONORING, 2014-19
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, Harriet Tubman, known as the "Moses of her People," for her unrelenting commitment to the freedom and liberty of those held in slavery in the United States in the 1800s, stands as an icon of American heroism and the principle that life, liberty, and the pursuit of happiness are each unalienable human rights, and

WHEREAS, the Niagara region played a pivotal role in Tubman's remarkably successful efforts to help slaves to find safety and freedom, and

WHEREAS, President George H.W. Bush declared March 10, the anniversary of Tubman's death, "Harriet Tubman Day" in 1990, "In recognition of Harriet Tubman's special place in the hearts of all who cherish freedom," and

WHEREAS, New York State Governor George Pataki declared March 10 to be a state holiday in 2003, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls declares March 10 to be "Harriet Tubman Day," an occasion to be marked by reverence for Tubman's contributions and by efforts to live by her example of tireless devotion to justice and liberty.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: LOCAL HISTORY MONTH, 2014-20
BY: ALL COUNCIL MEMBERS

Agenda Item #19

WHEREAS, the City of Niagara Falls was established in March of 1892, when New York State Governor Roswell P. Flower signed the historic charter merging the villages of Manchester and Suspension Bridge, and

WHEREAS, the City of Niagara Falls, now embarking on its one-hundred-and-twenty-second year, stands ready for a new era of growth and progress, and

WHEREAS, this City Council wishes to promote the study and understanding of our rich local history, from the history of Native American settlement in the area, to the exploits of Robert de la Salle and Louis Hennepin, from the part our area played in the American Revolution, to its role in the Underground Railroad, from the rise of heavy industry, to the city's role in producing hydroelectric power, and the myriad of notable city residents that have contributed to entertainment, the arts, sports, science, government, journalism, and other arenas of our culture, as well as all other elements of our area's history, now

THEREFORE, BE IT RESOLVED that we, the Niagara Falls City Council, on behalf of the citizens of this great city declare the month of March 2014 to be Local History Month.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

MARCH 17 ,2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the March 17, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of March 3, 2014.

Sara Capen, Executive Director of the Niagara Falls National Heritage Area, spoke on the establishment of Heritage Areas across the country to preserve the heritage of different areas, and encourage visitors to the area. A partnership was formed with the schools in the area of the Niagara Falls Underground Railroad Heritage Area, and students wrote essays based on the courage shown by Harriet Tubman, and relating that to their own lives. The winning essays were read by the students who wrote them.

Mayor Paul Dyster noted that today was the City's 122nd Birthday.

Chairman Walker asked about the status of the lights in the parking lot at Wrobel Towers. The Mayor said that no one from the Engineering Department was present to respond, but he believed the Project would be ready to go when the weather breaks.

Corporation Counsel Craig Johnson distributed copies of an Item relative to Personnel Adjustments in Various Departments that was tabled at the March 3 Council Meeting.

Council Member Grandinetti moved to remove the Item from the table.

Yeas 5
Nays 0

MOTION TO REMOVE ITEM FROM TABLE APPROVED

The Item was added to the Agenda as #18.

Council Member Choolokian moved to amend the Item by adding the sources of funding.

Yeas 5
Nays 0

MOTION TO AMEND ITEM APPROVED

Council Member Touma expressed concerns on Agenda Item #7, relative to the purchase of vehicles for the Code Enforcement Department. He asked about a policy for management of the fleet, including sharing of vehicles, and a sign in/sign out sheet for vehicle usage and if all the vehicles the City has are really needed. He said that Casino funds should be spent carefully, and asked if a cost analysis had been done on purchasing vs leasing of vehicles. Acting Director of Code Enforcement Dennis Virtuoso responded that his research showed that it was most cost effective in the long run to purchase the vehicles and turn them in every three years for new vehicles. He added that hybrid vehicles are significantly more expensive, and smaller vehicles are not safe in bad weather. Council Member Grandinetti asked about paying mileage to employees using their own cars, and City Controller Maria Brown responded that that would be a very expensive alternative. City Administrator Donna Owens said that the City has been leasing vehicles for at least the last five years due to budgetary issues, but now that Casino funds are available, purchasing vehicles is an option. Mayor Dyster added that a review will be done of the City's fleet of vehicles.

This Session ended at 5:35 PM

Chairman Walker reconvened the Meeting at 6:02 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Charletta Tyson	Agenda Item #4
Diane Tattersall	Agenda Item #15
Paul Gromosiak	Put Tesla Statuary & Arch in front of Transformer House
Ron Anderluh	Happy Birthday to Niagara Falls; commended students who read their essays; Homestead/Non Homestead Equalization rates; use settlement from One Niagara for tax relief
Russ Petrozzi	Homestead/Non Homestead Equalization Rates & make commitment to when this will be done; use settlement from One Niagara for tax relief
Jim Hufnagel	Transfer Tesla Statute into City of Niagara Falls
Carmen Hamilton	Happy Birthday to Niagara Falls; presentation at Niagara Falls Library by Rotary Club on Border Patrol
Joan Johnson	Bring Tesla Statute into Niagara Falls from State Park

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF FEBRUARY 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CLAIMS REPORT FOR THE MONTH OF FEBRUARY 2014
Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

NFMMC: CARDIAC/STROKE CENTER, GRANT

Agenda Item #3

Niagara Falls Memorial Medical Center (NFMMC) requests a $250,000 grant from the City of Niagara Falls to assist in funding the construction of the Cardiac/Stroke Care Center on the third floor at 621 10th Street. In 2013, NFMCC was awarded a $750,000 challenge grant for the John R. Oishei Foundation, on the condition that the investment was matched dollar for dollar by a fundraising campaign. The City's $250,000 will permit NFMMC to meet the challenge grant, and allow the $3.4 million project to move forward this year.

Councilwoman Kristen Grandinetti initiated discussion with NFMMC and the City, proposing a partnership. If approved, the City's investment would be specifically dedicated to the renovation, demolition and health information technology phases of the project. No City funds would be used for architectural services or project planning.

NFMMC is the City's third largest employer, sustaining 1,200 jobs. Capital and technological advancements are needed for the hospital to compete for additional investment, the recruitment of highly qualified employees and existing employee retention. As stated in the recently completed Strengthening WNY's Safety Net: A Presentation of findings for the City of Niagara Falls, employment is highlighted as a critical need. Slightly fewer than 20,000 jobs exist within Niagara Falls. It is essential for the City to proactively invest in employment centers to grow that number, especially the health services industry. The reconstruction of the unit will also create no less than 12 full time equivalent construction jobs for the duration of the project.

A new Cardiac/Stroke Care Center also presents a clear and necessary public benefit to our citizens. The City of Niagara Falls faces some of the worst rates of stroke and heart disease in New York State and the nation. Niagara County's age-adjusted death rate for cardiovascular disease is nearly twice that of the national average. In 2013, over 1,500 patients were hospitalized in NFMMC's existing cardiac/stroke unit. These are staggering statistics that impact the entire community, thus requiring a community-wide solution. The current unit has been in operation for over 40 years, and needs to be completely overhauled to meet the patient demand head on.

The 25-bed NFMMC Cardiac/Stroke Care Center will provide inpatient care to assist the patient return home as soon as possible and provide the patient and family support and information to continue recovery outside the hospital setting. Features of the new unit include all private rooms, a patient/family resource room, a teaching facility for medical education, on-site rehabilitation therapy facilities, advanced technology promoting patient safety and nursing stations placing nurses closer to patients. NFMMC is located in the city's core. Approximately 4,500 Niagara Falls households do not have access to a vehicle. They cannot reach other health care providers in a timely manner. It is safe to assume that this is the same population that would greatly benefit from improved cardiac event/stroke preventative measures. The NFMCC unit is accessible by public transit and centrally located, maximizing its service footprint.

The grant amount will be divided as follows: YEAR 1: $150,000. YEAR 2: $100,000. TOTAL: $250,000.

Will the Council vote to approve a $250,000 grant from casino revenues and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Anderson, Choolokian, Grandinetti, Touma	
Nays	0
Abstain	1
Council Chairman Walker	

APPROVED

Council Member Choolokian said that this is a good project for NFMMC & the City of Niagara Falls. Casino funds should not be used for private entities but this is a good investment for the City of Niagara Falls.
Council Member Grandinetti said that this project is a major milestone for this Community.
Council Member Touma said that this project is good for job creation & improving the quality of life in the City.

ISAIAH 61/HCRC, PARTNERSHIP, NORTH END TRADES JOB TRAINING

Agenda Item #4

The Highland Community Revitalization Committee, Inc. (HCRC) requests $10,000 to establish a North End Trades Training Class in partnership with the Isaiah 61 Project. The funds would be specifically dedicated to the salary of an Orleans/Niagara Board of Cooperative Educational Services (BOCES) instructor teaching the class.

HCRC is a non-profit, charitable organization of concerned citizens and residents seeking to serve as a catalyst for the resurgence and redevelopment of the Highland neighborhood of the City of Niagara Falls. In addition to several community benefit programs, HCRC has executed home renovation/ownership programs with Community Development Block Grant funding via the Niagara Falls Community Development Department as well as other state and federal funding sources.

HCRC seeks to partner with the Isaiah 61 Project for this North End Trades Training Class. The Isaiah 61 Project, in collaboration with O/N BOCES and several funding partners, provides a free 400 hour construction trades job training class to unemployed and under-employed applicants. In the process, Isaiah 61 renovates vacant homes once owned by the city, preparing the structures for home ownership and returning them to the municipal tax roll. HCRC is in the process of purchasing a city owned vacant house within its target area, and has already submitted a purchase request to the city's Legal Department. This house will act as the on-site training space for the North End Class. HCRC will be responsible for securing additional space for the classroom portion of the training program and recruiting students from the neighborhood. This course will be the first step in Isaiah 61's transition to its permanent home in the North End. Later this year, the organization will move into its new headquarters and re-use store at the former fire house at 3721 Highland Avenue.

The Isaiah 61 Project Trades Training Program began in 2012, in partnership with the Niagara Falls Community Development Department and The John R. Oishei Foundation. Since its inception, 30 people have graduated from the program and approximately 75 percent have found local job placement. There is a pressing need for more job training and placement in the City of Niagara Falls. As stated in the recently completed Strengthening WNY's Safety Net: A Presentation of findings for the City of Niagara Falls, slightly fewer than 20,000 jobs exist within Niagara Falls. Access to certified O/N BOCES trades training and the OSHA-10 course is an effective and cost efficient way to connect the under-employed with actual job opportunities.

Will the Council vote to approve a $10,000 grant from casino revenues and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT.: CRIMINAL INVESTIGATION DIVISION/CSI, EQUIPMENT, FUNDING

Agenda Item #5

The Police Superintendent advises that it is necessary to acquire certain pieces of equipment to aid the Criminal Investigation Division/CSI. The equipment requested and the cost of each item is detailed on the attached list (on file in the City Clerk's Office). The total cost of the equipment requested is $63,350.00. These items and the costs were included in the NFPD 2014 Capital Budget. The source of funding is casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: CAPITAL PURCHASES, FUNDING

Agenda Item #6

During the City Council meeting held on September 30, 2013 the City Council approved a request from the Director of DPW to acquire certain equipment/items as Capital Purchases with casino revenues. The amount approved totaled $1,056,900.00. Since that time, the DPW Director has re-evaluated the list of items approved by the City Council and is requesting to make adjustments to that list. Attached hereto (on file in the City Clerk's Office) is a copy of the spreadsheet showing equipment/items approved on September 30, 2013 which now shows two (2) items he requests be deleted (a SUV Hybrid - $29,000.00 and a 75' Bucket Truck - $150,000.00) together with an updated spreadsheet deleting the aforementioned equipment/items and adding six (6) new items which are noted. The new amount totals $1,042,258.74. This updated spreadsheet also reflects current prices for all equipment/items, some of which are higher than they were in September, 2013 and some of which are lower. These items are highlighted. The difference of $14,641.30 will be used for additional expenses needed for the Zoom Team.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT: VEHICLES, FUNDING

Agenda Item #7

The Acting Director of the Department advises that his department currently has nine (9) leased vehicles. Five (5) of those vehicles come off lease in April 2014 while the other four (4) come off lease in July of 2014. The Purchasing Department advises that there are currently no State contract bids for leased vehicles.

It is therefore requested that the sum of $210,594.15 be made available to that department so that it may purchase nine (9) Ford Escapes at the State bid price of $23,399.35 per vehicle. Attached hereto (on file in the City Clerk's Office) is a communication pertaining to the cost of these new vehicles. Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said we need better Fleet management & possibly consolidate vehicle use.

PUBLIC WORKS: SMALL EQUIPMENT PURCHASE, FUNDING

Agenda Item #8

The Director of DPW has requested that the sum of $93,593.77 be made available to his department in order to purchase small equipment. Attached hereto (on file in the City Clerk's Office) is a list of the equipment he advises is necessary. Funding is available from account code H0912.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #9

Please be advised that Mayor Paul A. Dyster, on March 4, 2014, duly approved the following:

1. Resolution 2014-17, relative to Amending Chapter 1111 of The Codified Ordinances entitled "Plumbing Code of the City of Niagara Falls, New York"
2. Resolution 2014-18, relative to Amending Chapter 1107 of The Codified Ordinances entitled "Permits, Fees and Certificates."

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: WELCH, SANDRA

Agenda Item #10

Date Claim Filed:	November 19, 2013
Date Action Commenced:	N/A
Date of Occurrence:	October 26, 2013
Location:	761 Eighth Street, Niagara Falls, New York
Nature of Claim:	Damage to vehicle from fallen limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$1,451.20
Make Check Payable to:	Sandra Welch
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: GRISSETT, JAMIE

Agenda Item #11

Date Claim Filed:	January 8, 2014
Date Action Commenced:	N/A
Date of Occurrence:	December 15, 2013
Location:	1000 block of 22nd Street, Niagara Falls, NY
Nature of Claim:	Vehicle damage due to accident with City vehicle.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$304.56
Make Check Payable to:	Jamie Grissett
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: D'AGOSTINO, LINDA M.

Agenda Item #12

Date Claim Filed:	March 12, 2013
Date Action Commenced:	April 9, 2013
Date of Occurrence:	Various
Nature of Claim:	Employment; lost wages
Status of Action:	Action stage
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$5,000.00
Make Check Payable to:	Linda M. D'Agostino
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: CITY CHARTER, RETAINING SPECIAL COUNSEL, 2014-21
BY: COUNCIL CHAIRMAN CHARLES A. WALKER

Agenda Item #13

WHEREAS, the City Council of the City of Niagara Falls deems it necessary to retain independent counsel to assist the Council in its efforts to reform the Niagara Falls City Charter,

NOW, THEREFORE BE IT RESOLVED, that Mr. Robert M. Restaino be and hereby is appointed Special Counsel to the City Council of the City of Niagara Falls at a monthly retainer of $1500.00, and

BE IT FURTHER RESOLVED, that Mr. Restaino will serve at the pleasure of the City Council without any benefits, with the funds for the current year being available in the 2014 Budget under the Consultants line of the City Council's budget, A1010.1010.0451.000.

Yeas 4

Anderson, Choolokian, Touma, Council Chairman Walker

Nays 1

Grandinetti

ADOPTED

Council Member Grandinetti moved to Table the Resolution, there was no 2nd to her Tabling motion. Therefore the Tabling motion failed.
Council Member Grandinetti said that this would be a conflict of interest for the person named & suggested sending out a request for proposals & getting public imput before acting.
Chairman Walker said he believed the person named is qualified & this project needs to move forward.

RESOLUTION: HOUSING VISIONS PROJECT, SUPPORT, 2014-22
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #14

WHEREAS, Housing Visions Consultants, Inc. (HVC), a 501(c)(3), a not-for-profit organization proposes to execute the $12.1 million Walnut Avenue Homes development, including the redevelopment of 4 underutilized vacant lots, 3 deteriorated and vacant residential buildings, 1 deteriorated and vacant school administrative building, and an underutilized vacant warehouse along Walnut Ave., 5th Street, 6th Street, and 7th Street, and

WHEREAS, Housing Visions brings to the neighborhood quality, affordable housing through the new construction of 7 buildings and substantial rehabilitation of 1 building providing 41 units in the City of Niagara Falls,

WHEREAS, the project foot-print includes four presently underutilized vacant lots, three deteriorated and vacant city-owned houses and the vacant Walnut Avenue City School District Administrative Building, and

WHEREAS, development of the former School District Administrative Building and vacant city-owned houses will eliminate neighborhood blight and vacancy while preventing a costly government-funded demolition, and

WHEREAS, new ownership and development of the parcels will produce actual tax revenue at the site for the first time in a generation, and

WHEREAS, the sale of the former School District Administration building generated new revenue for the Niagara Falls City School District and was overwhelmingly supported by a December 2013 public referendum vote, and

WHEREAS, HVC maintains a strong partnership with the YWCA Carolyn's House, also located on 7th Street, and this development will further the mission of Carolyn's House, and

WHEREAS, the project is specifically identified as a priority project and/or directly supports the recommendations found in the following reports: Comprehensive Plan of the City of Niagara Falls and the City of Niagara Falls Strategic Plan as presented to United States Department of Housing and Urban Development, and

WHEREAS, the project will increase the city's tax base, create local construction jobs, and create new commercial space in the city's core neighborhood, and

WHEREAS, this project will provide needed workforce housing that is accessible by public transit and is in close proximity to major employment centers, and

WHEREAS, the developer has worked with the Niagara Falls Memorial Medical Center, the Niagara Arts and Cultural Center, the Niagara Falls City School District, and various community organizations to move this project forward,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby lends its support to the Housing Visions project and hereby requests an allocation of housing tax credits by New York State Homes and Community Renewal for this critical affordable housing and economic development project and that certified copies of this Resolution shall be sent to Governor Andrew Cuomo, HCR Commissioner Darryl C. Towns and members of the Western New York Assembly and Senate State Delegation.

Yeas 4

Anderson, Grandinetti, Touma, Chairman Walker

Nays 1

Choolokian

ADOPTED

Council Member Choolokian said that he voted against this project in the past because he believes that the PILOT is too long among other things. Council Member Touma said that he was encouraged by the information he received after talking to the developer.

RESOLUTION: NIAGARA CITY LOFTS, SUPPORT, 2014-23
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #15

WHEREAS, the Niagara City Lofts project is the $27.5 million rehabilitation of the former South Junior High School located at 561 Portage Road by Niagara County and New York City-based state-certified Minority Business Enterprise developer, CB- Emmanuel Realty, LLC, and

WHEREAS, the rehabilitation will provide 64 loft apartments and 23,000 square feet of commercial space to downtown Niagara Falls and restore a National Register-eligible historic property, and

WHEREAS, development of the former South Junior building will eliminate neighborhood blight and vacancy while preventing a costly government funded demolition, and

WHEREAS, new ownership and development of the former South Junior building will produce actual tax revenue at the site for the first time in its history, and

WHEREAS, the sale of the former South Junior building generated new revenue for the Niagara Falls City School District and was overwhelmingly supported by a December 2013 public referendum vote, and

WHEREAS, the project is located on historic Portage Road in the Memorial Parkway Neighborhood, which is in the heart of the city and adjacent to the Niagara Falls Memorial Medical Center, the Niagara Arts & Cultural Center, Schoellkopf Park, Haberle Plaza and close to the downtown commercial district, and

WHEREAS, the project is specifically identified as a priority project and/or directly supports the recommendations found in the following reports: Comprehensive Plan of the City of Niagara Falls and the City of Niagara Falls Strategic Plan as presented to United States Department of Housing and Urban Development, and

WHEREAS, the project will increase the tax base create approximately 100 local construction jobs and create new commercial space in the city’s core neighborhood, and

WHEREAS, the renovation of the former South Junior building was awarded a $5 million RESTORE NY grant by Governor David Paterson in 2009, illustrating the state’s commitment to the site, and

WHEREAS, this project will provide needed workforce housing that is accessible by public transit and is in close proximity to major employment centers, and

WHEREAS, the developer has worked with the Niagara Falls Memorial Medical Center, the Niagara Arts and Cultural Center, the Niagara Falls City School District, and various community organizations to move this project forward, and

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby lends its support to the Niagara City Lofts project and hereby requests an allocation of housing tax credits by New York State Homes and Community Renewal for this critical affordable housing and economic development project and that certified copies of this Resolution shall be sent to Governor Andrew Cuomo, HCR Commissioner Darryl C. Towns and members of the Western New York Assembly and Senate State Delegation.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

ADOPTED

RESOLUTION: ACCARDO, FRANK J., HONORING, 2014-24
BY: ALL COUNCIL MEMBERS

Agenda Item #16

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Mr. Frank J. Accardo, a pillar of the local business community, a tireless advocate of local athletics, and a committed community servant, and

WHEREAS, Mr. Accardo was born to Italian immigrants, John and Anna Accardo in Niagara Falls in 1925, and

WHEREAS, Mr. Accardo founded the Accardo Agency, an insurance and real estate agency that has maintained a constant presence in the city's Pine Avenue business district for more than fifty years, and

WHEREAS, Mr. Accardo was a founding member of both the Pine Avenue Business Association and the Mid-Town Little League, and served as one of the longest-tenured members of the Niagara Falls Board of Realtors,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council honors the legacy of Mr. Frank J. Accardo, a model citizen of Niagara Falls, whose success as a small businessman was outweighed only by his commitment to community service and to the betterment of our city.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: JONES, RICHARD, HONORING, 2014-25
BY: ALL COUNCIL MEMBERS

Agenda Item #17

WHEREAS, the Niagara Falls City Council wishes to honor the memory of Mr. Richard "Ricky" Jones, a volunteer firefighter and U.S. Marine who even until his last moments showed a selfless commitment to the service of others, and

WHEREAS, Ricky began volunteering for the Frontier Volunteer Fire Company at age 14, becoming a full member at age 18, and enlisted in the United States Marine Corps soon after graduating from Niagara Falls High School in 2012, devoting his life to serving the country and community he loved so dearly, and

WHEREAS, Ricky's first instinct was always to put the well-being of others before his own, even in the face of danger,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council honors the memory of Ricky Jones: firefighter, Marine, son, friend, and eternal example of selflessness and community service to all who knew him.

Yeas 5
Nays 0

ADOPTED

PERSONNEL ADJUSTMENTS: VARIOUS DEPARTMENTS

Agenda Item #18

Request approval of the following personnel changes to the 2014 budget. Funding is in place in each of the respective departments.

I. Pursuant to Civil Service Law, the Civil Service Commission has reclassified the following positions that have been changed in a permanent and material way over time. Incumbents have performed additional duties for a number of years and successfully passed the appropriate civil service exams. It is requested that the lower grade positions be eliminated and replaced with the higher grade positions.

- Account Clerk (Grade 7) position at an annual salary of $33,801 to Senior Account Clerk (Grade 12) position at a salary of $35,021 in the Police Department; a salary increase of $1,220. Funding is available from the Police Administration overtime budget line.
- Account Clerk (Grade 7) position at an annual salary of $34,435 to Senior Account Clerk (Grade 12) position at an annual salary of $35,620 in the Police Department; a salary increase of $1,185. Funding is available from the Police Administration overtime budget line.
- Jr. Account Clerk (Grade 3) position at an annual salary of $28,062 to an Account Clerk (Grade 7) position at an annual salary of $30,495 in the City Clerk's Office; a salary increase of $2,433. Funding is available from the City Clerk Temporary expense line.

II. A recent retirement in Billings and Collections division of the City Controller's office has created an opportunity for a staff member to not only continue her daily duties and responsibilities but also to share in the burden of additional work which is required by the In Rem tax foreclosure proceedings. This individual is presently a Senior Cashier, grade 12, at an annual salary of $42,499.00. The Senior Cashier position is proposed to be abolished and her new title will be Principal Account Clerk, grade 17, at an annual salary of $44,398.00. Funding for this reorganization is available as a result of the recent retirement of a person in the Billing & Collections division. After this reorganization, a savings of $13,155.00 will be achieved.

III. Increase the hourly rate of Permanent Clerk's position in Planning & Development from current hourly rate of $13.00 to $15.00 per hour, an annual increase of $1,768. The incumbent performs all clerical duties of a full time clerk at a less comparable rate and is not eligible for negotiated pay increases and/or steps. The last pay adjustment occurred in 2007. Funding is available from Casino Interest.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:45 P.M.

Carol A. Antonucci
City Clerk

March 31 , 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the March 31, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

Council Member Touma moved to approve the Minutes from the City Council Meeting of March 17, 2014.

Yeas	5
Nays	0
	APPROVED

Sara Capen, Executive Director of the Niagara Falls National Heritage Area, brought students from Maple Avenue School and Niagara Catholic High School who read their award winning essays on perseverance and commitment.

Brian Rotella, Chairman of the Niagara Falls Youth Board, spoke on a proposal for improvements at the playground at Hyde Park. He said that, as the second largest park in the State, priority should be given to Hyde Park. Council Member Touma said that some parks have not been improved in many years, and all the City parks should be looked at. A lengthy discussion followed.

Senior Planner Thomas DeSantis gave a status update on upgrades to Griffon Park. He spoke on background information about the park, and the phases of the various upgrades.

Council Member Choolokian, alongwith the four Niagara Falls Little League Presidents, spoke on their proposal for the City to build three Sports Complexes in the Whirlpool, LaSalle and Hyde Park areas of the City. They asked that a consultant be hired to prepare a proposal/cost estimate, and Casino funds be used for the Project for the youth of the City to use for many years to come, and as a venue for tournaments.

Council Member Choolokian asked Mayor Paul Dyster about houses on Royal Avenue that had no water service due to frozen lines. The Mayor responded that he had spoken to Water Board Director Paul Drof about the situation, and, while it is the homeowners responsibility to thaw frozen lines, steps had been taken to help the residents.

Mayor Dyster reported that the Department of Public Works crews were switching over from snow plowing to road work, and the City had requested an early opening for the asphalt plant.

Council Member Touma asked for an update on the status of branch pick up. The Mayor responded that branch pick up is ongoing. The Council Member expressed his concerns about safety with the number of hanging branches and branches/limbs on the ground, especially in the park areas, and asked for a report at the next Council Meeting.

The Mayor informed the Council Members that Agenda Item #1, relative to extension of the remediation and development dates for Tract I and Tract II, had been pulled from the Agenda.

Chairman Walker asked if the source of the water that was affecting the Carnegie Building had been identified (Agenda Item #4), and Community Development Director Seth Piccirillo responded that approval of this Item would address that problem, and the bid for the roof repairs should be out in about six weeks.

Chairman Walker asked about the hiring of temporary and/or seasonal workers (Agenda Item #16). Council Member Touma said that City Controller Maria Brown had provided the answers to his questions; Mayor Dyster said that two crews will be working with the zipper machine simultaneously; Council Member Anderson asked if the crews would be working during the daytime, and the Mayor responded that they would. Council Member Anderson added that if the work could be done during the overnight hours, there would be less traffic on the roads and more work could be accomplished. Director of Human Resources/EEO Officer Ruby Pulliam explained the process filling permanent vacancies/hiring seasonal/temporary workers.

During a discussion on Agenda Item #19, relative to approval of a contract for the leasing of golf carts, Council Member Touma asked the Mayor and City Administrator Donna Owens about placing cameras in the area where the golf carts are located to address the issue of theft and in the area of the gas pumps. The Mayor responded that the issue had already been addressed in the area of the gas pumps. Council Member Choolokian asked Corporation Counsel Craig Johnson if this lease could be broken if the City decided to use electric carts, and Deputy Corporation Counsel Thomas O'Donnell answered that this option was already included in this contract.

Corporation Counsel Craig Johnson distributed amended copies (typographical error made in original) of Agenda Item #19, relative to lease of golf/utility carts.

Council Member Grandinetti moved to amend the item by reducing the total amount by $300,000.00.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

This Session ended at 6:05 PM.

Chairman Walker reconvened the Meeting at 6:20 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Choolokian and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Paul Gromosiak	Agenda Item #27
Ron Anderluh	Agenda Items #22, #29
Mark Laurrie	Agenda Item #29
Russ Petrozzi	Agenda Item #29
Jim Hufnagel	Agenda Item #27
Ken Hamilton	Agenda Item #27
Paul Gromosiak	Old Stone Chimney will be moved
Jennifer LaMoy	Help with issues at Packard Court
Ruth Cooper	Issues with transient housing in Memorial Pkwy. Neighborhood
Noreen Chatmon	Issues with transient housing in Memorial Pkwy. Neighborhood
Mary Sutter	Issues with transient housing in Memorial Pkwy. Neighborhood
Brian Hamilton	Issues with transient housing in Memorial Pkwy. Neighborhood
Ken Hamilton	Kite Flying Festival; electronic trash pickup; Changes to Legends Park Equipment House; Code Enforcement is function of Administration Branch of Government; Death of Helen Schoniger
Robert Ventry	Road/Pothole repairs

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: TRACT I/TRACT II, REMEDIATION/DEVELOPMENT DATES EXTENSION, BRIGHTFIELDS CORP.
Agenda Item #1
THIS ITEM WAS PULLED FROM THE AGENDA
THERE WAS NO ACTION TAKEN ON THIS ITEM

CONTRACT: SIDEWALK REPLACEMENTS, VARIOUS LOCATIONS, VENTRY CONCRETE CONTRACTING

Agenda Item #2

The following is the result of bids received on March 13, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Ventry Concrete Contracting 1890 Pierce Avenue Niagara Falls NY 14301	$418,950.00
Yarussi Construction, Inc.	$439,000.00
Roman Construction Development	$527,325.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Ventry Concrete Contracting in the amount of $418,950.00. Please note that this amount is funded by a combination of Funding is available in codes A5110.0200.0300.000 and H0621.2006.0621.0300.000 respectively.

Additionally, the Contractor has agreed to extend the unit prices of his bid to complete sidewalk replacements for the Niagara Falls Water Board, up to a not-to-exceed amount of $20,000.00, pending the execution of a standard inter-agency agreement between the City and the Niagara Falls Water Board. Therefore, the City of Niagara Falls will enter into a contract with Ventry Concrete Construction, Inc. for a total of 438,950.00 at this time.

Will the Council vote to so approve and authorize the Mayor to execute a contract for the City of Niagara Falls portion of this work, in a form acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LOCKPORT STREET, CHANGE ORDER #2, URBAN ENGINEERS OF NEW YORK

Agenda Item #3

The City of Niagara Falls entered into an agreement with Urban Engineers of New York, P.C., 403 Main Street, Suite 530 Buffalo, NY, for design work for reconstruction of Lockport Street. The work was progressed by Urban to the final Design Report and we have been waiting for funding to be released. The State of New York through budget cuts downgraded the funding from a reconstruction project to a preservation project. Construction funds are now budgeted for 2016, but will be un-accessible unless the City revises the initial Design Report to match the new scope of work.

At this time, the City will extend the existing professional service agreement with Urban Engineers in the amount of $1,000.00 to provide a new preliminary review that will allow a new proposal to be submitted to the New York State Department of Transportation.

Funding is available in code HO633.2006.0633.0453.000. Please note that all new work is Federal eligible at the 80% and State matching Marchiselli funds at 15% reimbursable with funds remaining in our original agreement with the State of New York.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of $1,000.00 be approved.

Will the council vote to so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: CARNEGIE BLDG., SUMP PUMP/ELEVATOR REPAIRS, DCB ELEVATOR

Agenda Item #4

The Carnegie Building elevator sump pump is in need of replacement. A quote in the amount of $880.00 has been obtained from DCB elevator to replace and install the sump pump. There are other necessary elevator repair items that need to be made; however, we are waiting until the Carnegie roof is replaced to address those issues.

Funds are available in casino revenue interest to cover the sump pump/installation expense. If this item is not addressed, further elevator damage and expense will most likely occur.

Will the Council vote to approve the allocation of $880.00 in casino revenue interest to allow DCB Elevator to furnish and install a sump pump in the Carnegie elevator?

Funding is Available in Line: A.1620.2330.0419.006

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LEWISTON RD. RECONSTRUCTION, CHANGE ORDER #7, WENDEL-DUCHSCHERER, INC.

Agenda Item #5

A contract for the above-referenced project was awarded to Wendel-Duchscherer, Inc. on October 1, 2001 for design related tasks associated with the creation of the Lewiston Road Reconstruction Project for an initial design contract total of $1,395,000.00. This amount was later increased to accommodate the performance of construction inspection and contract administration tasks required throughout the construction phase of project; eventually reaching our current total of $3,996,715.45, on October 1, 2012.

Subsequent to the project's work stoppage and issues with the City's original contractor, it was determined that the City would pursue the option of rebidding the substantial remainder of the construction project. In doing so, several tasks not originally included in the project's scope were required of, and performed by, the consultant to effectively adjust the construction documents, rebid the project and administer/inspect the remaining construction project to its eventual successful conclusion. Also included in these additional services were litigation-related tasks performed on the City's behalf as the legal proceedings against the original contractor continue onward. The cost associated with these extra tasks is $708,821.00, bringing the final professional services agreement total for this project to $4,705,536.45.

It is important to note that a substantial portion ($470,000.00) of this change order request is 95% reimbursable by the New York State Department of Transportation via a pending supplemental agreement. Additionally, any remaining costs ($238,821.00) can and will be added as a damage claim against the original contractor as ongoing litigation continues. Funding is available in code: H0421.2001.0421.0453.000

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: GRIFFON PARK BOAT LAUNCH, PARKING LOT, LOUIS DELPRINCE & SONS, INC.

Agenda Item #6

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

CONTRACTOR	BASE BID
Louis DelPrince & Sons, Inc. 580 Cayuga Road Cheektowaga NY14225	$332,700.00
NFP & Sons, Inc.	$337,268.85
American Paving & Excavating, Inc.	$344,268.30
Yarussi Construction	$363,806.50
Hydrolawn of Buffalo, Inc.	$376,593.70
Scott Lawn Yard, Inc.	$380,013.00
NewCal Construction, Inc.	$406,186.34
Accadia Site Contracting, Inc.	$425,474.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Louis DelPrince & Sons, Inc. in the amount of $332,700.00. Funding is available by a combination of code H1213.2012.1213.0449.599 and Greenway funding sources.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

FIRE DEPT.: 10TH STREET FIREHOUSE, FLOOR REPAIRS, FUNDING

Agenda Item #7

The Fire Chief advises that it is necessary to perform certain repairs on the damaged floor at the 10th Street Fire hall. It is estimated that the cost to perform these repairs is $9,500.00 which includes saw cutting and removal, installation of a new drain, stone as required, form work and reinforcement, expansion joint material and new concrete. The entire floor will be cleaned and sealed. Funding is included in the NFFD's Capital Budget. Casino revenues is the source of funding.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT.: SAFE NEIGHBORHOOD ACTIVE PATROLS (S.N.A.P.), FUNDING

Agenda Item #8

The Superintendent of Police is requesting that the sum of $135,450.00 be made available to implement the S.N.A.P program. Attached hereto (on file in the City Clerk's Office) is a copy of a description of the initiative, including goals, objectives, locations, hours and dates. There is also a budget summary.

Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT., TRAFFIC ENFORCEMENT/COMMUTATIONS EQUIPMENT, FUNDING

Agenda Item #9

The Police Superintendent is requesting that the sum of $105,300.00 be made available to the department to purchase certain equipment to enhance the ability of the Traffic Enforcement/Commutations Division to perform its function. Attached hereto (on file in the City Clerk's Office) is a copy of a narrative from the Police Superintendent together with an itemized list of the types of equipment he is requesting on behalf of the department. The items specified on this list were included in the 2014 Capital list. The funding for this is casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

FIRE DEPT.: FIRE ADMINISTRATION BLDG, EQUIPMENT, FUNDING

Agenda Item #10

The Fire Chief is requesting that the sum of $19,581.00 be made available for the purchase of smart boards for the renovated office at the Fire Administration building. He advises that these smart boards will be an effective tool for planning and training. These smart boards are available through State contract and quotations are attached hereto (on file in the City Clerk's Office). Funding is available from casino revenues. These items were included on the NFFD 2014 Capital Budget equipment list. The applicable Capital Code Fund number is H0818.2008.0818.0250.000

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: WORKER'S COMPENSATION CLAIMS, NORTHEAST ASSOCIATION MANAGEMENT, INC.

Agenda Item #11

Since 2005 the City's Workers' Compensation claims have been handled by the Public Employees Risk Management Association ("PERMA"). This includes both claims existing prior to 2005 and the claims that have arisen since joining PERMA in 2005.

The pre-2005 claims have been handled through PERMA's affiliated entity Northeast Association Management, Inc. ("NEAMI") as the Third Party Administrator for the claims.

Some recent changes by the Workers' Compensation Board require that the City enter into a separate agreement with NEAMI to provide this service.

As the claims will be handled on the same basis going forward, it is recommended that the Council authorize the Mayor to execute an agreement with NEAMI in a form acceptable to the Corporation Counsel for handling the pre-2005 claims.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: VERIZON, 911 EQUIPMENT, AMENDMENT

Agenda Item #12

The City entered into an agreement with Verizon for the above referenced equipment in 2009.

The City's Police Department and Verizon are in the process of reviewing a plan to upgrade and replace this equipment. While this process is ongoing, it is recommended that the service period for the current agreement be extended until November 17, 2014. This would require a payment in the amount of $8,072.64 which is included in the current Police Department budget.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: STREET RECONSTRUCTION/OPENINGS, FUNDING

Agenda Item #13

The Director of the Department of Public Works ("DPW") is requesting the sum of $185,000.00 for the purchase of materials to be used for Street Reconstruction/Openings. The materials to be purchased are cold patch for pothole repair and asphalt for the zipper machine.

Funding is available from casino revenues and will be transferred to DPW Streets account code A.5110.0200.0419.013.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: CLEAN NEIGHBORHOOD TEAM, FUNDING

Agenda Item #14

The Director of the Department of Public Works is requesting that the sum of $75,355.00 be made available from casino revenues for the purpose of hiring temporary workers for the Clean Neighborhood Team. The purpose of this will be to provide the necessary manpower to work in areas of the City not targeted by Community Development efforts. The sum of $75,355.00 is inclusive of FICA.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: ROAD RECONSTRUCTION/IN-HOUSE PAVING PROGRAM, FUNDING

Agenda Item #15

The Director of the Department of Public Works ("DPW") is requesting the sum of $1,833,000.00 be made available for the 2014 in-house paving program. Funding is available as follows: $500,000.00 from discretionary casino revenues and $1,333,000.00 from the non-discretionary casino revenues specifically designated for infrastructure and road improvement projects pursuant to Section 99h(4)(a)(iii) of the State Finance Law. These sums are to be transferred to Capital account code H0812.2008.0812.0449.599.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: 2014 ROAD CONSTRUCTION SEASON, TEMPORARY CREW, FUNDING

Agenda Item #16

The Director of the Department of Public Works ("DPW") is requesting the sum of $150,617.00 be made available to hire six (6) temporary workers for the 2014 Road Construction season. These temporary workers will be utilized primarily for cold patch pothole repair and zipper machine work. The amount requested includes fringe benefits. It is anticipated that these temporary workers will be utilized for fifteen (15) weeks. Funding is available from casino revenues and will be transferred to DPW Streets account code A.5110.0200.0130.000.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS: SIDEWALK REPAIR, VARIOUS LOCATIONS, FUNDING

Agenda Item #17

The Director of the Department of Public Works ("DPW") is requesting that the sum of $400,000.00 be made available for the repair and construction of sidewalks in various locations throughout the City. This amount represents $218,950.00 to be paid to Ventry Concrete Contracting under the March 19, 2014 letter of Sidewalk Replacements Award and the balance ($181,050.00) for in-house repair and construction. These items were included in the DPW Capital Budget for 2014. Funding is available from casino revenues and is to be transferred to account code H0621.2006.0621.0300.000.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: VACANT LOTS CLEARING, BAKER TREE CARE

Agenda Item #18

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

TO: Baker Tree Care
465 Church Street
Youngstown, NY 14174

FOR: Furnishing of proper equipment and experienced manpower to clear, cut and/or mow all vegetation (weeds, brush, etc.) on privately and City-owned lots in the City of Niagara Falls.

1. Man Hours (est. 3,200 hrs.)$ 10.50/hr.
2. Acres (est. 150 acres) 24.00/acre

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Nine (9) Companies. The above referenced company submitted the lowest bid prices for each respective item. Bids were also received from K.J. Smith Enterprises, Inc. ($10.50/man hour & $25.00/acre) Niagara Grass Cutting ($13.98/man hour & $30.00/acre) and Beau Enterprises, Inc. ($38.00/man hour & $45.00/acre).

Funds for this expenditure are available in the Community Beautification code: A8510.0000.0449.080.

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: GOLF COURSE, LEASE OF GOLF/UTILITY CARTS, NUTTAL GOLF CARS, INC.

Agenda Item #19

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

TO: Nuttal Golf Cars, Inc.
5543 State Route 14
Sodus, NY 14551

FOR: Five (5) year lease of golf and utility carts:
Lease price per year as detailed in attached spreadsheet: $ 84,168.96
Grand total for life of lease: $ 420,844.80

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 eight (8) companies. Three bids were received (on file in the City Clerk's Office). The above referenced company submitted the lowest bid.

Funds for this expenditure are available in the Golf Course codes A7250.0000.0440.003 and Hyde Park code A7110.3450.0442.003.

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Amendment is to reduce total amount by $300,000.00 (typographical error)

CONTRACT: COPIERS, DUPLICATING CONSULTANTS

Agenda Item #20

The City currently leases Forty One (41) copiers through a Niagara County contract. The County recently awarded a bid for a new lease to replace the existing copiers with new equipment. The City will pay $.01515/copy. This price includes the lease, maintenance and supplies (excluding paper).

Based on the success of the current contract we recommend the Council authorize the City to enter into a new lease agreement with Duplicating Consultants through the Niagara County Bid.

Funds for this expenditure are available in each Departments budget under undesignated leases code: .0440.599

Will the Council authorize the Mayor to execute a new lease agreement with Duplicating Consultants for a period of five (5) years in a form acceptable to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

GRIFFON PARK PROJECT: GREENWAY FUNDING

Agenda Item #21

In 2011 the City previously applied for and received $200,000.00 Greenway Funding approved by the Host Community Standing Committee for the Griffon Park project.

The City had applied for an Environmental Protection Fund Grant which was ultimately not approved. There remains $150,000.00 from the original Greenway funds and the City has applied for and received conditional approval of an additional $200,000.00 of Greenway Funding from the Host Community Standing Committee subject to the City Council approving the request. The current budget for the project is $550,000.00 which includes the contract for the parking lot reconstruction which appears elsewhere on your agenda today.

Will the Council approve the request for an additional $200,000.00 of Greenway Funding from the Host Community Standing Committee?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: PARKING CONSULTING SERVICES, DESMAN ASSOCIATES

Agenda Item #22

During its meeting on March 3, 2014 the City Council previously voted not to approve the retention of Desman Associates to implement a downtown parking improvement plan previously recommended by Desman. The amount for those consultant services was proposed to be $95,200.00. Since that time, City representatives have reviewed with Desman its previous proposal and have made amendments to the scope of work and made certain tasks optional, in the discretion of the Mayor and City Council. The changes in the scope of work have resulted in a professional services proposal of $55,000.00 plus expenses estimated to be $10,100.00 for a total of $65,100.00. Attached hereto (on file in the City Clerk's Office) is the amended proposal. Funding is available from casino revenues.

There is a separate optional component for two (2) additional tasks in the proposed amount of $23,000.00 with expenses to be estimated to be $7,100.00 for a total of $30,100.00. These are optional tasks which may be able to be accomplished internally without the assistance of Desman Associates. In the event that it is deemed that the assistance of Desman is necessary to implement those additional optional tasks, an additional request will be made to the City Council to approve that expenditure.

Will the Council authorize the retention of Desman Associates to assist with the implementation of the downtown parking improvement plan in the total amount of $65,100.00, inclusive of expenses, as proposed and authorize the Mayor to execute an agreement satisfactory to Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 3

Grandinetti, Touma, Chairman Walker

Nays 2

Anderson, Choolokian

APPROVED

Council Member Choolokian said this is a waste of taxpayer money.
Council Member Touma said the Parking Plan is needed to generate revenue.
Chairman Walker said that the amount of the contract was reduced and the City will take over responsibility of some of the duties and this is the implementation of that Plan.

LIBRARY BOARD: APPOINTMENTS

Agenda Item #23

The Charter of the Niagara Falls Public Library was amended in 2012 by action of the Board of Regents, and the City Charter was also amended in 2012 by City Council adoption of Local Law No. 1, to provide for "not less than five (5) nor more than nine (9) members" on the Board, and notice of this action was filed with the New York State Department of State on January 3, 2013.

Accordingly, the following three individuals are hereby put forward for confirmation by the City Council, bringing the total membership up to nine:

I hereby appoint the following to the Niagara Falls Library Board:

Appointment:	Term Expires:
Ms.Tina Gregory 1524 Whitney Avenue Niagara Falls, NY 14301	12/31/2018
Mr. James Lemke 820 College Avenue Niagara Falls, NY 14305	12/31/2018
Ms. Danielle M. Zona 4609 Meadowbrook Road Niagara Falls, NY 14305	12/31/2018

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: YEATES, JR., RICHARD G.

Agenda Item #24

Date Claim Filed:	January 30, 2014
Date Action Commenced:	N/A
Date of Occurrence:	January 25, 2014
Location:	Walnut Avenue at 36th Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	John A. Rosino II
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$3,998.43
Make Check Payable to:	Richard G. Yeates, Jr.
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?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: BILLINGS, SHANNON E.

Agenda Item #25

Date Claim Filed:	January 17, 2014
Date Action Commenced:	N/A
Date of Occurrence:	December 22, 2013
Location:	2548 Jerauld Avenue, Niagara Falls, NY
Nature of Claim:	Damage to vehicle from fallen limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$500.00
Make Check Payable to:	Shannon E. Billings
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: LUCCHETTI, THERESE E.

Agenda Item #26

Date Claim Filed:	February 3, 2014
Date Action Commenced:	N/A
Date of Occurrence:	January 18, 2014
Location:	171 58th Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	John A. Rosino II
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$276.16
Make Check Payable to:	Therese E. Lucchetti
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?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: NIKOLA TESLA STATUE, GIFTING TO THE CITY, 2014-26
BY: COUNCIL MEMBER CHOOLOKIAN

Agenda Item #27

WHEREAS, Nikola Tesla is credited with developing and patenting the alternating current system process which resulted in the creation of generators for the long distance transmission of power by electricity ; and

WHEREAS, Nikola Tesla and George Westinghouse built the first hydro-electric power plant in 1895 in Niagara Falls, New York; and

WHEREAS, this power plant and others like it are credited with starting “the electrification of the world;” and

WHEREAS, there is located in the Niagara Falls State Park at Goat Island a statue celebrating the life of Nikola Tesla; and

WHEREAS, an initiative is developing by individuals in the City of Niagara Falls which is encouraging New York State to gift the Tesla statue to the City of Niagara Falls for the purpose of locating the statue in a place in the City (yet to be determined) that is suitable and recognizes the tremendous scientific contribution to the world made by Nikola Tesla.

NOW, THEREFORE, BE IT RESOLVED, that this City Council does support the initiative for New York State to gift the Nikola Tesla statue to the City of Niagara Falls for the purpose of locating the statue in a place in the City (yet to be determined) that is suitable for such a statue.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: POLLING PLACES, SCHOOL BOARD ELECTION, 2014-27
BY: ALL COUNCIL MEMBERS

Agenda Item #28

WHEREAS, the annual Niagara Falls City School District election will be held on Tuesday, May 20, 2014, and

WHEREAS, the Niagara Falls City School District requests the use of several city buildings as polling places for this election,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby approves the request outlined in the attached letter (on file in the City Clerk's Office) from the Niagara Falls City School District.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CHARTER SCHOOL, OPPOSITION, 2014-28
BY: ALL COUNCIL MEMBERS

Agenda Item #29

WHEREAS, a charter school currently operates within Niagara County, and diverts $3-4 million annually from the Niagara Falls City School district, and

WHEREAS, the establishment of a charter school within the city of Niagara Falls will potentially divert another $4-5 million from our city schools, and

WHEREAS, this additional charter school may result in public school closings, job losses, an exodus of Niagara Falls residents, an increase in school taxes and/or a decline in property values,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does hereby respectfully request that the Board of Regents and the State of New York reject the establishment of an additional charter school in Niagara County, and

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be sent to the Commissioner of Education of the State of New York, the Chancellor of the New York State Board of Regents, and members of the Niagara Falls State Assembly, State Senate, U.S. House of Representatives, and U.S. Senate delegations.

Yeas 5
Nays 0
ADOPTED

Council Members Anderson and Choolokian said they support this.
Council Member Touma said he is an employee of the School District but he was elected by the people of the City. This would affect the quality of life for both residents & students & take jobs away from employees who are City residents.
Chairman Walker said this is an economic issue.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:40 P.M.

Carol A. Antonucci
City Clerk

The first session of the April 14, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Meeting of March 31, 2014.

Yeas	5
Nays	0
	APPROVED

John Percy, President and CEO of the Niagara Tourism and Convention Corporation, spoke on the new Visitors Guide and redesigned website the organization had. He noted that hotel occupancy/bed tax revenues were up 70% since 2003. Chairman Walker asked Mr. Percy if he had met with the Tourism Advisory Board, and Mr. Percy responded that a meeting was scheduled for April 21.

City Controller Maria Brown spoke on Refunding and Refinancing of City Bonds (Agenda Item #24). She noted that this will provide a significant savings to the City, and that this is a good time to refinance.

Council Member Touma asked Mayor Paul Dyster about the use of the Sal Maglie Stadium and a contract for a baseball team there, and the Mayor responded that an RFP was being prepared, and he would have a report at the next Council Meeting.

Council Member Touma said that he had observed City workers doing street repairs, and they had done a good job.

Council Member Touma asked if there was a written program for spending of Casino dollars, and asked for a continuous update. Mrs. Brown suggested that the Council Members review items presented for funding with Casino dollars before they are placed on the Agenda, and Chairman Walker added that this was a good idea.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #11, relative to an agreement with the NYS DOT for the Rail Station and Intermodal Transportation Center, to change the source of State funds.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0
	AMENDMENT APPROVED

Chairman Walker questioned Agenda Item #12, relative to a contract amendment for the construction phase services for the Rail Station and Intermodal Transportation Center. He noted that the amount for changed legal fees is not specified. Susan Sherwood of Wendel-Duchscherer responded that this was not an additional amount, but the amount was already covered in the scope of work.

Chairman Walker asked Mrs. Brown if an audit of the NFTA Trolley Service had been done. She responded that she was only authorized to audit the hotels, and not the NFTA. Mayor Dyster said that he has numbers regarding the ridership that he will provide to the Council. Council Member Touma added that he had met with Mr. Frank Strangio about the season numbers, and Mr. Percy added that the numbers were also good during November and December.

This Session ended at 5:37 PM.

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Walker asked Code Enforcement Director, Dennis Virtuoso, to speak on neighborhood concerns regarding Niagara Gospel Rescue Mission.

Mr. Virtuoso said that the Mission work and feeding people can continue but overnight stays are not permitted in a Residential area. The Mission has the option to go to the Board of Appeals for a variance to allow transient use.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #20, #22
Frank Strangio	Agenda Item #17
Paul Gromosiak	All groups that deal with the history of the City need to communicate with each other & speak with one voice; suggested using RENU group from NU to do this
Ron Anderluh	Commended DPW for doing an excellent job; Dedicate 2 Police Officers to patrol City Parks & deal with issues with older kids in Parks
Shaun Smith	Exec. Director of Niagara Gospel Rescue Mission- said residents in the area didn't express their concerns to him; residence is a zero tolerance "Dry" Mission
Dan Crineri	Niagara Gospel Rescue Mission is saving lives
John Ritter	Niagara Gospel Rescue Mission is doing good work
Jennifer Cooper	Volunteers at Niagara Gospel Rescue Mission-Facility is needed
David Curtin	President of Board of Directors of Niagara Gospel Rescue Mission-wants to do even more in the Community
Josh Highway	Closing Niagara Gospel Rescue Mission is a mistake
Alicia Estell	Niagara St. playground issues
Tracy Greene	North/Lockport St. Park needs repairs; cleanup area around the Train Track; minority hiring for new Train Station building
Claire Curtis	Niagara Gospel Rescue Mission next door neighbor-very comfortable with them as neighbors
John Signorelli	Commended to helping Niagara Gospel Rescue Mission
Diane Tattersall	City Parks are improving but need cameras there
Joanne Gallareto	Thanked Chairman Walker for bringing the Council out into the Community; concerns about waterless Water Meters

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MARCH 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PUBLIC WORKS, CORPORATION YARD EQUIPMENT STORAGE FACILITY, PLUMBING CONTRACTOR, CO #1, ACKERMAN PLUMBING INC.

Agenda Item #3

A contract for the above referenced project was awarded to Ackerman Plumbing Inc. on September 4, 2012 in the amount of $101,997.00.

During the course of the project, changes were required to upgrade the alarm capabilities of the fire protection system in order to ensure compliance with current fire codes. The total cost of this additional work is $3,095.85. This change order will bring the total revised contract sum to $105,092.85.

Funding is available in code H1119.2011.1119.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: PUBLIC WORKS, CORPORATION YARD STORAGE EQUIPMENT FACILITY, ELECTRICAL CONTRACTOR, CO #1, CIR ELECTRICAL CONSTRUCTION CO.

Agenda Item #4

A contract for the above referenced project was awarded to CIR Electrical Construction Co., Inc. on September 4, 2012 in the amount of $58,200.00.

During the course of the project, changes were added to extend the new electrical service underground, as well as to provide power upgrades for the fire protection system. The total cost of this additional work is $9,249.21. This change order will bring the total revised contract sum to $67,449.21.

Funding is available in code H1119.2011.1119.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT: NFPD, CAPITAL PURCHASES, FUNDING

Agenda Item #5

The Superintendent of Police is requesting that the sum of $88,950.00 be made available to the department to purchase items to benefit Administration/Community Relations/Special Events and Internal Affairs. Attached (on file in the City Clerk's Office) hereto is an itemized list of the items the Superintendent wishes to purchase. These items were included in the approved 2014 Police Capital budget. Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL: FUNDING

Agenda Item #6

The NIMAC has been involved in various activities that it deems necessary in order to help secure the future of the Niagara Falls Air Reserve Station, Niagara County's largest employer. Attached On file in the City Clerk's Office) hereto is a copy of a letter from John A. Cooper Sr., Chairman of NIMAC and Merrell A. Lane, Vice Chairman of NIMAC addressing concerns about future attempts to close this Air Base.

In the past, the City has made casino revenues available to NIMAC in order to help support NIMAC's efforts. NIMAC is requesting the City to contribute the sum of $40,000.00 to retain this important asset and the 3,000 plus jobs it represents in Niagara. Funding is available from casino revenues.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: COURT HOUSE, CLEANING/MINOR REPAIR SERVICES, STATE REIMBURSEMENT

Agenda Item #7

Pursuant to New York State Law, the Unified Court System reimburses the City for cleaning its facilities located in the new Municipal Complex as well as performing minor repair services. This has been done pursuant to contract since the Municipal Complex opened. The agreement is now expiring and the new agreement will cover the period of State fiscal year 2013 – 2014 through State fiscal year 2017 – 2018, beginning April 1, 2013 and terminating on March 31, 2018. This agreement calls for New York State to reimburse the City for costs incurred by the City on a quarterly basis. These amounts fluctuate from quarter to quarter depending on time spent and are estimated to be approximately $82,366.75 per quarter and $329,467.00 annually. The State is current in its payments.

Will the Council so approve and authorize the Mayor to enter into an agreement satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPT: NFPD, SERVICE WEAPONS REPLACEMENT

Agenda Item #8

The Police Superintendent advises that Smith & Wesson ("SW") has offered to upgrade NFPD's 165 service revolvers for no cost. In order to avail itself of this opportunity, the NFPD will be required to turn over to SW the NFPD's existing 165 service revolvers. This is contingent upon the existing service revolvers tendered to SW to number 165 units and to be in good working condition. In the event that all 165 service revolvers are not turned in, or in the event that an existing service revolver is determined not to be in good working order, a charge of $410.00 per service revolver will be imposed together with a $16.50 charge for any missing magazines. Attached (on file in the City Clerk's Office) is a quote from SW in this regard.

Will the Council so approve and authorize the Mayor to execute any documents which may be necessary to complete this transaction?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma commended the Police Superintendent for his work on this item.

CONTRACT: NTCC, PARKING SPACES

Agenda Item #9

The NTCC is requesting that the City allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned parking lot located at the corner of 1st Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of $40 per month per space/permit which equals the sum of $1,000 a month. This is the current market rate.

It is proposed that this agreement be for a twelve (12) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM: RECONVEYANCE OF TITLE, FORMER OWNERS

Agenda Item #10

The City is in the process of acquiring title to a number of parcels through the 2010 In Rem Tax Foreclosure. These properties will be auctioned on June 10, 2014. 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 June 6, 2014.

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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DOT, TRAIN STATION, MATCHING FUNDS

Agenda Item #11

Attached (on file in the City Clerk's Office) hereto is a copy of the above referenced Grant Agreement which will provide an additional $1,400,000 to the City of Niagara Falls as matching State funds for the Niagara Falls International Rail Station and Intermodal Transportation Center project.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas *4*
Anderson, Grandinetti, Touma, Chairman Walker

Nays *1*
Choolokian

APPROVED

Amendment & attachment on file in the City Clerk's Office
Amendment changes source of State funds.
Council Member Grandinetti said she supports the Project & construction needs to move forward.
Council Member Touma commended the Administration for working with the state on this & said it is a job well done.

CONTRACT: TRAIN STATION, AMENDMENT #4, WENDEL DUCHSCHERER, ARCHITECTS & ENGINEERS

Agenda Item #12

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 by City Council on July 25, 2005 and dated January 3, 2006, which was subsequently extended in February 2010 to include right-of-way services, final design, and other services associated with the above project, in November 2012 to cover "pre-obligation" requirements of the Federal Railroad Administration for additional "pre-construction" activities, and again in January 2014 to cover additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project.

NF Intermodal Transportation Center Project (PIN 5756.28) costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402. A more detailed explanation of scope of services in this phase are contained the letter and services summary, from Wendel, dated April 7, 2014 and is attached (on file in the City Clerk's Office) hereto. The total for this phase scope of work is $3,080,000.00.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Choolokian said spending should be focused on the infrastructure.
Chairman Walker said investment in the City is needed.

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION COMPANY INC.

Agenda Item #13

Attached (on file in the City Clerk's Office) is a recommendation to award the general construction contract for the NF-International Railway Station & Intermodal Transportation Center Project (PIN 5756.28).

The City held a public bid according to all the requirements of its State and Federal funding partners and is in receipt of a qualified low-bid from Scrufari Construction Company Inc. After appropriate due diligence in review of the contractor's proposal, it is the recommendation of the consulting Project Engineer award the contract as stipulated below.

The Administration concurs with this recommendation, and in accordance with the Project's budget and the contract documents, recommends the City Council award the General Construction contract to Scrufari Construction, Inc. in the amount of the Base Bid ($23,720,000.00) less Deduct Alternates #6, #13, and #2 for a total contract value of $22,691,000.00.

Also, on condition that the Contractor accept the unit prices set forth in the bid proposal and further agree to comply with the preconstruction requirements of the contract.

NF Intermodal Transportation Center Project (PIN 5756.28) construction costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402.

Will the Council vote to so approve and authorize the Mayor to allow the Contractor to execute construction contracts in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Choolokian said that he is glad that a Niagara Falls company won the bid.
Council Member Touma said a sound transportation system is needed in the City.

CONTRACT: TRACT I/TRACT II, REMEDIATION/DEVELOPMENT DATES EXTENSION, BRIGHTFIELDS CORP.

Agenda Item #14

In 2012, the City transferred Tract I and Tract II, consisting of 23± acres, to Brightfields Corporations. DEC-approved remediation of the sites has progressed. The transfer agreement called for completion of the work and a final engineering report to be submitted by October 31, 2013. In September of 2013, the City Council extended the date for completion of the remediation work to March 17, 2014. The extension was requested to accommodate additional work which became necessary.

An additional extension has been requested to complete the additional work on the site. Since the work is progressing under DEC monitoring, the extension should be granted. The extended date is for completion of the remediation is on or before November 1, 2014. If DEC approves a different date, the City will adopt the DEC approved date without further Council action.

Within 18 months of completion of remediation, Brightfields will construct playground improvements costing a minimum of $250,000.00 on five acres of the Tract II property. That land will be conveyed back to the City to become a City Park. This park will replace the Center Court playground which became part of the HOPE VI housing development. Within 24 months of completion of the remediation, Brightfields will complete on Tract I or Tract II at least one aspect of the proposed development at a cost, exclusive of remediation, of at least $1.5 Million.

Will the Council vote to approve the extended dates as set forth herein, with a remediation completion date of no later than November 1, 2014, which will also extend the park completion date to no later than May 1, 2016 and development completion date to no later than November 1, 2016, and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SIGNAGE IN GRIFFON & LASALLE WATERFRONT PARKS, WENDEL

Agenda Item #15

Attached (on file in the City Clerk’s Office) is a proposal from Wendel to develop initial signage and wayfinding design standards and documentation for the Park System of the City, as well as, to provide detailed design drawings for an initial signage procurement at Griffon and LaSalle Waterfront Parks and two interpretative signs (one at each park).

Funding is available in the Casino Revenue Fund for transfer to account code No. H0622.2006.0622.0451.000 [Parks Improvement]. The cost of the work is $7,320.00. (Note: does not include fabrication at this time.)

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

Council Member Choolokian moved to Table the communication

Yeas	5
Nays	0
	TABLED

CONTRACT: FIRE HOUSE, 3721 HIGHLAND AVE., RENOVATION

Agenda Item #16

The City of Niagara Falls, with assistance from a 2013 Western New York Regional Economic Development Council Grant, is renovating the now vacant, city-owned fire house at 3721 Highland Avenue. The end user of the renovated space will be The Isaiah 61 Project, returning the property to the tax roll. The facility will be the organization's trades training facility and re-use store for salvaged building materials.

The Isaiah 61 Project Trades Training Program began in 2012, in partnership with the Niagara Falls Community Development Department and The John R. Oishei Foundation. Since its inception, 50 people have graduated from the program and approximately 75 percent have found local job placement. There is a pressing need for more job training and placement in the City of Niagara Falls. As stated in the recently completed *Strengthening WNY's Safety Net: A Presentation of findings for the City of Niagara Falls*, slightly fewer than 20,000 jobs exist within Niagara Falls. Access to certified O/N BOCES trades training and the OSHA-10 course is an effective and cost efficient way to connect the under-employed with actual job opportunities.

The purpose of this project, and the city's joint venture with the Isaiah 61 Project, is to prepare unemployed residents for trades employment in strong partnership with the Niagara County Building and Construction Trades Council. Entering into a Project Labor Agreement, as with other recent city sponsored developments, will determine the terms and conditions of employment for the 3721 Highland Avenue Fire House Project, as the Niagara Falls Community Development Department prepares to bid contracted work in the next month.

Will the Council vote to allow the Mayor to negotiate and execute a Project Labor Agreement for the 3721 Highland Avenue Fire House Project.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Grandinetti thanked Wendel for their no charge services to the City on this Project & also commended the Isaiah 61 Project.

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #17

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 16, 2014 and conclude October 31, 2014. During the month of May, 2014 the Trolley Service will operate on weekends only (Friday, Saturday and Sunday). Trolley service from June 1, 2014 through October 31, 2014 will be on a daily basis. The cost to the City for this service will be $530,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma thanked Frank Strangio and suggested that NFTA expand the Trolley Service throughout the County.

CONTRACT: LANDSCAPING/MAINTENANCE, MEDIANS/TRAFFIC CIRCLE, GARDENVILLE LANDSCAPING & NURSERY, LLC

Agenda Item #18

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

TO: Gardenville Landscaping & Nursery, LLC
3069 Clinton Street
West Seneca, NY 14224

FOR: Landscaping and maintenance of the medians along:
$57,397.00
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the Traffic Circle:

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 Thirteen (13) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Beau Enterprises, Inc. ($68,560.00), Wayside Nursery, Inc. ($119,850.00) and Villani's Landscaping ($187,090.00).

Funding was approved in the 2014 budget under the Infrastructure 5-year "Financial" Capital Plan.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: MEALS FOR PRISONERS, FRANKIES DONUTS, INC.

Agenda Item #19

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

TO: Frankies Donuts, Inc.
717 Portage Road
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Svcs. Building:

Breakfast (est. 3,000)	$ 1.00
Lunch (est. 6,700)	1.75
Supper (est. 2,200):	1.75

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. One other bid was received from CRR Holding, Inc., DBA Tim Hortons (Breakfast $2.30 ea., Lunch $6.97 ea. and Supper $6.97 ea.). The above referenced company submitted the lowest bid.

Funds for this expenditure are available in A3120.0001.0449.010.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL, CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #20

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 18TH STREET, 1406, SALE

Agenda Item #21

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $200.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE INDUSTRIAL CORRIDOR PROJECT, REVITALIZATION PLAN

Agenda Item #22

In 2009 the City applied for the above referenced grant, which was recently awarded in the amount of $403,632. This requires a local share of $44,848, which the City expects to fund with mostly in kind services provided by City personnel.

This funding will be used for consultants to complete a Step 2 Revitalization Plan for the Buffalo Avenue Industrial Corridor Project.

Will the Council so approve and authorize the Mayor to execute an agreement and other documentation in a form acceptable to Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

BUFFALO NIAGARA ENTERPRISE: MEMBERSHIP, FUNDING

Agenda Item #23

The City has an opportunity to become a member of the BNE which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight (8) counties of Western New York. The BNE has helped 272 companies to invest over 2.9 billion dollars in our region and retain more than 36,000 jobs since 1999. Attached (on file in the City Clerk's Office) hereto is a description of BNE activities together with a description of the various investor levels and the benefits from each respective level. It is recommended that the City participate in the $50,000 per year level.

Funding is available from casino revenues.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	3
Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	
Abstain	1
Anderson	

APPROVED

RESOLUTION: SERIAL BONDS, PAYMENT/REFUNDING, 2014-29
BY: ALL COUNCIL MEMBERS

Agenda Item #24

WHEREAS, the City of Niagara Falls, Niagara County, New York (hereinafter, the "City") heretofore issued $9,540,000 Public Improvement Refunding (Serial) Bonds, 2003, pursuant to a refunding bond resolution as further described in the bond determinations certificate of the City Controller dated February 25, 2003 (hereinafter referred to as the "2003 Refunded Bond Determinations Certificate"), such Public Improvement Refunding (Serial) Bonds, 2003, being dated February 25, 2003 with remaining maturities on March 1 in the years 2015 through 2024, both inclusive, as more fully described in the 2003 Refunded Bond Determinations Certificate (the "2003 Refunded Bonds"); and

WHEREAS, the City also heretofore issued $13,160,000 General Obligation Serial Bonds - 2004 Series A pursuant to various bond resolutions to pay the cost of various City purposes as further described in the bond determinations certificate of the City Controller dated November 1, 2004 (hereinafter referred to as the "2004 Refunded Bond Determinations Certificate"), such General Obligation Serial Bonds - 2004 Series A, being dated November 1, 2004 with remaining maturities on November 1 in the years 2014 through 2018, both inclusive, as more fully described in the 2004 Refunded Bond Determinations Certificate (the "2004 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2003 Refunded Bonds and the 2004 Refunded Bonds (collectively, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds maturing in 2015 and thereafter as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, as well as any prepayment premium, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $8,200,000 refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $8,015,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-14 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Controller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Controller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Controller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Controller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Controller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Controller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Controller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Controller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The City Controller is hereby further delegated all powers of this Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Controller, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the 2003 and 2004 Refunded Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Council recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The City Controller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Controller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Controller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Controller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Controller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each Refunded Bond which the City Controller shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the City Controller (the "Underwriter") for purchase prices to be determined by the City Controller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the State Comptroller as required by Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Controller to the Underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The City Controller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Controller and all powers in connection thereof are hereby delegated to the City Controller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Yeas 5
Nays 0

ADOPTED

Council Member Choolokian thanked the Controller for saving the City money.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:30 P.M.

Carol A. Antonucci
City Clerk

April 28, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the April 28, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of April 14, 2014.

Yeas	5
Nays	0
	APPROVED

City Administrator Donna Owens spoke on the contract with Modern for refuse pickup/recycling. She reported that: totes will be provided for residents for garbage, which will be picked up weekly, and recycling, which will be picked up every other week; Modern will be part of an aggressive education program, working with the schools, block clubs, etc. for the public on the advantages to recycling, both for the City and the residents; and added that the City Ordinances that pertain to garbage and recycling are being worked on to cover enforcement and other aspects of the program. Council Member Anderson said that the totes are a good idea. Council Member Touma asked about enforcement, and Ms. Owens responded that would be covered under the Ordinance by the Public Works Department; Council Member Anderson expressed his concern that the Public Works Department already has its hands full. Council Member Choolokian suggested making the larger size totes for garbage and the smaller size totes for recycling to which the City Administrator responded that, once the program is operational and residents are recycling all that they should, residents may have more recycling than garbage. Chairman Walker said he would rather have the program rolled out the right way from the beginning, rather than tweaking the program as it develops. The City Administrator responded that the current contract with Modern expires on May 1, and the delivery of the totes is not expected until August 1, so that gives three months to education citizens on the program as it develops. The City Administrator thanked those City staff who contributed to developing the program, and also Niagara County Environmental Coordinator Dawn Timm, who also spoke at the Meeting.

Council Member Choolokian asked about the trees that were being taken down on Griffon Avenue rather than Jayne Park. The Mayor responded that Jayne Park would have to wait due to the weather conditions, and Council Member Touma informed him that he had learned that the trees that were being taken down on Griffon Avenue were part of the sidewalk replacement program, and the trees would be re-planted once the sidewalks were done.

Council Member Choolokian said that citizens had contacted him about creating one or more dog parks in the City, and the Mayor said that he is working on it.

Corporation Counsel Craig Johnson distributed copies of an Item to be amended and three Items to be added to the Agenda:

1. Agenda Item #21, relative to the reconstruction of Buffalo Avenue. Mr. Johnson said that the first paragraph of the communication should be amended to properly show the name of the contractor and the amount.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0

MOTION TO AMEND COMMUNICATION APPROVED

2. A Resolution relative to recognizing True Deliverance Temple 40th Church Anniversary.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #31.

3. A Resolution relative to honoring the 2014 Winners of the Niagara Falls Education Foundation Awards.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #32.

4. A Resolution relative to declaring May 10, 2014, "Friendship Day" in the City of Niagara Falls.

Council Member Choolokian moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #33.

Chairman Walker asked if there was a time line for the transfer of the former Fire Hall at 3721 Highland Avenue to the Isaiah 61 Project. Director of Community Development Seth Piccirillo responded that the time line was five years.

Council Member Choolokian inquired about the status of the ice surface at the Ice Pavilion. The Mayor informed him that the locker room overhaul was being done first, and the rink would be done next April. In response to Council Member Touma's question about responsibility for routine maintenance at the facility, the Mayor said that responsibility would belong to the operator of the facility. City Controller Maria Brown added that the City would have to go to the Bond Market to finance the Project.

Council Member Touma questioned the expense involved for repairs to the door at the LaSalle Library, and suggested exploring other options to get the work done at a less costly amount, possibly by a local craftsman or the Isaiah 61 Project. Library Director Michelle Petrazzoulo said that part of the money was from a State Construction Grant, and the rest was a match from the City. Council Member Choolokian requested that future Agenda Items provide information on the amount of City funds needed for that Item.

This Session ended at 5:55 PM

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Paul Gromosiak	Agenda Item #10
Ron Anderluh	Agenda Item #10
Ronda Grose	Agenda items #12, #17
Diane Tattersall	Agenda Items #12, #17
Joanne Gialloretto	Agenda Items #12, #17
Nicole Holland	Agenda Items #12, #17
Ken Hamilton	Agenda Items #12, #17
Dan Davis	Cleanup of Pond that goes to Gill Creek & Hyde Park Lake
Michael Heylek	Dog Parks in City
Diane Tattersall	Security in Parks
Ron Anderluh	Security in Parks
Gerald Skrlin	Conditions of properties on Buffalo Ave.
Ken Hamilton	Thanks for Legends Park; need Basketball Courts at Hyde Park; rename part of 9th St. after Bloneva Bond; electronic/pickup droppff

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPARTMENT: OVERTIME AND RELATED EXPENSES, FUNDING

Agenda Item #1

The Superintendent of Police is requesting that the sum of $200,000 be made available to the NFPD to cover unexpected and unbudgeted overtime and related expenses that he is anticipating will occur. Attached (on file in the City Clerk's Office) hereto is a letter of transmittal from the Police Superintendent identifying his needs and the amounts necessary and funding sources for each respective item.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ASSISTANCE SERVICES, NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #2

It is recommended that the City enter into an agreement for calendar year 2014 with the Niagara County Office for the Aging. As per the agreement, the City provides information and assistance services to persons sixty years old or older who meet eligibility requirements. In exchange, the City is compensated in the amount of $9,025.

Will the Council so approve and authorize the Mayor to execute an agreement acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPARTMENT: REPAIR, DEMOLITION OR BOARD OF STRUCTURES, EXPENSES

Agenda Item #3

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (on file in the City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FIRE DEPARTMENT, PALLADIAN HEALTH

Agenda Item #4

Attached (on file in the City Clerk's Office) please find the proposed agreement between the City and Palladian Health, LLC, whereby Palladian will provide Employee Assistance Program services for the members of the Niagara Falls Fire Department. This proposed two year agreement is necessitated by the expiration of the current EAP services contract for the Niagara Falls Fire Department on April 30, 2014. Funds for this expenditure are available in A3410.3010.0449.599.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA INTERNATIONAL TRANSPORTATION TECHNOLOGY COALITION: MEMORANDUM OF UNDERSTANDING, MEMBERSHIP

Agenda Item #5

It is requested that the City Council authorize the Mayor to enter into a Memorandum of Understanding for the City's continued general membership in NITTEC. The mission of NITTEC is to maintain a regional, cooperative approach to transportation management and thereby improve regional and international transportation mobility, promote economic competitiveness, and minimize adverse environmental effects related to the regional transportation system. General membership in NITTEC is at no cost to the City.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CULINARY INSTITUTE: CAPITAL PROJECT, CLOSEOUT, FUNDING

Agenda Item #6

The City Controller advises that she and representatives from USA Niagara Development Corp. have made the final reconciliations to the above project. The amount required to conclude this matter inclusive of the City's portion of utilities, security and the beginning design phase of the project is $278,290. Funding is available from Casino revenues and is to be transferred to this Capital project budget line. The City Controller previously earmarked Casino revenues for this purpose.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS DEPARTMENT: MEO-2'S, FUNDING

Agenda Item #7

The Director of DPW is requesting that funding be allocated for the hiring of four (4) temporary MEO-2's for the month of December, 2014. The hiring of these drivers will assist DPW with the 24/7 winter shift schedule that begins on December 1, 2014. The amount requested is $12,402.00, inclusive of FICA and is available from Fund Balance. These dollars will be transferred into DPW's Streets Division/Snow Removal account no. A.5142.0000.0130.000.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said he had spoken to John Caso who told him these positions are needed to reduce overtime and supplement the 3 shifts.

ISAIAH 61 PROJECT, INC.: 3721 HIGHLAND AVE, RENOVATIONS GRANT

Agenda Item #8

The former fire station at 3721 Highland Avenue is located on a 40 x 101.71 foot lot. The 4,240 square foot building was built in 1917. It is currently assessed at $6,000.00. The building is in dilapidated condition. The City obtained an Empire State Development Western New York Regional Council Grant to rehabilitate the project into a Trade Job Training Facility to be operated by the Isaiah 61 Project. It is proposed that the City sell the property to Isaiah 61 for the assessed value of $6,000.00. The transfer will take place after the renovation, as the City is the grantee of the state grant.

The transfer was presented to the Planning Board at its April 23, 2014 meeting. The Planning Board recommendation will be available at the April 28, 2014 City Council meeting.

The grant is for up to $132,000.00, to cover a portion of the renovation costs. The contract or contracts for the renovation will require City Council approval. The grant requires a City match of at least 10% of the project costs, which can be paid from Casino revenues. It is anticipated that the City contribution will exceed the required match. The City is currently providing administrative support for Isaiah 61 from CDBG funds, and the 2014 CDBG budget provides program funding for Isaiah 61. No CDBG funds are budgeted for the renovation.

City Charter §59 requires that real property be sold at public auction to the highest bidder. Approval of a negotiated sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote:

(a) to accept the grant;
(b) to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction;
(c) to approve the transfer of 3721 Highland Avenue as set forth herein; and
(d) to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DEMOLITION, 2928 HIGHLAND AVE., CHANGE ORDER

Agenda Item #9

On February 18, the City awarded demolition contract CD2014-1 in the amount of $456,822.00. Unforeseen circumstances arose in the course of demolition of 2928 Highland Avenue.

It became necessary to remove an additional 3,600 cubic feet of piles of friable debris from the site. Newly dumped friable debris contaminated existing debris on the site, rendering all the debris friable. The cost of removal and disposal of the friable debris is $2,085.46.

An additional 350 square feet of asbestos plaster or drywall was revealed when a stair hatch to the cellar was exposed. The cost of removal and disposal is $2,371.72.

Finally, an additional 200 square feet of asbestos plaster wall was discovered in the attic after the job was started. The cost of removal and disposal is $1,175.64.

These are fair prices for removal of this asbestos containing material from these locations.

Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR599).

Will the Council approve change order 1 to CD2014-1 in the amount of $5,632.82 and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPT.: RANGER PROGRAM, HIRING OF SUPERVISOR

Agenda Item #10

The 2014 Niagara Falls Ranger Program, a targeted police foot patrol operation that incorporates the hiring of part-time college students and local young people to act as city ambassadors, is a budgeted component of the 2014 United States Department of Housing and Urban Development Community Development Action Plan and the 2014 Casino Budget. The Niagara Falls Police Department is prepared to hire the program's part-time program supervisor, in order for the initiative to be fully operational for the summer months. The budgeted HUD amount, $120,000, will be used to fund the actual ranger stipends. The supervisor's salary is requested from the casino funded budget. Requested amount from that source: $8,500.

Does the Council approve this request?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: STREET MILLINGS, SALE, METRO CONTRACTING & ENVIRONMENTAL INC.

Agenda Item #11

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

TO: Metro Contracting and Environmental, Inc.
2939 Lockport Road
Niagara Falls, NY 14305
FOR: Sale of approximately 37,785 tons of street millings generated during the 2014 paving season: $ 2.04/ton

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 five (5) vendors. Six (6) bids were received. The above referenced company submitted the highest price for the millings. Five (5) other bids were received from: Modern Corporation, $ 1.55/ton; LaFarge North America, $ 1.34/ton; Villani's Lawn & Landscape, LLC, $1.00/ton; Armand Cerrone, $ .76/ton; and Yarussi Construction Inc., $ .10/ton.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: REFUSE COLLECTION/DISPOSAL/RECYCLABLE MATERIALS COLLECTION & PROCESSING, MODERN DISPOSAL SERVICES, INC.

Agenda Item #12

We respectfully request you approve the above mentioned Contract as follows:

TO: Modern Disposal Services, Inc.
4746 Model City Road
PO Box 209
Model City, NY 17107-0209
FOR: Five (5) year contract for refuse hauling from collection sites from wheeled carts within the City limits, refuse disposal of all waste collected, recycling hauling from collection sites within City limits, processing and sale of recyclables commencing May 1, 2014 and ending April 30, 2019. Refuse Collection will remain every week and recycling collection will be every-other week.

A copy of the bid received by Modern Disposal Services, Inc. is attached (on file in the City Clerk's Office) for your information. Also attached is a spreadsheet projecting anticipated results of this Contract.

The City Purchasing Division certifies that Proposals were solicited in accordance with New York State General Municipal Law 120w. The above referenced Company submitted the only Proposal. Waste Management and Allied Waste Service submitted letters of decline as their response.

This expenditure will be charged to budget code:
A8160.0000.0449.003 105

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Choolokian said that the Council & the Mayor need to work together to work out the bugs on this Project.

CONTRACT: LASALLE LIBRARY, WOOD DOOR REPLACEMENT, SICOLI

Agenda Item #13

Three quotes were solicited from contractors. The following two were the result of bids received on April 22, 2014 for the above referenced project:

CONTRACTOR	BASEBID
Sicoli Construction Services, Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$18,750.00
Big L Windows & Doors	$20,750.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, Inc. at their total bid of $18,750.00. Funding is available in Code H0904.2004.0904.0449.599 and casino revenue.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he would like the Administration to seek ways to get things done by using other options that are less costly.

CONTRACT: PARKING RAMP II, FIRE PROTECTION SYSTEM IMPROVEMENTS, DAVIS-ULMER

Agenda Item #14

Upon completion of the both the County's Culinary Arts Facility and the City's concurrent parking ramp renovations, it was determined that for code compliance and public safety purposes, the fire protection systems of the former retail mall and parking ramp be separated, as well as improved so as to meet current building codes. To facilitate the process, the parking ramp's sprinkler system's subcontractor, Davis-Ulmer, was retained to perform the analysis of the existing system and to take any/all corrective measures necessary to achieve code compliance. The total cost for both analysis and the corrective actions is $25,500.00. Funding is available in code: C.R. 1720.2570.0449.599

Will the Council vote to so approve the measures taken, and reimbursement of costs incurred, to comply with current codes and ordinances?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, MECHANICAL CONTRACT, JOHN W. DANFORTH, CO.

Agenda Item #15

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
John W. Danforth Co. 300 Colvin Woods Pkwy Tonawanda NY14150	$42,000.00
Parise Mechanical, Inc.	$44,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, John W. Danforth Co., at their Base Bid of $42,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.599 and casino revenue.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: FIRE RESCUE TRUCK, EMPIRE EMERGENCY APPARATUS, INC.

Agenda Item #16

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

TO: Empire Emergency Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR:	One (1) Rosenbauer EXT Heavy Rescue Apparatus Body:	$368,810.00
	One (1) Rosenbauer Commander Chassis	241,061.00
	Credit for payment of chassis at time of delivery:	(9,252.00)
	TOTAL:	$600,619.00

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 five (5) vendors. Two bids were received (on file in the City Clerk's Office). The above referenced company submitted the lowest bid to meet the City's specifications.

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

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: REFUSE/RECYCLING CART PURCHASE & DELIVERY, CASCADE CART SOLUTIONS

Agenda Item #17

We respectfully request you approve the above mentioned Contract as follows:

TO: Cascade Cart Solutions
4950 37th Street
Grand Rapids, MI 49512

FOR: Purchase and delivery of wheeled 64 gallon refuse carts
(approximately 23,000 carts) $42.78 ea. $983,940.00 total
Purchase and delivery of wheeled 96 gallon recycling carts
(approximately 22,000 carts): $50.96 ea. $1,121,120.00 total
Purchase of Scanner & Software for inventory monitoring
(includes 10 year software licensing): $19,389.00
TOTAL: 2,124,449.00

The City Purchasing Division certifies that Bids (on file in the City Clerk's Office) were solicited in accordance with New York State General Municipal Law 103. The above referenced Company submitted the lowest Bid.

The City is eligible to submit a Grant for reimbursement of up to 50% of the cost of recycling carts.

We further request the Council authorize the use of Casino funds for this purchase.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he has done a cost comparison with other Contracts; this will improve the quality of life for residents

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, CONSULTANT SERVICES, DIDONATO ASSOCIATES, P.E.

Agenda Item #18

A contract for the above referenced project was awarded to DiDonato Associates, P.E. of Buffalo on February 19, 2014 for professional services and design related tasks in the amount of $94,500.00.

This new work involves full time Construction Inspection and any related testing, for Phase III of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of $ 58,560.00 to provide continuing on-site inspection for a new total of $153,060.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, PLUMBING CONTRACT, MOLLENBERG-BETZ, INC.

Agenda Item #19

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID	ALT.#1	ALT.#2
Mollenberg-Betz Inc. 300 Scott St. Buffalo NY 14204	$108,000.00	$15,100.00	$22,800.00
J.R.Swanson	$139,200.00	$20,600.00	$34,100.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of $108,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, VARIOUS LOCATIONS, YARUSSI CONSTRUCTION, INC.

Agenda Item #20

The following was the result of bids received on April 16, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 341,412.00
Mark Cerrone, Inc.	$ 358,570.00
Socko Construction Co.	$ 361,670.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction Inc. at their Base Bid of $341,412.00. Please note that this amount is funded by a combination of both CHIPS ($114,562.00) and Casino Revenue ($226,850.00) sources. Funding is available in codes H0314.2014.0314.0449.599 and H0621.2006.0621.0449.599 respectively.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: BUFFALO AVE. RECONSTRUCTION, CLOUGH HARBOUR, CHANGE ORDER

Agenda Item #21

A contract for the above referenced project was awarded to Clough, Harbour & Associates, LLP on April 10, 2006 in the amount of $2,500,000.00.

To accommodate the contractor's late season construction rush, our inspectors and their environmental sub consultants were required to keep pace with both on-site and laboratory testing to adequately deal with any possible handling and disposal issues encountered. The costs for both the field and laboratory processing of the numerous samples collected totals $180,520.00. Anticipating minimal additional monitoring and analysis as the contractor prepares to handle seasonally related plantings and temperature sensitive material installations, to complete this project, the undersigned request a "not to exceed" amount of $185,000.00 to be added to the consultant services agreement we have with Clough-Harbour Associates (CHA), bringing their final contract total to $5,053,900.00.

Please note that this amount is 95% reimbursable through current agreements between the City and New York State Department of Transportation.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Amendment was to change the 1st sentence.

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, GENERAL CONTRACT, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #22

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Sicoli Construction Services Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$408,600.00
Sicoli & Massaro, Inc.	$472,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Sicoli Construction Services, Inc., at their Base Bid of $408,600.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, ELECTRICAL CONTRACT, CIR ELECTRIC SONSTRUCTION CO.

Agenda Item #23

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
CIR Electric Construction Co. 400 Ingham Ave. Buffalo NY 14218	$ 61,900.00
Industrial Power & Lighting Corp.	$ 84,700.00
M&M Electric Co. Inc.	$100,705.00
Electric Service & Systems, Inc.	$103,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, CIR Electric Construction Co., at their Base Bid of $61,900.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: KING, DEANNA C.

Agenda Item #24

Date Claim Filed: March 18, 2014	
Date Action Commenced:	N/A
Date of Occurrence:	February 20, 2014
Location:	1654 Niagara Avenue, Niagara Falls, NY
Nature of Claim: Automobile damage	sustained in an accident with City vehicle
City Driver:	Kristina Ligammari
Status of Action: Claim stage.	
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$270.70
Make Check Payable to:	Deanna C. King
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?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: DAY, BRADLEY R.

Agenda Item #25

Date Claim Filed:	August 15, 2012
Date Action Commenced:	January 18, 2013
Date of Occurrence:	July 23, 2012
Location:	1785 New Road, Niagara Falls, NY
Nature of Claim:	Injuries sustained from falling object.
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$20,000.00
Make Check Payable to:	Bradley R. Day and Cellino & Barnes, P.C.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: NINTH ST, 405, SALE

Agenda Item #26

The Council previously approved the sale of the adjoining lot at 407 Ninth Street to the Frank and Geraldine Fusarelli.

During the review of the request to purchase that lot the Department of Public Works suggested that the Fusarellis might be interested in the adjoining vacant City-owned lot at 405 Ninth Street as that would expand their parcel and would also remove the liability and maintenance responsibilities from the City.

This was communicated to the Fusarellis and they submitted a request to purchase the lot.

This was presented to the Planning Board for a recommendation to Council and the Planning Board voted to not recommend their request. A copy is attached hereto (on file in the City Clerk’s Office).

Since the Council is not bound by the Planning Board recommendation, the Fusarellis asked that their request be submitted to the Council.

Will the Council approve the sale of this premises for the sum of $10.00 in an “as is” condition and with the requirement to combine the property with 407 and 409 Ninth Street, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved to Table the communication.

Yeas	5
Nays	0

TABLED

RESOLUTION: NIAGARA FALLS YOUTH BOARD, 2014-31
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #27

WHEREAS, the City Council established the Niagara Falls Youth Board in 1965; and

WHEREAS, there are currently fifteen members on the Youth Board; and

WHEREAS, the Youth Board has found that this number is not manageable for obtaining quorums for meetings and has requested that the number of members be reduced to nine.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the Niagara Falls Youth Board will consist of nine members to be appointed by the Council for three year terms, one of whom must be between the ages of sixteen and twenty-one years old.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH BOARD, REAPPOINTMENTS, 2014-32
BY: COUNCIL CHAIRMAN CHARLES A. WALKER

Agenda Item #28

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

RE-APPOINTMENTS	TERM EXPIRES:
Noreen Chatmon	12/31/2014
Michael Montanaro	12/31/2016
Rashad Travis	12/31/2016
Rick Williams	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CAPITAL PLAN, ESTABLISHING COMMITTEE, 2014-33
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #29

WHEREAS, the costs of various capital projects have exceeded their projected costs, as contained in the City’s current Capital Plan, and

WHEREAS, the costs of several new capital projects are not reflected in the City’s current Capital Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby requests that the mayor convene a committee to create a new capital plan that more accurately reflects the costs of capital projects to the city.

Yeas 5
Nays 0
ADOPTED

Chairman Walker said there were items that were over budgeted/not included/over spent in the Capital Plan & the Plan needs to be redone.

RESOLUTION: CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2014-34
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #30

BE IT RESOLVED, that the following individual is hereby reappointed to the Municipal Civil Service Commission for a term concluding at the expiration date appearing opposite his name:

RE-APPOINTMENT	TERM EXPIRES:
Mr. Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	5/31/2020

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRUE DELIVERANCE TEMPLE, 40TH CHURCH ANNIVERSARY, RECOGNIZING, 2014-35
BY: ALL COUNCIL MEMBERS

Agenda Item #31

WHEREAS, In February we celebrate Black History Month, a time to recognize people who made sacrifices for the common good, whose will was unbending, whose individual ambitions and endowments they put into a service of a cause greater than personal wealth or fame, and

WHEREAS, during that month the Niagara Falls community honored Dr. Frances S. Douglas founder of True Deliverance Temple for her willingness to accept the holy call of God, not according to her own works, but according to his own purpose and grace, (2 Timothy 1:8-9) and

WHEREAS, on April 26th, at the Como Restaurant in Niagara Falls New York, Pastor Paul Douglas along with the congregation, family and friends of True Deliverance Temple will celebrate 40 years in the ministry, and

WHEREAS, we also take this moment to honor the leadership and vision of Overseer Dr. Frances Douglas who after being ordained in April of 1974, began the ministry presently known as True Deliverance Temple located at 1318 Niagara Street city of Niagara Falls and after 31 years of leadership and growth turned the ministry over to her son Pastor Paul Douglas, and

Whereas, this ministry has touched the lives of many, giving hope and counseling to the lost, support and service to the needy, while Niagara Falls has changed especially in the community for which True Deliverance serves, the ministry has remained steadfast, unmovable always abounding in the Lord, the foundation for which she was built.

NOW THEREFORE, BE IT RESOLVED we the Niagara Falls City Council on behalf of the citizens of this great city would like to congratulate True Deliverance Temple on your 40th Church Anniversary, and we acknowledge the contribution your ministry has made in this city, the lives in which you have touched for we are a better city because of your presence.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: EDUCATION FOUNDATION AWARD WINNERS, HONORING, 2014-36
BY: ALL COUNCIL MEMBERS

Agenda Item #32

WHEREAS, the Niagara Falls Education Foundation will hold its 4th Annual Scholarship & Alumni Recognition Dinner on Thursday, May 1, 2014, and

WHEREAS, the second generation of the Certo family, represented by Ms. Mary and Ms. Elizabeth Certo, will be honored as Distinguished Alumni for the hard work and dedication they poured into the Certo Brothers Distributing Co., a business that was founded in Niagara Falls and that has served Western New York for over 100 years, and

WHEREAS, Mr. Joseph Petrozzi will be honored as a distinguished Alumnus for his industriousness and commitment to his craft as founder of Capitol Cleaners, a Niagara Falls institution that has served the city since 1948, and

WHEREAS, Dr. Michael J. Cardamone will be honored as an Emerging Leader Alumnus for his success in establishing and growing Cardamone Chiropractic, a practice that has assisted the people of Niagara Falls and the Western New York region since the early 2000s, and

WHEREAS, Mr. Jonny Flynn will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his cultivation of world-class skill and ability in the game of basketball, having led an impressive and inspiring career in the sport, from his days as a Wolverine at Niagara Falls High School to his college years with Syracuse University, and from his NBA career with the Minnesota Timberwolves, the Houston Rockets, and the Detroit Pistons, to his career abroad with the Melbourne Tigers and Sichuan Blue Whales, and

WHEREAS, the late Mr. James Williams, a 1964 graduate of Niagara Falls High School, will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his devotion to and success in athletics, both as a player, having played basketball in high school and played both basketball at football at the University at Buffalo, and as a coach and mentor to a generation of young sportsmen and women in his adult years,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council extends a heartfelt congratulations to the 2014 award winners, and thanks them for their hard work and inspiring drive to succeed.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FRIENDSHIP DAY, 2014-37
BY: ALL COUNCIL MEMBERS

Agenda Item #33

WHEREAS, the Niagara Falls chapter of The Links, Incorporated, founded in 1950, will be hosting the biennial conference of its “BERNS” members (Buffalo, Erie, Rochester, Niagara Falls, Syracuse) from Friday, May 9 to Saturday, May 10, and

WHEREAS, The Links, Incorporated has brought together thousands of women from around the world to promote friendship and community service since its founding 1946 in Philadelphia, PA, and now boasts a membership of over 12,000 individuals, and

WHEREAS, the biennial meeting of the BERNS chapters shall assemble on the weekend of May 9-10 to rededicate themselves to their noble cause,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby declares May 10, 2014 to be “Friendship Day” in the City of Niagara Falls, in honor of the service and dedication of the Niagara Falls chapter of The Links, Incorporated.

Yeas 5
Nays 0
ADOPTED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #34

The Director of the Department of Public Works ("DPW") is requesting that the sum of $33,000.00 be made available to the department's Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This $33,000.00 includes $30,000.00 of overtime and $3,000.00 for FICA.

Will the Council so approve?

Council Member Touma moved to Remove the Item from the Table (item was Tabled at the January 21, 2014 Council Meeting.

Yeas	5
Nays	0

MOTION TO REMOVE FROM THE TABLE APPROVED

The Item was added to the Agenda as #34

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

April 25, 2014

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

April 22, 2014

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9b of the City Charter to be held on Friday, April 25, 2014 at 3:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Call for a Public Hearing to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Respectfully submitted
Charles Walker
Council Chairman

The April 25, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 3:02 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti,, Andrew Touma.
Absent: Council Members Robert Anderson, Glenn Choolokian

Also Present: Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

RESOLUTION: RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT", 2014-30
BY: ALL COUNCIL MEMBERS

Agenda Item #1

RESOLVED, that Local Law No. ____ for the year 2014 be introduced, and that a public hearing be held on such Local Law on the 2nd day of May, 2014 at 4:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 3:03 PM.

Carol A. Antonucci
City Clerk

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The first session of the April 14, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the City Council Meeting of March 31, 2014.

Yeas	5
Nays	0
	APPROVED

John Percy, President and CEO of the Niagara Tourism and Convention Corporation, spoke on the new Visitors Guide and redesigned website the organization had. He noted that hotel occupancy/bed tax revenues were up 70% since 2003. Chairman Walker asked Mr. Percy if he had met with the Tourism Advisory Board, and Mr. Percy responded that a meeting was scheduled for April 21.

City Controller Maria Brown spoke on Refunding and Refinancing of City Bonds (Agenda Item #24). She noted that this will provide a significant savings to the City, and that this is a good time to refinance.

Council Member Touma asked Mayor Paul Dyster about the use of the Sal Maglie Stadium and a contract for a baseball team there, and the Mayor responded that an RFP was being prepared, and he would have a report at the next Council Meeting.

Council Member Touma said that he had observed City workers doing street repairs, and they had done a good job.

Council Member Touma asked if there was a written program for spending of Casino dollars, and asked for a continuous update. Mrs. Brown suggested that the Council Members review items presented for funding with Casino dollars before they are placed on the Agenda, and Chairman Walker added that this was a good idea.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #11, relative to an agreement with the NYS DOT for the Rail Station and Intermodal Transportation Center, to change the source of State funds.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0
	AMENDMENT APPROVED

Chairman Walker questioned Agenda Item #12, relative to a contract amendment for the construction phase services for the Rail Station and Intermodal Transportation Center. He noted that the amount for changed legal fees is not specified. Susan Sherwood of Wendel-Duchscherer responded that this was not an additional amount, but the amount was already covered in the scope of work.

Chairman Walker asked Mrs. Brown if an audit of the NFTA Trolley Service had been done. She responded that she was only authorized to audit the hotels, and not the NFTA. Mayor Dyster said that he has numbers regarding the ridership that he will provide to the Council. Council Member Touma added that he had met with Mr. Frank Strangio about the season numbers, and Mr. Percy added that the numbers were also good during November and December.

This Session ended at 5:37 PM.

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Chairman Walker asked Code Enforcement Director, Dennis Virtuoso, to speak on neighborhood concerns regarding Niagara Gospel Rescue Mission.

Mr. Virtuoso said that the Mission work and feeding people can continue but overnight stays are not permitted in a Residential area. The Mission has the option to go to the Board of Appeals for a variance to allow transient use.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #20, #22
Frank Strangio	Agenda Item #17
Paul Gromosiak	All groups that deal with the history of the City need to communicate with each other & speak with one voice; suggested using RENU group from NU to do this
Ron Anderluh	Commended DPW for doing an excellent job; Dedicate 2 Police Officers to patrol City Parks & deal with issues with older kids in Parks
Shaun Smith	Exec. Director of Niagara Gospel Rescue Mission- said residents in the area didn't express their concerns to him; residence is a zero tolerance "Dry" Mission
Dan Crineri	Niagara Gospel Rescue Mission is saving lives
John Ritter	Niagara Gospel Rescue Mission is doing good work
Jennifer Cooper	Volunteers at Niagara Gospel Rescue Mission-Facility is needed
David Curtin	President of Board of Directors of Niagara Gospel Rescue Mission-wants to do even more in the Community
Josh Highway	Closing Niagara Gospel Rescue Mission is a mistake
Alicia Estell	Niagara St. playground issues
Tracy Greene	North/Lockport St. Park needs repairs; cleanup area around the Train Track; minority hiring for new Train Station building
Claire Curtis	Niagara Gospel Rescue Mission next door neighbor-very comfortable with them as neighbors
John Signorelli	Commended to helping Niagara Gospel Rescue Mission
Diane Tattersall	City Parks are improving but need cameras there
Joanne Gallareto	Thanked Chairman Walker for bringing the Council out into the Community; concerns about waterless Water Meters

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF MARCH 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PUBLIC WORKS, CORPORATION YARD EQUIPMENT STORAGE FACILITY, PLUMBING CONTRACTOR, CO #1, ACKERMAN PLUMBING INC.

Agenda Item #3

A contract for the above referenced project was awarded to Ackerman Plumbing Inc. on September 4, 2012 in the amount of $101,997.00.

During the course of the project, changes were required to upgrade the alarm capabilities of the fire protection system in order to ensure compliance with current fire codes. The total cost of this additional work is $3,095.85. This change order will bring the total revised contract sum to $105,092.85.

Funding is available in code H1119.2011.1119.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: PUBLIC WORKS, CORPORATION YARD STORAGE EQUIPMENT FACILITY, ELECTRICAL CONTRACTOR, CO #1, CIR ELECTRICAL CONSTRUCTION CO.

Agenda Item #4

A contract for the above referenced project was awarded to CIR Electrical Construction Co., Inc. on September 4, 2012 in the amount of $58,200.00.

During the course of the project, changes were added to extend the new electrical service underground, as well as to provide power upgrades for the fire protection system. The total cost of this additional work is $9,249.21. This change order will bring the total revised contract sum to $67,449.21.

Funding is available in code H1119.2011.1119.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT: NFPD, CAPITAL PURCHASES, FUNDING

Agenda Item #5

The Superintendent of Police is requesting that the sum of $88,950.00 be made available to the department to purchase items to benefit Administration/Community Relations/Special Events and Internal Affairs. Attached (on file in the City Clerk's Office) hereto is an itemized list of the items the Superintendent wishes to purchase. These items were included in the approved 2014 Police Capital budget. Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

NIAGARA MILITARY AFFAIRS COUNCIL: FUNDING

Agenda Item #6

The NIMAC has been involved in various activities that it deems necessary in order to help secure the future of the Niagara Falls Air Reserve Station, Niagara County's largest employer. Attached On file in the City Clerk's Office) hereto is a copy of a letter from John A. Cooper Sr., Chairman of NIMAC and Merrell A. Lane, Vice Chairman of NIMAC addressing concerns about future attempts to close this Air Base.

In the past, the City has made casino revenues available to NIMAC in order to help support NIMAC's efforts. NIMAC is requesting the City to contribute the sum of $40,000.00 to retain this important asset and the 3,000 plus jobs it represents in Niagara. Funding is available from casino revenues.

Will the Council so approve and authorize the Mayor to execute an agreement in form acceptable to the Corporation Counsel for NIMAC?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: COURT HOUSE, CLEANING/MINOR REPAIR SERVICES, STATE REIMBURSEMENT

Agenda Item #7

Pursuant to New York State Law, the Unified Court System reimburses the City for cleaning its facilities located in the new Municipal Complex as well as performing minor repair services. This has been done pursuant to contract since the Municipal Complex opened. The agreement is now expiring and the new agreement will cover the period of State fiscal year 2013 – 2014 through State fiscal year 2017 – 2018, beginning April 1, 2013 and terminating on March 31, 2018. This agreement calls for New York State to reimburse the City for costs incurred by the City on a quarterly basis. These amounts fluctuate from quarter to quarter depending on time spent and are estimated to be approximately $82,366.75 per quarter and $329,467.00 annually. The State is current in its payments.

Will the Council so approve and authorize the Mayor to enter into an agreement satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPT: NFPD, SERVICE WEAPONS REPLACEMENT

Agenda Item #8

The Police Superintendent advises that Smith & Wesson ("SW") has offered to upgrade NFPD's 165 service revolvers for no cost. In order to avail itself of this opportunity, the NFPD will be required to turn over to SW the NFPD's existing 165 service revolvers. This is contingent upon the existing service revolvers tendered to SW to number 165 units and to be in good working condition. In the event that all 165 service revolvers are not turned in, or in the event that an existing service revolver is determined not to be in good working order, a charge of $410.00 per service revolver will be imposed together with a $16.50 charge for any missing magazines. Attached (on file in the City Clerk's Office) is a quote from SW in this regard.

Will the Council so approve and authorize the Mayor to execute any documents which may be necessary to complete this transaction?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma commended the Police Superintendent for his work on this item.

CONTRACT: NTCC, PARKING SPACES

Agenda Item #9

The NTCC is requesting that the City allow the NTCC the use of 25 unrestricted parking spaces/permits in the City-owned parking lot located at the corner of 1st Street and Rainbow Boulevard. The NTCC is proposing to pay the City the sum of $40 per month per space/permit which equals the sum of $1,000 a month. This is the current market rate.

It is proposed that this agreement be for a twelve (12) month period of time, with the ability of either party to terminate the same on thirty days prior written notice. The NTCC is also requesting that persons attending meetings at the NTCC offices be permitted to park in one of their 25 spaces/permits should the capacity for such parking exist at that time.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM: RECONVEYANCE OF TITLE, FORMER OWNERS

Agenda Item #10

The City is in the process of acquiring title to a number of parcels through the 2010 In Rem Tax Foreclosure. These properties will be auctioned on June 10, 2014. 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 June 6, 2014.

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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DOT, TRAIN STATION, MATCHING FUNDS

Agenda Item #11

Attached (on file in the City Clerk's Office) hereto is a copy of the above referenced Grant Agreement which will provide an additional $1,400,000 to the City of Niagara Falls as matching State funds for the Niagara Falls International Rail Station and Intermodal Transportation Center project.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas *4*
Anderson, Grandinetti, Touma, Chairman Walker

Nays *1*
Choolokian

APPROVED

Amendment & attachment on file in the City Clerk's Office
Amendment changes source of State funds.
Council Member Grandinetti said she supports the Project & construction needs to move forward.
Council Member Touma commended the Administration for working with the state on this & said it is a job well done.

CONTRACT: TRAIN STATION, AMENDMENT #4, WENDEL DUCHSCHERER, ARCHITECTS & ENGINEERS

Agenda Item #12

A contract for consultant services for the above referenced project was awarded to Wendel-Duchscherer, Architects and Engineers, Inc. (WD), 140 John James Audubon Pkwy, Suite 201, Buffalo, NY 14228 by City Council on July 25, 2005 and dated January 3, 2006, which was subsequently extended in February 2010 to include right-of-way services, final design, and other services associated with the above project, in November 2012 to cover "pre-obligation" requirements of the Federal Railroad Administration for additional "pre-construction" activities, and again in January 2014 to cover additional services arising from the necessity to value engineer (VE) a reduction in scope and to revise the contract documents in preparation of re-bidding the project.

NF Intermodal Transportation Center Project (PIN 5756.28) costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402. A more detailed explanation of scope of services in this phase are contained the letter and services summary, from Wendel, dated April 7, 2014 and is attached (on file in the City Clerk's Office) hereto. The total for this phase scope of work is $3,080,000.00.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Choolokian said spending should be focused on the infrastructure.
Chairman Walker said investment in the City is needed.

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION COMPANY INC.

Agenda Item #13

Attached (on file in the City Clerk's Office) is a recommendation to award the general construction contract for the NF-International Railway Station & Intermodal Transportation Center Project (PIN 5756.28).

The City held a public bid according to all the requirements of its State and Federal funding partners and is in receipt of a qualified low-bid from Scrufari Construction Company Inc. After appropriate due diligence in review of the contractor's proposal, it is the recommendation of the consulting Project Engineer award the contract as stipulated below.

The Administration concurs with this recommendation, and in accordance with the Project's budget and the contract documents, recommends the City Council award the General Construction contract to Scrufari Construction, Inc. in the amount of the Base Bid ($23,720,000.00) less Deduct Alternates #6, #13, and #2 for a total contract value of $22,691,000.00.

Also, on condition that the Contractor accept the unit prices set forth in the bid proposal and further agree to comply with the preconstruction requirements of the contract.

NF Intermodal Transportation Center Project (PIN 5756.28) construction costs are eligible for partial reimbursement under New York State Dept. of Transportation (NYS-DOT) Supplemental Agreement No. 2 (Comptroller's Contract No. D017307, NYS-DOT Supplemental Agreement #1 (Controller's Contract No. DH34504), and the Federal Railroad Administration Transportation Investment Generating Economic Recovery (TIGER II) Grant Agreement. The City's local-share funding is available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402.

Will the Council vote to so approve and authorize the Mayor to allow the Contractor to execute construction contracts in a form acceptable to the Corporation Council?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Choolokian said that he is glad that a Niagara Falls company won the bid.
Council Member Touma said a sound transportation system is needed in the City.

CONTRACT: TRACT I/TRACT II, REMEDIATION/DEVELOPMENT DATES EXTENSION, BRIGHTFIELDS CORP.

Agenda Item #14

In 2012, the City transferred Tract I and Tract II, consisting of 23± acres, to Brightfields Corporations. DEC-approved remediation of the sites has progressed. The transfer agreement called for completion of the work and a final engineering report to be submitted by October 31, 2013. In September of 2013, the City Council extended the date for completion of the remediation work to March 17, 2014. The extension was requested to accommodate additional work which became necessary.

An additional extension has been requested to complete the additional work on the site. Since the work is progressing under DEC monitoring, the extension should be granted. The extended date is for completion of the remediation is on or before November 1, 2014. If DEC approves a different date, the City will adopt the DEC approved date without further Council action.

Within 18 months of completion of remediation, Brightfields will construct playground improvements costing a minimum of $250,000.00 on five acres of the Tract II property. That land will be conveyed back to the City to become a City Park. This park will replace the Center Court playground which became part of the HOPE VI housing development. Within 24 months of completion of the remediation, Brightfields will complete on Tract I or Tract II at least one aspect of the proposed development at a cost, exclusive of remediation, of at least $1.5 Million.

Will the Council vote to approve the extended dates as set forth herein, with a remediation completion date of no later than November 1, 2014, which will also extend the park completion date to no later than May 1, 2016 and development completion date to no later than November 1, 2016, and to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SIGNAGE IN GRIFFON & LASALLE WATERFRONT PARKS, WENDEL

Agenda Item #15

Attached (on file in the City Clerk’s Office) is a proposal from Wendel to develop initial signage and wayfinding design standards and documentation for the Park System of the City, as well as, to provide detailed design drawings for an initial signage procurement at Griffon and LaSalle Waterfront Parks and two interpretative signs (one at each park).

Funding is available in the Casino Revenue Fund for transfer to account code No. H0622.2006.0622.0451.000 [Parks Improvement]. The cost of the work is $7,320.00. (Note: does not include fabrication at this time.)

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

Council Member Choolokian moved to Table the communication

Yeas	5
Nays	0
	TABLED

CONTRACT: FIRE HOUSE, 3721 HIGHLAND AVE., RENOVATION

Agenda Item #16

The City of Niagara Falls, with assistance from a 2013 Western New York Regional Economic Development Council Grant, is renovating the now vacant, city-owned fire house at 3721 Highland Avenue. The end user of the renovated space will be The Isaiah 61 Project, returning the property to the tax roll. The facility will be the organization's trades training facility and re-use store for salvaged building materials.

The Isaiah 61 Project Trades Training Program began in 2012, in partnership with the Niagara Falls Community Development Department and The John R. Oishei Foundation. Since its inception, 50 people have graduated from the program and approximately 75 percent have found local job placement. There is a pressing need for more job training and placement in the City of Niagara Falls. As stated in the recently completed *Strengthening WNY's Safety Net: A Presentation of findings for the City of Niagara Falls*, slightly fewer than 20,000 jobs exist within Niagara Falls. Access to certified O/N BOCES trades training and the OSHA-10 course is an effective and cost efficient way to connect the under-employed with actual job opportunities.

The purpose of this project, and the city's joint venture with the Isaiah 61 Project, is to prepare unemployed residents for trades employment in strong partnership with the Niagara County Building and Construction Trades Council. Entering into a Project Labor Agreement, as with other recent city sponsored developments, will determine the terms and conditions of employment for the 3721 Highland Avenue Fire House Project, as the Niagara Falls Community Development Department prepares to bid contracted work in the next month.

Will the Council vote to allow the Mayor to negotiate and execute a Project Labor Agreement for the 3721 Highland Avenue Fire House Project.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Grandinetti thanked Wendel for their no charge services to the City on this Project & also commended the Isaiah 61 Project.

CONTRACT: TROLLEY SERVICE, NFTA

Agenda Item #17

It is desirable to reinstitute again this year Trolley Service in the City in cooperation with the Niagara Frontier Transportation Authority. It is recommended that Trolley Service commence on May 16, 2014 and conclude October 31, 2014. During the month of May, 2014 the Trolley Service will operate on weekends only (Friday, Saturday and Sunday). Trolley service from June 1, 2014 through October 31, 2014 will be on a daily basis. The cost to the City for this service will be $530,000. This will be subject to the terms and conditions contained in an agreement subject to approval by the Corporation Counsel which will also contain a route for service. Funding is available from the Tourism Fund.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma thanked Frank Strangio and suggested that NFTA expand the Trolley Service throughout the County.

CONTRACT: LANDSCAPING/MAINTENANCE, MEDIANS/TRAFFIC CIRCLE, GARDENVILLE LANDSCAPING & NURSERY, LLC

Agenda Item #18

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

TO: Gardenville Landscaping & Nursery, LLC
3069 Clinton Street
West Seneca, NY 14224

FOR: Landscaping and maintenance of the medians along:
$57,397.00
Niagara Street, John B. Daly Boulevard, Rainbow Boulevard and the Traffic Circle:

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 Thirteen (13) vendors. Four (4) bids were received. The above referenced company submitted the lowest bid. Bids were also received from Beau Enterprises, Inc. ($68,560.00), Wayside Nursery, Inc. ($119,850.00) and Villani's Landscaping ($187,090.00).

Funding was approved in the 2014 budget under the Infrastructure 5-year "Financial" Capital Plan.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: MEALS FOR PRISONERS, FRANKIES DONUTS, INC.

Agenda Item #19

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

TO: Frankies Donuts, Inc.
717 Portage Road
Niagara Falls, NY 14301

FOR: Meals for prisoners at the Municipal Svcs. Building:

Breakfast (est. 3,000)	$ 1.00
Lunch (est. 6,700)	1.75
Supper (est. 2,200):	1.75

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. One other bid was received from CRR Holding, Inc., DBA Tim Hortons (Breakfast $2.30 ea., Lunch $6.97 ea. and Supper $6.97 ea.). The above referenced company submitted the lowest bid.

Funds for this expenditure are available in A3120.0001.0449.010.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

HOMESTEAD & NON-HOMESTEAD ASSESSMENT ROLL, CERTIFICATION OF BASE PERCENTAGES, CURRENT PERCENTAGES AND CURRENT BASE PROPORTIONS

Agenda Item #20

In accordance with Section 1903 of the Real Property Tax Law, the City Council must certify the attached (on file in the City Clerk's Office) referenced percentages and proportions.

Assessing units using Article 19 Homestead option must certify percentages and proportions when final class equalization rates are established by the Office of Real Property Services.

The certification is now due and the attached represents the necessary certifications.

Will Council certify the attached percentages and proportions?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 18TH STREET, 1406, SALE

Agenda Item #21

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $200.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: BUFFALO AVENUE INDUSTRIAL CORRIDOR PROJECT, REVITALIZATION PLAN

Agenda Item #22

In 2009 the City applied for the above referenced grant, which was recently awarded in the amount of $403,632. This requires a local share of $44,848, which the City expects to fund with mostly in kind services provided by City personnel.

This funding will be used for consultants to complete a Step 2 Revitalization Plan for the Buffalo Avenue Industrial Corridor Project.

Will the Council so approve and authorize the Mayor to execute an agreement and other documentation in a form acceptable to Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

BUFFALO NIAGARA ENTERPRISE: MEMBERSHIP, FUNDING

Agenda Item #23

The City has an opportunity to become a member of the BNE which is a non-profit regional research, marketing and business development organization committed to bringing jobs and investment to the eight (8) counties of Western New York. The BNE has helped 272 companies to invest over 2.9 billion dollars in our region and retain more than 36,000 jobs since 1999. Attached (on file in the City Clerk's Office) hereto is a description of BNE activities together with a description of the various investor levels and the benefits from each respective level. It is recommended that the City participate in the $50,000 per year level.

Funding is available from casino revenues.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	3
Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	
Abstain	1
Anderson	

APPROVED

RESOLUTION: SERIAL BONDS, PAYMENT/REFUNDING, 2014-29
BY: ALL COUNCIL MEMBERS

Agenda Item #24

WHEREAS, the City of Niagara Falls, Niagara County, New York (hereinafter, the "City") heretofore issued $9,540,000 Public Improvement Refunding (Serial) Bonds, 2003, pursuant to a refunding bond resolution as further described in the bond determinations certificate of the City Controller dated February 25, 2003 (hereinafter referred to as the "2003 Refunded Bond Determinations Certificate"), such Public Improvement Refunding (Serial) Bonds, 2003, being dated February 25, 2003 with remaining maturities on March 1 in the years 2015 through 2024, both inclusive, as more fully described in the 2003 Refunded Bond Determinations Certificate (the "2003 Refunded Bonds"); and

WHEREAS, the City also heretofore issued $13,160,000 General Obligation Serial Bonds - 2004 Series A pursuant to various bond resolutions to pay the cost of various City purposes as further described in the bond determinations certificate of the City Controller dated November 1, 2004 (hereinafter referred to as the "2004 Refunded Bond Determinations Certificate"), such General Obligation Serial Bonds - 2004 Series A, being dated November 1, 2004 with remaining maturities on November 1 in the years 2014 through 2018, both inclusive, as more fully described in the 2004 Refunded Bond Determinations Certificate (the "2004 Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2003 Refunded Bonds and the 2004 Refunded Bonds (collectively, the "Refunded Bonds") by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Niagara Falls, Niagara County, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds maturing in 2015 and thereafter as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, as well as any prepayment premium, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding $8,200,000 refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately $8,015,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of $5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-14 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the City Controller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the City Controller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the City by lot in any customary manner of selection as determined by the City Controller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the City shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of $5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the City Controller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the City maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the City Controller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the City Controller as fiscal agent of the City for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The City Controller, as chief fiscal officer of the City, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said City, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the City, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the City Controller is also hereby authorized to name the City Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The City Controller is hereby further delegated all powers of this Council with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signature of the City Controller, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Controller shall determine. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified in the 2003 and 2004 Refunded Bond Determinations Certificates which are incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This Council recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the City will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The City Controller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the City Controller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Controller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The City Controller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said City Controller shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said City of Niagara Falls, Niagara County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said City a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the City to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the City shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the City hereby elects to call in and redeem each Refunded Bond which the City Controller shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the City Controller (the "Underwriter") for purchase prices to be determined by the City Controller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the State Comptroller as required by Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the City Controller to the Underwriter in accordance with said purchase contract upon the receipt by the City of said purchase price, including accrued interest.

Section 11. The City Controller and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the City Controller and all powers in connection thereof are hereby delegated to the City Controller.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspaper of said City, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Yeas 5
Nays 0

ADOPTED

Council Member Choolokian thanked the Controller for saving the City money.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:30 P.M.

Carol A. Antonucci
City Clerk

April 25, 2014

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

April 22, 2014

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9b of the City Charter to be held on Friday, April 25, 2014 at 3:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Call for a Public Hearing to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Respectfully submitted
Charles Walker
Council Chairman

The April 25, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 3:02 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti,, Andrew Touma.
Absent: Council Members Robert Anderson, Glenn Choolokian

Also Present: Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell.

RESOLUTION: RELATIVE TO CALLING FOR A PUBLIC HEARING TO AMEND THE CITY CHARTER RELATIVE TO AMENDING ARTICLE VIII ENTITLED "TAXATION AND ASSESSMENT", 2014-30
BY: ALL COUNCIL MEMBERS

Agenda Item #1

RESOLVED, that Local Law No. ____ for the year 2014 be introduced, and that a public hearing be held on such Local Law on the 2nd day of May, 2014 at 4:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 3:03 PM.

Carol A. Antonucci
City Clerk

April 28, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the April 28, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of April 14, 2014.

Yeas	5
Nays	0
	APPROVED

City Administrator Donna Owens spoke on the contract with Modern for refuse pickup/recycling. She reported that: totes will be provided for residents for garbage, which will be picked up weekly, and recycling, which will be picked up every other week; Modern will be part of an aggressive education program, working with the schools, block clubs, etc. for the public on the advantages to recycling, both for the City and the residents; and added that the City Ordinances that pertain to garbage and recycling are being worked on to cover enforcement and other aspects of the program. Council Member Anderson said that the totes are a good idea. Council Member Touma asked about enforcement, and Ms. Owens responded that would be covered under the Ordinance by the Public Works Department; Council Member Anderson expressed his concern that the Public Works Department already has its hands full. Council Member Choolokian suggested making the larger size totes for garbage and the smaller size totes for recycling to which the City Administrator responded that, once the program is operational and residents are recycling all that they should, residents may have more recycling than garbage. Chairman Walker said he would rather have the program rolled out the right way from the beginning, rather than tweaking the program as it develops. The City Administrator responded that the current contract with Modern expires on May 1, and the delivery of the totes is not expected until August 1, so that gives three months to education citizens on the program as it develops. The City Administrator thanked those City staff who contributed to developing the program, and also Niagara County Environmental Coordinator Dawn Timm, who also spoke at the Meeting.

Council Member Choolokian asked about the trees that were being taken down on Griffon Avenue rather than Jayne Park. The Mayor responded that Jayne Park would have to wait due to the weather conditions, and Council Member Touma informed him that he had learned that the trees that were being taken down on Griffon Avenue were part of the sidewalk replacement program, and the trees would be re-planted once the sidewalks were done.

Council Member Choolokian said that citizens had contacted him about creating one or more dog parks in the City, and the Mayor said that he is working on it.

Corporation Counsel Craig Johnson distributed copies of an Item to be amended and three Items to be added to the Agenda:

1. Agenda Item #21, relative to the reconstruction of Buffalo Avenue. Mr. Johnson said that the first paragraph of the communication should be amended to properly show the name of the contractor and the amount.

Council Member Touma moved to amend the communication.

Yeas	5
Nays	0

MOTION TO AMEND COMMUNICATION APPROVED

2. A Resolution relative to recognizing True Deliverance Temple 40th Church Anniversary.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #31.

3. A Resolution relative to honoring the 2014 Winners of the Niagara Falls Education Foundation Awards.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #32.

4. A Resolution relative to declaring May 10, 2014, "Friendship Day" in the City of Niagara Falls.

Council Member Choolokian moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #33.

Chairman Walker asked if there was a time line for the transfer of the former Fire Hall at 3721 Highland Avenue to the Isaiah 61 Project. Director of Community Development Seth Piccirillo responded that the time line was five years.

Council Member Choolokian inquired about the status of the ice surface at the Ice Pavilion. The Mayor informed him that the locker room overhaul was being done first, and the rink would be done next April. In response to Council Member Touma's question about responsibility for routine maintenance at the facility, the Mayor said that responsibility would belong to the operator of the facility. City Controller Maria Brown added that the City would have to go to the Bond Market to finance the Project.

Council Member Touma questioned the expense involved for repairs to the door at the LaSalle Library, and suggested exploring other options to get the work done at a less costly amount, possibly by a local craftsman or the Isaiah 61 Project. Library Director Michelle Petrazzoulo said that part of the money was from a State Construction Grant, and the rest was a match from the City. Council Member Choolokian requested that future Agenda Items provide information on the amount of City funds needed for that Item.

This Session ended at 5:55 PM

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Paul Gromosiak	Agenda Item #10
Ron Anderluh	Agenda Item #10
Ronda Grose	Agenda items #12, #17
Diane Tattersall	Agenda Items #12, #17
Joanne Gialloretto	Agenda Items #12, #17
Nicole Holland	Agenda Items #12, #17
Ken Hamilton	Agenda Items #12, #17
Dan Davis	Cleanup of Pond that goes to Gill Creek & Hyde Park Lake
Michael Heylek	Dog Parks in City
Diane Tattersall	Security in Parks
Ron Anderluh	Security in Parks
Gerald Skrlin	Conditions of properties on Buffalo Ave.
Ken Hamilton	Thanks for Legends Park; need Basketball Courts at Hyde Park; rename part of 9th St. after Bloneva Bond; electronic/pickup droppff

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPARTMENT: OVERTIME AND RELATED EXPENSES, FUNDING

Agenda Item #1

The Superintendent of Police is requesting that the sum of $200,000 be made available to the NFPD to cover unexpected and unbudgeted overtime and related expenses that he is anticipating will occur. Attached (on file in the City Clerk's Office) hereto is a letter of transmittal from the Police Superintendent identifying his needs and the amounts necessary and funding sources for each respective item.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ASSISTANCE SERVICES, NIAGARA COUNTY OFFICE FOR THE AGING

Agenda Item #2

It is recommended that the City enter into an agreement for calendar year 2014 with the Niagara County Office for the Aging. As per the agreement, the City provides information and assistance services to persons sixty years old or older who meet eligibility requirements. In exchange, the City is compensated in the amount of $9,025.

Will the Council so approve and authorize the Mayor to execute an agreement acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT DEPARTMENT: REPAIR, DEMOLITION OR BOARD OF STRUCTURES, EXPENSES

Agenda Item #3

In accordance with Chapter 1133, Section 1133.08 of the City of Niagara Falls Codified Ordinances, we hereby submit a report relative to certain privately owned properties upon which the City has incurred expenses or Community Development funds have been expended for each property which remain unpaid and in accordance with the above noted Section (the) Council shall "order an assessment against said premises for several sums herein reported".

We recommend that all the costs incurred by the City of Niagara Falls that remain unpaid upon certain privately owned properties be assessed against said properties in the manner as prescribed in the above City provisions of the City of Niagara Falls Codified Ordinances.

A list of all chargeable costs incurred is attached (on file in the City Clerk's Office). A complete record of all costs incurred and included in this report shall remain permanently on file in the office of the Department of Code Enforcement.

Will the Council so order?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: EMPLOYEE ASSISTANCE PROGRAM, FIRE DEPARTMENT, PALLADIAN HEALTH

Agenda Item #4

Attached (on file in the City Clerk's Office) please find the proposed agreement between the City and Palladian Health, LLC, whereby Palladian will provide Employee Assistance Program services for the members of the Niagara Falls Fire Department. This proposed two year agreement is necessitated by the expiration of the current EAP services contract for the Niagara Falls Fire Department on April 30, 2014. Funds for this expenditure are available in A3410.3010.0449.599.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NIAGARA INTERNATIONAL TRANSPORTATION TECHNOLOGY COALITION: MEMORANDUM OF UNDERSTANDING, MEMBERSHIP

Agenda Item #5

It is requested that the City Council authorize the Mayor to enter into a Memorandum of Understanding for the City's continued general membership in NITTEC. The mission of NITTEC is to maintain a regional, cooperative approach to transportation management and thereby improve regional and international transportation mobility, promote economic competitiveness, and minimize adverse environmental effects related to the regional transportation system. General membership in NITTEC is at no cost to the City.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CULINARY INSTITUTE: CAPITAL PROJECT, CLOSEOUT, FUNDING

Agenda Item #6

The City Controller advises that she and representatives from USA Niagara Development Corp. have made the final reconciliations to the above project. The amount required to conclude this matter inclusive of the City's portion of utilities, security and the beginning design phase of the project is $278,290. Funding is available from Casino revenues and is to be transferred to this Capital project budget line. The City Controller previously earmarked Casino revenues for this purpose.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS DEPARTMENT: MEO-2'S, FUNDING

Agenda Item #7

The Director of DPW is requesting that funding be allocated for the hiring of four (4) temporary MEO-2's for the month of December, 2014. The hiring of these drivers will assist DPW with the 24/7 winter shift schedule that begins on December 1, 2014. The amount requested is $12,402.00, inclusive of FICA and is available from Fund Balance. These dollars will be transferred into DPW's Streets Division/Snow Removal account no. A.5142.0000.0130.000.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said he had spoken to John Caso who told him these positions are needed to reduce overtime and supplement the 3 shifts.

ISAIAH 61 PROJECT, INC.: 3721 HIGHLAND AVE, RENOVATIONS GRANT

Agenda Item #8

The former fire station at 3721 Highland Avenue is located on a 40 x 101.71 foot lot. The 4,240 square foot building was built in 1917. It is currently assessed at $6,000.00. The building is in dilapidated condition. The City obtained an Empire State Development Western New York Regional Council Grant to rehabilitate the project into a Trade Job Training Facility to be operated by the Isaiah 61 Project. It is proposed that the City sell the property to Isaiah 61 for the assessed value of $6,000.00. The transfer will take place after the renovation, as the City is the grantee of the state grant.

The transfer was presented to the Planning Board at its April 23, 2014 meeting. The Planning Board recommendation will be available at the April 28, 2014 City Council meeting.

The grant is for up to $132,000.00, to cover a portion of the renovation costs. The contract or contracts for the renovation will require City Council approval. The grant requires a City match of at least 10% of the project costs, which can be paid from Casino revenues. It is anticipated that the City contribution will exceed the required match. The City is currently providing administrative support for Isaiah 61 from CDBG funds, and the 2014 CDBG budget provides program funding for Isaiah 61. No CDBG funds are budgeted for the renovation.

City Charter §59 requires that real property be sold at public auction to the highest bidder. Approval of a negotiated sale requires that Council determine that the best interest of the city shall be subserved by dispensing with a sale at public auction.

Will the Council vote:

(a) to accept the grant;
(b) to determine that the best interest of the city shall be subserved by dispensing with a sale at public auction;
(c) to approve the transfer of 3721 Highland Avenue as set forth herein; and
(d) to authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DEMOLITION, 2928 HIGHLAND AVE., CHANGE ORDER

Agenda Item #9

On February 18, the City awarded demolition contract CD2014-1 in the amount of $456,822.00. Unforeseen circumstances arose in the course of demolition of 2928 Highland Avenue.

It became necessary to remove an additional 3,600 cubic feet of piles of friable debris from the site. Newly dumped friable debris contaminated existing debris on the site, rendering all the debris friable. The cost of removal and disposal of the friable debris is $2,085.46.

An additional 350 square feet of asbestos plaster or drywall was revealed when a stair hatch to the cellar was exposed. The cost of removal and disposal is $2,371.72.

Finally, an additional 200 square feet of asbestos plaster wall was discovered in the attic after the job was started. The cost of removal and disposal is $1,175.64.

These are fair prices for removal of this asbestos containing material from these locations.

Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR599).

Will the Council approve change order 1 to CD2014-1 in the amount of $5,632.82 and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPT.: RANGER PROGRAM, HIRING OF SUPERVISOR

Agenda Item #10

The 2014 Niagara Falls Ranger Program, a targeted police foot patrol operation that incorporates the hiring of part-time college students and local young people to act as city ambassadors, is a budgeted component of the 2014 United States Department of Housing and Urban Development Community Development Action Plan and the 2014 Casino Budget. The Niagara Falls Police Department is prepared to hire the program's part-time program supervisor, in order for the initiative to be fully operational for the summer months. The budgeted HUD amount, $120,000, will be used to fund the actual ranger stipends. The supervisor's salary is requested from the casino funded budget. Requested amount from that source: $8,500.

Does the Council approve this request?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: STREET MILLINGS, SALE, METRO CONTRACTING & ENVIRONMENTAL INC.

Agenda Item #11

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

TO: Metro Contracting and Environmental, Inc.
2939 Lockport Road
Niagara Falls, NY 14305
FOR: Sale of approximately 37,785 tons of street millings generated during the 2014 paving season: $ 2.04/ton

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 five (5) vendors. Six (6) bids were received. The above referenced company submitted the highest price for the millings. Five (5) other bids were received from: Modern Corporation, $ 1.55/ton; LaFarge North America, $ 1.34/ton; Villani's Lawn & Landscape, LLC, $1.00/ton; Armand Cerrone, $ .76/ton; and Yarussi Construction Inc., $ .10/ton.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: REFUSE COLLECTION/DISPOSAL/RECYCLABLE MATERIALS COLLECTION & PROCESSING, MODERN DISPOSAL SERVICES, INC.

Agenda Item #12

We respectfully request you approve the above mentioned Contract as follows:

TO: Modern Disposal Services, Inc.
4746 Model City Road
PO Box 209
Model City, NY 17107-0209
FOR: Five (5) year contract for refuse hauling from collection sites from wheeled carts within the City limits, refuse disposal of all waste collected, recycling hauling from collection sites within City limits, processing and sale of recyclables commencing May 1, 2014 and ending April 30, 2019. Refuse Collection will remain every week and recycling collection will be every-other week.

A copy of the bid received by Modern Disposal Services, Inc. is attached (on file in the City Clerk's Office) for your information. Also attached is a spreadsheet projecting anticipated results of this Contract.

The City Purchasing Division certifies that Proposals were solicited in accordance with New York State General Municipal Law 120w. The above referenced Company submitted the only Proposal. Waste Management and Allied Waste Service submitted letters of decline as their response.

This expenditure will be charged to budget code:
A8160.0000.0449.003 105

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Choolokian said that the Council & the Mayor need to work together to work out the bugs on this Project.

CONTRACT: LASALLE LIBRARY, WOOD DOOR REPLACEMENT, SICOLI

Agenda Item #13

Three quotes were solicited from contractors. The following two were the result of bids received on April 22, 2014 for the above referenced project:

CONTRACTOR	BASEBID
Sicoli Construction Services, Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$18,750.00
Big L Windows & Doors	$20,750.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Sicoli Construction Services, Inc. at their total bid of $18,750.00. Funding is available in Code H0904.2004.0904.0449.599 and casino revenue.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he would like the Administration to seek ways to get things done by using other options that are less costly.

CONTRACT: PARKING RAMP II, FIRE PROTECTION SYSTEM IMPROVEMENTS, DAVIS-ULMER

Agenda Item #14

Upon completion of the both the County's Culinary Arts Facility and the City's concurrent parking ramp renovations, it was determined that for code compliance and public safety purposes, the fire protection systems of the former retail mall and parking ramp be separated, as well as improved so as to meet current building codes. To facilitate the process, the parking ramp's sprinkler system's subcontractor, Davis-Ulmer, was retained to perform the analysis of the existing system and to take any/all corrective measures necessary to achieve code compliance. The total cost for both analysis and the corrective actions is $25,500.00. Funding is available in code: C.R. 1720.2570.0449.599

Will the Council vote to so approve the measures taken, and reimbursement of costs incurred, to comply with current codes and ordinances?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, MECHANICAL CONTRACT, JOHN W. DANFORTH, CO.

Agenda Item #15

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
John W. Danforth Co. 300 Colvin Woods Pkwy Tonawanda NY14150	$42,000.00
Parise Mechanical, Inc.	$44,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, John W. Danforth Co., at their Base Bid of $42,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.599 and casino revenue.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: FIRE RESCUE TRUCK, EMPIRE EMERGENCY APPARATUS, INC.

Agenda Item #16

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

TO: Empire Emergency Apparatus, Inc.
3995 Lockport Road
Niagara Falls, NY 14305

FOR:	One (1) Rosenbauer EXT Heavy Rescue Apparatus Body:	$368,810.00
	One (1) Rosenbauer Commander Chassis	241,061.00
	Credit for payment of chassis at time of delivery:	(9,252.00)
	TOTAL:	$600,619.00

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 five (5) vendors. Two bids were received (on file in the City Clerk's Office). The above referenced company submitted the lowest bid to meet the City's specifications.

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

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: REFUSE/RECYCLING CART PURCHASE & DELIVERY, CASCADE CART SOLUTIONS

Agenda Item #17

We respectfully request you approve the above mentioned Contract as follows:

TO: Cascade Cart Solutions
4950 37th Street
Grand Rapids, MI 49512

FOR: Purchase and delivery of wheeled 64 gallon refuse carts
(approximately 23,000 carts) $42.78 ea. $983,940.00 total
Purchase and delivery of wheeled 96 gallon recycling carts
(approximately 22,000 carts): $50.96 ea. $1,121,120.00 total
Purchase of Scanner & Software for inventory monitoring
(includes 10 year software licensing): $19,389.00
TOTAL: 2,124,449.00

The City Purchasing Division certifies that Bids (on file in the City Clerk's Office) were solicited in accordance with New York State General Municipal Law 103. The above referenced Company submitted the lowest Bid.

The City is eligible to submit a Grant for reimbursement of up to 50% of the cost of recycling carts.

We further request the Council authorize the use of Casino funds for this purchase.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma said he has done a cost comparison with other Contracts; this will improve the quality of life for residents

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, CONSULTANT SERVICES, DIDONATO ASSOCIATES, P.E.

Agenda Item #18

A contract for the above referenced project was awarded to DiDonato Associates, P.E. of Buffalo on February 19, 2014 for professional services and design related tasks in the amount of $94,500.00.

This new work involves full time Construction Inspection and any related testing, for Phase III of the project.

It is the recommendation of the undersigned that the City extend the existing professional service agreement with DiDonato Associates P.E. in the amount of $ 58,560.00 to provide continuing on-site inspection for a new total of $153,060.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

Will the Council vote to so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, PLUMBING CONTRACT, MOLLENBERG-BETZ, INC.

Agenda Item #19

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID	ALT.#1	ALT.#2
Mollenberg-Betz Inc. 300 Scott St. Buffalo NY 14204	$108,000.00	$15,100.00	$22,800.00
J.R.Swanson	$139,200.00	$20,600.00	$34,100.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Mollenberg Betz, Inc., at their Base Bid of $108,000.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: DRAINAGE STRUCTURE REPLACEMENT & REPAIR PROJECT, VARIOUS LOCATIONS, YARUSSI CONSTRUCTION, INC.

Agenda Item #20

The following was the result of bids received on April 16, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$ 341,412.00
Mark Cerrone, Inc.	$ 358,570.00
Socko Construction Co.	$ 361,670.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction Inc. at their Base Bid of $341,412.00. Please note that this amount is funded by a combination of both CHIPS ($114,562.00) and Casino Revenue ($226,850.00) sources. Funding is available in codes H0314.2014.0314.0449.599 and H0621.2006.0621.0449.599 respectively.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: BUFFALO AVE. RECONSTRUCTION, CLOUGH HARBOUR, CHANGE ORDER

Agenda Item #21

A contract for the above referenced project was awarded to Clough, Harbour & Associates, LLP on April 10, 2006 in the amount of $2,500,000.00.

To accommodate the contractor's late season construction rush, our inspectors and their environmental sub consultants were required to keep pace with both on-site and laboratory testing to adequately deal with any possible handling and disposal issues encountered. The costs for both the field and laboratory processing of the numerous samples collected totals $180,520.00. Anticipating minimal additional monitoring and analysis as the contractor prepares to handle seasonally related plantings and temperature sensitive material installations, to complete this project, the undersigned request a "not to exceed" amount of $185,000.00 to be added to the consultant services agreement we have with Clough-Harbour Associates (CHA), bringing their final contract total to $5,053,900.00.

Please note that this amount is 95% reimbursable through current agreements between the City and New York State Department of Transportation.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Amendment was to change the 1st sentence.

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, GENERAL CONTRACT, SICOLI CONSTRUCTION SERVICES, INC.

Agenda Item #22

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Sicoli Construction Services Inc. 4800 Hyde Park Blvd. Niagara Falls NY 14305	$408,600.00
Sicoli & Massaro, Inc.	$472,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, Sicoli Construction Services, Inc., at their Base Bid of $408,600.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATION, ELECTRICAL CONTRACT, CIR ELECTRIC SONSTRUCTION CO.

Agenda Item #23

The following was the result of bids received on April 22, 2014, for the above referenced project:

CONTRACTOR	BASE BID
CIR Electric Construction Co. 400 Ingham Ave. Buffalo NY 14218	$ 61,900.00
Industrial Power & Lighting Corp.	$ 84,700.00
M&M Electric Co. Inc.	$100,705.00
Electric Service & Systems, Inc.	$103,400.00

It is the recommendation of the undersigned that this project be awarded to the low bidder, CIR Electric Construction Co., at their Base Bid of $61,900.00. Please note that this amount is funded through a combination of funding code H0819.2008.0819.0449.599 and casino revenue.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: KING, DEANNA C.

Agenda Item #24

Date Claim Filed: March 18, 2014	
Date Action Commenced:	N/A
Date of Occurrence:	February 20, 2014
Location:	1654 Niagara Avenue, Niagara Falls, NY
Nature of Claim: Automobile damage	sustained in an accident with City vehicle
City Driver:	Kristina Ligammari
Status of Action: Claim stage.	
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$270.70
Make Check Payable to:	Deanna C. King
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?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: DAY, BRADLEY R.

Agenda Item #25

Date Claim Filed:	August 15, 2012
Date Action Commenced:	January 18, 2013
Date of Occurrence:	July 23, 2012
Location:	1785 New Road, Niagara Falls, NY
Nature of Claim:	Injuries sustained from falling object.
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$20,000.00
Make Check Payable to:	Bradley R. Day and Cellino & Barnes, P.C.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CITY PROPERTY: NINTH ST, 405, SALE

Agenda Item #26

The Council previously approved the sale of the adjoining lot at 407 Ninth Street to the Frank and Geraldine Fusarelli.

During the review of the request to purchase that lot the Department of Public Works suggested that the Fusarellis might be interested in the adjoining vacant City-owned lot at 405 Ninth Street as that would expand their parcel and would also remove the liability and maintenance responsibilities from the City.

This was communicated to the Fusarellis and they submitted a request to purchase the lot.

This was presented to the Planning Board for a recommendation to Council and the Planning Board voted to not recommend their request. A copy is attached hereto (on file in the City Clerk’s Office).

Since the Council is not bound by the Planning Board recommendation, the Fusarellis asked that their request be submitted to the Council.

Will the Council approve the sale of this premises for the sum of $10.00 in an “as is” condition and with the requirement to combine the property with 407 and 409 Ninth Street, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill, and further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved to Table the communication.

Yeas	5
Nays	0

TABLED

RESOLUTION: NIAGARA FALLS YOUTH BOARD, 2014-31
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #27

WHEREAS, the City Council established the Niagara Falls Youth Board in 1965; and

WHEREAS, there are currently fifteen members on the Youth Board; and

WHEREAS, the Youth Board has found that this number is not manageable for obtaining quorums for meetings and has requested that the number of members be reduced to nine.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the Niagara Falls Youth Board will consist of nine members to be appointed by the Council for three year terms, one of whom must be between the ages of sixteen and twenty-one years old.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: YOUTH BOARD, REAPPOINTMENTS, 2014-32
BY: COUNCIL CHAIRMAN CHARLES A. WALKER

Agenda Item #28

BE IT RESOLVED, that the following individuals are hereby re-appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

RE-APPOINTMENTS	TERM EXPIRES:
Noreen Chatmon	12/31/2014
Michael Montanaro	12/31/2016
Rashad Travis	12/31/2016
Rick Williams	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CAPITAL PLAN, ESTABLISHING COMMITTEE, 2014-33
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #29

WHEREAS, the costs of various capital projects have exceeded their projected costs, as contained in the City’s current Capital Plan, and

WHEREAS, the costs of several new capital projects are not reflected in the City’s current Capital Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby requests that the mayor convene a committee to create a new capital plan that more accurately reflects the costs of capital projects to the city.

Yeas 5
Nays 0
ADOPTED

Chairman Walker said there were items that were over budgeted/not included/over spent in the Capital Plan & the Plan needs to be redone.

RESOLUTION: CIVIL SERVICE COMMISSION, REAPPOINTMENT, 2014-34
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #30

BE IT RESOLVED, that the following individual is hereby reappointed to the Municipal Civil Service Commission for a term concluding at the expiration date appearing opposite his name:

RE-APPOINTMENT	TERM EXPIRES:
Mr. Lewis Rotella 8950 Rivershore Drive Niagara Falls, NY 14304	5/31/2020

Yeas 5
Nays 0
ADOPTED

RESOLUTION: TRUE DELIVERANCE TEMPLE, 40TH CHURCH ANNIVERSARY, RECOGNIZING, 2014-35
BY: ALL COUNCIL MEMBERS

Agenda Item #31

WHEREAS, In February we celebrate Black History Month, a time to recognize people who made sacrifices for the common good, whose will was unbending, whose individual ambitions and endowments they put into a service of a cause greater than personal wealth or fame, and

WHEREAS, during that month the Niagara Falls community honored Dr. Frances S. Douglas founder of True Deliverance Temple for her willingness to accept the holy call of God, not according to her own works, but according to his own purpose and grace, (2 Timothy 1:8-9) and

WHEREAS, on April 26th, at the Como Restaurant in Niagara Falls New York, Pastor Paul Douglas along with the congregation, family and friends of True Deliverance Temple will celebrate 40 years in the ministry, and

WHEREAS, we also take this moment to honor the leadership and vision of Overseer Dr. Frances Douglas who after being ordained in April of 1974, began the ministry presently known as True Deliverance Temple located at 1318 Niagara Street city of Niagara Falls and after 31 years of leadership and growth turned the ministry over to her son Pastor Paul Douglas, and

Whereas, this ministry has touched the lives of many, giving hope and counseling to the lost, support and service to the needy, while Niagara Falls has changed especially in the community for which True Deliverance serves, the ministry has remained steadfast, unmovable always abounding in the Lord, the foundation for which she was built.

NOW THEREFORE, BE IT RESOLVED we the Niagara Falls City Council on behalf of the citizens of this great city would like to congratulate True Deliverance Temple on your 40th Church Anniversary, and we acknowledge the contribution your ministry has made in this city, the lives in which you have touched for we are a better city because of your presence.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: EDUCATION FOUNDATION AWARD WINNERS, HONORING, 2014-36
BY: ALL COUNCIL MEMBERS

Agenda Item #32

WHEREAS, the Niagara Falls Education Foundation will hold its 4th Annual Scholarship & Alumni Recognition Dinner on Thursday, May 1, 2014, and

WHEREAS, the second generation of the Certo family, represented by Ms. Mary and Ms. Elizabeth Certo, will be honored as Distinguished Alumni for the hard work and dedication they poured into the Certo Brothers Distributing Co., a business that was founded in Niagara Falls and that has served Western New York for over 100 years, and

WHEREAS, Mr. Joseph Petrozzi will be honored as a distinguished Alumnus for his industriousness and commitment to his craft as founder of Capitol Cleaners, a Niagara Falls institution that has served the city since 1948, and

WHEREAS, Dr. Michael J. Cardamone will be honored as an Emerging Leader Alumnus for his success in establishing and growing Cardamone Chiropractic, a practice that has assisted the people of Niagara Falls and the Western New York region since the early 2000s, and

WHEREAS, Mr. Jonny Flynn will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his cultivation of world-class skill and ability in the game of basketball, having led an impressive and inspiring career in the sport, from his days as a Wolverine at Niagara Falls High School to his college years with Syracuse University, and from his NBA career with the Minnesota Timberwolves, the Houston Rockets, and the Detroit Pistons, to his career abroad with the Melbourne Tigers and Sichuan Blue Whales, and

WHEREAS, the late Mr. James Williams, a 1964 graduate of Niagara Falls High School, will be honored as a member of the Niagara Falls School District Athletic Hall of Fame for his devotion to and success in athletics, both as a player, having played basketball in high school and played both basketball at football at the University at Buffalo, and as a coach and mentor to a generation of young sportsmen and women in his adult years,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council extends a heartfelt congratulations to the 2014 award winners, and thanks them for their hard work and inspiring drive to succeed.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FRIENDSHIP DAY, 2014-37
BY: ALL COUNCIL MEMBERS

Agenda Item #33

WHEREAS, the Niagara Falls chapter of The Links, Incorporated, founded in 1950, will be hosting the biennial conference of its “BERNS” members (Buffalo, Erie, Rochester, Niagara Falls, Syracuse) from Friday, May 9 to Saturday, May 10, and

WHEREAS, The Links, Incorporated has brought together thousands of women from around the world to promote friendship and community service since its founding 1946 in Philadelphia, PA, and now boasts a membership of over 12,000 individuals, and

WHEREAS, the biennial meeting of the BERNS chapters shall assemble on the weekend of May 9-10 to rededicate themselves to their noble cause,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby declares May 10, 2014 to be “Friendship Day” in the City of Niagara Falls, in honor of the service and dedication of the Niagara Falls chapter of The Links, Incorporated.

Yeas 5
Nays 0
ADOPTED

PUBLIC WORKS: SPECIAL EVENTS, OVERTIME, FUNDING

Agenda Item #34

The Director of the Department of Public Works ("DPW") is requesting that the sum of $33,000.00 be made available to the department's Special Events Overtime budget line in order to pay for DPW related tasks pertaining to events held in the City during year 2014, particularly in the downtown tourist area. Funding is available from Tourism Fund Balance. The Special Events Overtime budget line in the DPW budget is A.7550.0000.0140.000. This $33,000.00 includes $30,000.00 of overtime and $3,000.00 for FICA.

Will the Council so approve?

Council Member Touma moved to Remove the Item from the Table (item was Tabled at the January 21, 2014 Council Meeting.

Yeas	5
Nays	0

MOTION TO REMOVE FROM THE TABLE APPROVED

The Item was added to the Agenda as #34

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

May 2, 2014

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

April 28, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Friday, May 2, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Conduct Public Hearing to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

2. Review and act on Local Law to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'"

Respectfully submitted,

_____
CHARLES WALKER
Council Chairperson

The May 2, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti,, Andrew Touma.

The Chairman announced a Special Order of Business, a Public Hearing to amend the City Charter relative to amending Article VIII entitled "Taxation and Assessment" by adding a new section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather Pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'", and asked if there were any speakers relative to.

Joan Lee Had questions about how the Local Law works

LOCAL LAW: LOCAL LAW #1, ENACTMENT OF ASSESSMENT RELIEF FOR IMPROVEMENTS DAMAGED BY SEVERE WEATHER, 2014-1
BY: ALL COUNCIL MEMBERS

Agenda Item #1

NIAGARA FALLS LOCAL LAW NO. __1___ FOR THE YEAR 2014

A Local Law to amend the Niagara Falls City Charter as amended, by adding Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'" of Article VIII of the Charter, entitled ATaxation and Assessment.@

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NIAGARA FALLS, NEW YORK, as follows:

Section 1. The Niagara Falls City Charter, as amended, is hereby amended by adding Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act.'" to read as follows:

Section 201-e

I. Definitions. For the purposes of this Section, the following terms shall have the following meanings:

(a) "Impacted tax roll" shall mean the final assessment roll which satisfies both of the following conditions: (a) the roll is based upon a taxable status date occurring prior to June 20, 2013; and (b) taxes levied upon that roll by or on behalf of a participating municipality are payable without interest on or after June 20, 2013.

(b) "Severe weather" shall mean the storms, rains, winds, or floods which occurred within an eligible county during the period beginning on June 20, 2013 and ending August 9, 2013.

(c) "Total assessed value" shall mean the total assessed value on the parcel prior to any and all exemption adjustments.

(d) "Improved value" shall mean the market value of the real property improvements excluding the land.

(e) "Property" shall mean "real property", "property" or "land" as defined under paragraphs (a) through (g) of subdivision 12 of Section 102 of the Real Property Tax Law.

II. Procedure for Reduction of Assessed Value

(a) Notwithstanding any provision of law to the contrary, where real property impacted by severe weather is located within the City of Niagara Falls, assessment relief shall be granted as follows

(i) If the property lost at least fifty but less than sixty percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by fifty-five percent on the impacted tax roll.

(ii) If the property lost at least sixty but less than seventy percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by sixty-five percent on the impacted tax roll.

(iii) If the property lost at least seventy but less than eighty percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by seventy-five percent on the impacted tax roll.

(iv) If the property lost at least eighty but less than ninety percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by eighty-five percent on the impacted tax roll.

(v) If the property lost at least ninety but less than one hundred percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by ninety-five percent on the impacted tax roll.

(vi) If the property lost one hundred percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by one hundred percent on the impacted tax roll.

(vii) The percentage loss in improved value for this purpose shall be determined by the Assessor in the manner provided by this section and the provisions of Chapter 55 of the Laws of New York for 2014, subject to review by the Board of Assessment Review.

(b) To receive such relief pursuant to this section, the property owner shall submit a written request to the Assessor on a form approved by the Director of the State Office of Real Property Tax Services within ninety days following the date upon which Chapter 55 of the Laws of New York for 2014 was approved by the governor. Such request shall describe in reasonable detail the damage caused to the property by severe weather and the condition of the property following the severe weather and shall be accompanied by supporting documentation, if available.

(c) Upon receiving such a request, the Assessor shall make a finding, as to whether the property lost at least fifty percent (50%) of its improved value as a result of severe weather, and thereafter the Assessor shall adopt or classify the percentage loss of improved value within one of the following ranges:

(i) At least fifty percent but less than sixty percent,

(ii) At least sixty percent but less than seventy percent,

(iii) At least seventy percent but less than eighty percent,

(iv) At least eighty percent but less than ninety percent,

(v) At least ninety percent but less than one hundred percent, or

(vi) One hundred percent.

(d) The Assessor shall mail written notice of such finding to the property owner and the City. Where the Assessor finds that the loss in improved value is less than fifty percent (50%), or classifies the loss within a lower range than the property owner believes is warranted, the property owner may file a complaint with the Board of Assessment Review. Such Board shall reconvene upon ten days written notice to the property owner and Assessor to hear the appeal and determine the matter, and shall mail written notice of its determination to the

Assessor and property owner. The provisions of Article 5 of the Real Property Tax Law shall govern the review process to the extent practicable. For the purposes of this section only, the applicant may commence within 30 days of service of a written determination, a proceeding under Title 1 of Article 7 of the Real Property Tax Law, or, if applicable, under Title 1-A of Article 7 of the Real Property Tax Law. Sections 727 and 739 of the Real Property Tax Law shall not apply.

(e) Where property has lost at least fifty percent (50%)of its improved value, the assessed value attributable to the improvements on the property on the impacted assessment roll shall be reduced by the appropriate percentage specified in subdivision (a) of this section, provided that any exemptions which the property may be receiving shall be adjusted as necessary to account for such reduction in the total assessed value. To the extent the total assessed value of the property originally appearing on such roll exceeds the amount to which it should be reduced pursuant to this section, the excess shall be considered an error in essential fact as defined by subdivision 3 of Section 550 of the Real Property Tax Law. If the error appears on a tax roll, the tax roll shall be corrected in the manner provided by Section 554 of the Real Property Tax Law or a refund or credit of taxes shall be granted in the manner provided by Section 556 or Section 556-b of the Real Property Tax Law. If the error appears on a final assessment roll but not on a tax roll, such final assessment roll shall be corrected in the manner provided by Section 553 of the Real Property Tax Law. The errors in essential fact found pursuant to this section on either the tax roll or final assessment roll, upon application to the County Director of Real Property Tax Services, shall be forwarded by the County Director of Real Property Tax Services immediately to the levying body for an immediate order setting forth the appropriate correction.

Section 2. This Local Law shall take effect as provided in the Municipal Home Rule Law.

Underlining and Bold indicate additions.
Bold and [Brackets] indicate deletions.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 4:03 PM.

Carol A. Antonucci
City Clerk

MAY 12 , 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the May 12, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the Special Council Meeting of April 25 and regular Council Meeting of April 28, 2014.

Yeas	5
Nays	0

Community Development Director Seth Piccirillo gave an update on his Department. He noted that: a marketing event relative to available commercial space would be held in partnership with National Grid and the Niagara County Center for Economic Development; the Walnut Avenue Homes Development Project would produce tax revenues for the General Fund; revisions were made to the 2014 HUD CD Action Plan; and the presentation of the 2015 CD Budget workshops was the start of the public process.

Mayor Paul Dyster thanked Council Members Anderson and Touma for attending Meetings with the City's Unions regarding the Financial Restructuring Board. The Mayor said that he had decided to pull Agenda Item #5, relative to the Financial Restructuring Board, from the Agenda until the City of Fulton receives its recommendations from the Board, and then make a decision about the City's participation.

Council Member Touma asked for an update on Caravelle Park, and Public Works Director David Kinney replied that the City has done all it can, and a contractor is needed to finish the work, as soon as the necessary paperwork has been completed.

Council Member Choolokian asked if the Pothole Killer was in use, and Mr. Kinney responded that there are 5 Pothole Killers working in the City, contracted for a total of 480 hours, and the Zipper Machine was also in use. The street paving will start next week, and the Mayor added that no new funding has been added by the Legislature. Mr. Kinney added that Tennessee Avenue will be added to the Street Paving List, he will get the Pothole Killer to the area of Buffalo Avenue and 13th Street, and crews will start street sealing on the afternoon shift. Council Member Grandinetti said that a citizen had a concern about the condition of a catch basin, and Mr. Kinney said that she should refer them to the Water Board. Council Member Touma asked for a pothole report at the next Council Meeting. Mr. Kinney also spoke on glitches in the sprinkler system at the Golf Course, and said that when the Course opened, the ground was too sloppy to use golf carts. He suggested that a cart path was needed, and the Engineering Department was working on the specs for that. Council Member Anderson asked Mr. Kinney for clarification on fees for those who are disabled and Mr. Kinney said that he would get that information out for the public.

Council Member Touma thanked the Niagara Beautification Commission for the work done in cleaning up the City.

Corporation Counsel Craig Johnson distributed copies of an amended Agenda Item #32, a Resolution relative to opposing the construction of a Nuclear Waste Repository in the Great Lakes Basin, and said that the amendment was to add two additional paragraphs at the end of the Resolution.

Council Member Touma moved to amend the Resolution.

Yeas	5
Nays	0

MOTION TO AMEND RESOLUTION APPROVED

Council Member Touma and Chairman Walker expressed their concerns about unmanned Police SubStations in the City (Agenda Item #2) and said that SubStations should be placed throughout the City where they are needed. Police Superintendent Bryan DalPorto spoke on this issue, and said that manpower issues prevent him from property manning the SubStations, and he would rather have the Officers in patrol cars, walking the streets and also working with the Community Outreach Centers. Mr. Piccirillo added that Community Development funding for the Police Ranger Program should help this issue.

Chairman Walker asked if the 2014 Tree Planting Program would be done in-house, and the Mayor responded that would be done as much as possible, then a private contractor would do the rest.

Council Member Grandinetti asked who would handle the duties of the Arborist, and the Mayor responded that a contractor would be hired. Council Member Touma added that the Greenskeeper position was needed (Agenda Item #12).

This Session ended at 5:45 PM

Chairman Walker reconvened the Meeting at 6:02 P.M. in the Council Chambers with all Council Members present. The Chairman said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #2, #13
Rick Crogan	Agenda Item #13
Daniel Davis	Agenda Item #6
Ken Hamilton	Agenda Items #5, #8, #13, #14, #31, #33
Paul Gromosiak	Adams Power Plant; Tesla Statue; prayer at Council Meetings confuses students
Ken Hamilton	Memorial Day Parade; YMCA building closing; Bloneva Bond street naming; Niagara Power Baseball League
Ron Anderluh	National Grid volunteers at Gill Creek Park
Michael Weeks	Niagara Falls has wonderful opportunities; Volunteered as facilitator for Niagara Experience Center

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

Agenda Item #1
CLAIMS FOR THE MONTH OF APRIL 2014
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

POLICE DEPT.: SUBSTATION, 304 THIRD ST (SHERATON), LEASE

Agenda Item #2

The Sheraton at the Falls has agreed to provide one of its storefronts for use by the City as a police substation. The street address is 304 Third Street. Occupancy will be month to month. No rent will be charged or paid; the space is available to the City rent free. The City will pay for all utilities used by it.

Occupancy will commence as of May 15, 2014. Either party can terminate the occupancy by giving one full calendar month's notice.

Funds are available in the Community Development budget to pay for the utilities under budget line CD1.8676.0000.0450.500.

Will the Council vote to approve the month to month lease for the police substation at 304 Third Street as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS DEPT.: TREE PLANTING PROGRAM, FUNDING

Agenda Item #3

The Department of Public Works ("DPW") Director is requesting that the sum of $100,000.00 be made available for the 2014 Tree Planting Program. It is anticipated that City crews will plant approximately one hundred trees at an estimated cost of $33,000.00 inclusive of trees, labor, FICA and related materials. The balance will be used to solicit bids for contracted tree plantings.

This is pursuant to the 2014 DPW Capital Plan. Funding is from Casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NTCC, EXTENSION OF AGREEMENT

Agenda Item #4

The City's Agreement with the NTCC expires on June 18, 2014. The NTCC's Agreement with County of Niagara expires on or about that same date. It has been reported in the news media that the County of Niagara is in the process of extending its Agreement with the NTCC for an additional three (3) years. The NTCC must have an agreement with Niagara County in order for it to enter into an agreement with the City. In the event that the Niagara County legislature does in fact adopt a resolution extending Niagara County's Agreement with the NTCC and such a written extension does in fact occur, will the City Council approve a three (3) year extension of the City's Agreement with the NTCC and authorize the Mayor to execute such an Extension Agreement in form and content satisfactory to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Choolokian said that the Niagara County Legislature had reservations about funding NTCC & he wanted to table this item but had no support.
Council Member Touma said NTCC is doing a nice job for the City.

CONTRACT: FINANCIAL RESTRUCTURING BOARD
Agenda Item #5
THIS ITEM WAS PULLED FROM THE AGENDA
THERE WAS NO ACTION TAKEN ON THIS ITEM

CITY PROPERTY: 2201 WHIRLPOOL ST., TRANSFER TO NIAGARA FALLS BRIDGE COMMISSION

Agenda Item #6

As part of the Train Station Project the Niagara Falls Bridge Commission property, which is used for their storage of salt for the Whirlpool Bridge, is being acquired.

The Bridge Commission has negotiated a five year arrangement with NYS Parks to use State Parks property for the salt storage. They are also attempting to acquire the property in full as part of their expansion of the Whirlpool Bridge Plaza.

In the event they are unable to reach a long-term agreement to acquire the property, the City has been asked to agree to transfer 2201 Whirlpool Street, which is located at the corner of Ontario and Whirlpool, to the Bridge Commission for long-term salt storage.

This has been reviewed by the Niagara Falls Planning Board which recommends its approval (copy attached, on file in the City Clerk's Office). In the event the Bridge Commission does reach a long-term agreement with State Parks, this transfer will not take place.

City Charter Section 59 requires that real property be sold at public auction to the highest bidder. Approval of a negotiated sale requires that Council determine that the best interest of the City be sub-served by dispensing with a sale at public auction.

Will the Council vote:

a. To determine that the best interest of the City shall be subserved by dispensing with a sale at public auction.
b. To approve the contingent transfer of 2201 Whirlpool Street as set forth herein.
c. To authorize the Mayor to execute any documents necessary to effectuate same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

COMMUNITY DEVELOPMENT DEPT.: FEDERAL BUDGET FINALIZATION

Agenda Item #7

The City Council approved the Fiscal Year 2014 Consolidated Annual Plan in November 2013. The Consolidated Annual Plan included the Community Development Block Grant (CDBG) Program, HOME, and Emergency Solutions Program (ESG); all funded through annual Department of Housing and Urban Development (HUD) allocations. These budgets were presented to the City Council based on estimate, to accommodate the city and federal governments' differing fiscal year budget schedules. HUD's final Fiscal Year 2014 allocations were recently approved. The city's final CDBG, HOME and ESG Budget is $65,909 higher than the $2,711,439 budget previously approved by the City Council. The individual programs are affected as follows:

Source	DRAFT ACTION PLAN	HUD 2014 FINAL ALLOCATION	$ Increase	% Increase
CDBG	$2,199,439	$2,236,738	$37,299	1.70%
HOME	$357,000	$359,489	$2,489	0.70%
ESG	$155,000	$181,121	$26,121	16.85%
TOTAL	$2,711,439	$2,777,348	$65,909	2.43%

The Community Development Department proposes the following revisions to the 2014 Community Development Action Plan, to bring the budget estimate in line with the final allocations.

CDBG BUDGET REVISIONS

City of Niagara Falls - Public Works Clean-up Campaigns	
Estimate	$70,000
Actual	$85,390
Increase	$15,390
Highland Avenue Revitalization Committee targeted housing renovation and city-wide fair housing program	
Estimate	$50,000
Actual	$65,000
Increase	$15,000
CDBG Administration	
Estimate	$440,439
Actual	$447,348
Increase	$6,909

Center City Neighborhood Development Corporation	
Estimate	$119,000
Actual	$119,830
Increase	$830
Niagara Falls Neighborhood Housing Services, Inc.	
Estimate	$119,000
Actual	$119,830
Increase	$830
City of Niagara Falls Community Development Department	
Estimate	$119,000
Actual	$119,829
Increase	$829

ESG BUDGET REVISIONS

Rapid Re-Housing: YWCA Carolyn's House and Community Missions of the Niagara Frontier, Inc.	
Estimate	$50,375
Actual	$58,862
Increase	$8,487
YWCA Carolyn's House-Emergency Shelter and Street Outreach	
Estimate	$18,600
Actual	$21,735
Increase	$3,135
Community Missions of Niagara Frontier, Inc.-Emergency Shelter and Street Outreach	
Estimate	$18,600
Actual	$21,735
Increase	$3,135
Niagara Community Action Program-Homeless Prevention	
Estimate	$18,600

Actual	$21,735
Increase	$3,135
YMCA-Essential Services	
Estimate	$18,600
Actual	$21,735
Increase	$3,135
Family and Children's Services-Essential Services	
Estimate	$18,600
Actual	$21,735
Increase	$3,135
ESG Administration	
Estimate	$11,625
Actual	$13,584
Increase	$1,959

Per HUD and City of Niagara Falls Citizen Participation Plan Guidelines, the city will adjust programmatic budgets to meet the final allocation without deviating from the project scopes or objectives already approved by the City Council.

Will Council vote to so approve and authorize the Community Development Director to make the necessary budget adjustments?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT DEPT.: D'AMELIO PARK IMPROVEMENTS, FUNDING

Agenda Item #8

The Community Development Department has identified $27,300 in FFY 2013 United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding that is eligible for D'Amelio Park improvements. Replacement of D'Amelio Park playground equipment is eligible to receive reprogrammed funds, as it was included in the 2013 CDBG Action Plan. These additional funds will supplement that effort and further park improvements.

Funding is being re-programmed from the following source:
2013 Un-programmed Funding (As a Result of 1212 Niagara Street – Year 2000) – $27,300

The proposed CDBG funds must be allocated and expended on CDBG eligible projects to meet HUD timeliness requirements. Public service programs are not eligible for these re-programmed funds because the City is currently at its 2014 public services cap of 15 percent of the total CDBG allocation.

Reallocation will ensure that these funds are dedicated to a project that meets the CDBG national objectives and delivers a community benefit in 2014.

Will the Council vote to allow the reallocation of $27,300 in FFY 2013 CDBG funding to replace D'Amelio Park Playground Equipment?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Touma thanked Community Development Director, Seth Piccirillo.

COMMUNITY DEVELOPMENT DEPT.: HOUSING VISIONS CONSULTANTS, WALNUT AVE. HOMES DEVELOPMENT, TAX SCHEDULE

Agenda Item #9

The Community Development Department is presenting an agreement that will allow positive city, school district, and county tax production on long vacant, government owned properties. Ownership and occupancy will also prevent government funded demolitions and help stabilize the surrounding neighborhood.

For the City Council's consideration, Housing Visions Consultants, Inc. – Walnut Avenue Homes Housing Development presents an agreement to the Niagara Falls City Council to pay 6 percent of net rents received through the Walnut Avenue Homes Agreement, including the following properties:

607 Walnut Avenue (School District Property)
543 6th Street (School District Property)
533 5th Street (School District Property)
617 Walnut Avenue (City of Niagara Falls Property)
524 7th Street (City of Niagara Falls Property)
530 7th Street (City of Niagara Falls Property)
527 7th Street (City of Niagara Falls Property)
531 7th Street (City of Niagara Falls Property)

All properties have been approved for sale by both the City of Niagara Falls and the Niagara Falls City School District. Sale of each city owned property was previously approved by the Niagara Falls City Council and the Niagara Falls Planning Board. The City School District has negotiated sale prices for its parcels, and property purchase was overwhelmingly approved by the public in a December 2013 referendum vote (Over a six to one margin in favor).

On April 16, 2014, Governor Andrew Cuomo announced that the Walnut Avenue Homes project was awarded $2.9 million in New York State Department of Housing and Community Renewal tax credits, as a shovel ready project. It was a highly competitive application process.

Currently, none of city and school district owned properties produce any tax revenue. The proposed 15 year tax payment plan is based on net rents accelerates year over year, subject to allowable and scheduled rent increases. A total of $16,119 will be collected in year one. In year 15, a total of $21,269 will be collected. A detailed spreadsheet is included (on file in the City Clerk's Office) as part of this agenda item. The project has received site plan approval from the Niagara Falls Planning Board and is scheduled to start construction during the 2014.

Will the Council approve the proposed tax schedule?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 4

Anderson, Grandinetti, Touma, Chairman Walker

Nays 1

Choolokian

APPROVED

Council Member Choolokian said he does not support this Project.

FIRE DEPT.: EMERGENCY GENERATOR REPAIR, CUMMINS NORTHEAST LLC, FUNDING

Agenda Item #10

The Fire Chief advises that the generator at Firehouse 8 at Hyde Park and Royal Avenue is not working properly. The Chief arranged for a specialist to review the situation and it is believed that snow from this past winter entered the discharge pipes and caused damage to the super charger system. Attached (on file in the City Clerk's Office) is a repair estimate from Cummins Northeast LLC in the amount of $2,783.64. This also includes the installation of a heater which will prevent the recurrence of this problem.

Funding is available from Casino revenues set aside for the Firehouses.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

FIRE DEPT.: EMERGENCY REPAIR TO GARAGE DOORS, RICH'S "EXPERT" DOOR, FUNDING

Agenda item #11

The Fire Chief advises that it is necessary to perform emergency repairs to two different garage doors located at two different fire houses. One is Firehouse 9 on Boiler Avenue and the other is at Firehouse 8 at the corner of Hyde Park and Royal Avenue. It is necessary to replace two damaged openers and one door. The attached (on file in the City Clerk's Office) estimate from Rich's "Expert" Door is in the amount of $6,890.00 for both repairs. Funding is available from Casino revenues set aside for the Firehouses.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PARKS DEPT.: GREENSKEEPER POSITION, CREATION

Agenda Item #12

The Director of DPW is requesting the creation of a Greenskeeper position. It is requested that this position be designated a grade 21B. The salary range for this position is from $44,569.72 to $56,195.99 inclusive of longevity increments.

In the event that a current City employee meeting the requirements of the position chooses to apply and is selected, it is requested that this salary be set at $54,185.38 at a Step 1.5. In the event that it is necessary to hire a new employee, the starting salary will be $44,569.72. Funding for this new position is available in three codes as follows: $22,924.00 from GC7250.0200.0110.000, $22,250.00 from A7110.3450.0110.000 and $22,250.00 from A8560.0000.0100. Related FICA and benefits must also be included.

In order to fund this position, it is requested that the existing Horticulturist/Arborist position in the 2014 budget be eliminated.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: OLD FALLS STREET CONCERT, HARD ROCK CAFE

Agenda Item #13

In prior years, the City has sponsored live music concert events on Old Falls Street. These live concert events attracted many people to Old Falls Street and, by most accounts, were successful events. The City is interested in scheduling a concert event this year to take place in the month of August on a date yet to be determined. It is likely that Hard Rock Café ("HRC") will be participating in this event by providing marketing services, security and staffing. It is requested that the sum of $40,000.00 be made available for this purpose. The City's funds will be utilized for talent fees and staging and related costs. Funding is available from Tourism Funds.

Will the Council so approve and authorize the Mayor to execute a participation agreement with HRC as well as any required talent agreements and related documents that may be required, all in form and substance satisfactory to the Corporation Counsel?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	2
Grandinetti, Chairman Walker	
Nays	2
Choolokian, Touma	
Abstain	1
Anderson	

DEFEATED

Council Member Choolokian said that due to the lack of Casino funding in the past, groups have creatively found their own funding.
Chairman Walker said that the Bed Tax money should be used to promote Tourism.

CONTRACT: WHIRLPOOL LITTLE LEAGUE, CAPITAL IMPROVEMENTS, FUNDING

Agenda Item #14

The City has been requested by Whirlpool Little League to assist the Little League in making various capital improvements to the facility the Little League operates in Deveaux Woods State Park. The City is able to make $10,000.00 available from Casino revenues for these capital improvements. The improvements and the allocation of responsibility for making them will be contained in an agreement subject to the approval of the Corporation Counsel.

Will the Council so approve and authorize the Mayor to execute an agreement in form and substance acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Council Member Choolokian said that he has proposed funding a Sports Complex but he was ok with this use.
Council Member Touma said that there are immediate needs at the Park that need to be addressed.

PURCHASE: PURCHASING DEPT., FURNITURE, FUNDING

Agenda Item #15

The City is in the process of interviewing for the position of Purchasing Agent. That process is expected to be concluded in the very near future. In an effort to prepare an office for the new Purchasing Agent, it is requested that certain pieces of furniture be acquired as itemized on the attached request (on file in the City Clerk's Office). The total amount requested for this purpose is $2,473.69. Funding is available from Casino interest.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

1724 WHITNEY AVE., 5' HANDICAPPED ACCESS SPACE

Agenda Item #16

At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 1724 WHITNEY AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Mary Gage, 1724 Whitney Avenue

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

2250 WOODLAWN AVE., 5' HANDICAPPED ACCESS SPACE

Agenda Item #17

At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE IN FRONT OF 2250 WOODLAWN AVE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Anna Watroba, 2250 Woodlawn Avenue

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

1918 WALNUT AVE., 5’ HANDICAPPED ACCESS SPACE

Agenda Item #18
At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 1918 WALNUT AVE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Roberta Floyd, 1918 Walnut Avenue

It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

2418 WHITNEY AVE., 5’ HANDICAPPED ACCESS SPACE

Agenda Item #19
At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 2418 WHITNEY AVE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Josephine Latine, 2418 Whitney Avenue
It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

611/613 6TH ST., 5’ HANDICAPPED ACCESS SPACE

Agenda Item #20
At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 611/613 – 6TH ST

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Samuel Hamilton, 613 – 6th Street, Apt. 2

It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

1520 WHITNEY AVE., 5’ HANDICAPPED ACCESS SPACE

Agenda Item #21
At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 1520 WHITNEY AVE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Ernest Robinson, 1520 Whitney Avenue

It is requested that City Council approve this recommendation.
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

618 20TH ST., 5’ HANDICAPPED ACCESS SPACE

Agenda Item #22
At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:
INSTALL A 5’ HANDICAPPED ACCESS SPACE IN FRONT OF 618 - 20TH ST.

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Bonnie Abel, 618 – 20th Street

It is requested that City Council approve this recommendation.
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

2220 PINE AVE., ADD 3 PARKING SPACES, (COMO RESTAURANT)

Agenda Item #23
At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

ADD THREE PARKING SPACES ADJACENT TO THE NEW PEDESTRIAN TRAFFIC SIGNAL AT 2220 PINE AVENUE (TWO IN FRONT OF FAMILY CHIROPRACTIC, 2230 PINE AVENUE AND ONE AT THE EAST END OF THE COMO RESTAURANT, 2220 PINE AVENUE)

The request was made to ease the hardship created by the elimination of a large area of parking when the pedestrian signal was installed. Adding these spaces will still leave “No Standing Anytime” for 40’ east of the crosswalk which will maintain a safety factor by allowing for adequate sight distance of crossing pedestrians by motorists while adhering to the minimum distances required in New York State Vehicle and Traffic Law.

Submitted By: Dom Colucci, President, The Como Restaurant, 2220 Pine Avenue

It is requested that City Council approve this recommendation.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

82ND ST., PINE PLAZA, "NO STANDING ANYTIME RESTRICTION"

Agenda Item #24

At the Traffic Advisory Commission meeting held on April 30, 2014 the Commission recommended APPROVAL of the following item:

INSTALL "NO STANDING ANYTIME RESTRICTION" ON 82ND STREET, EAST SIDE, ADJACENT TO PINE PLAZA (FROM THE REAR PLAZA ALLEYWAY, NORTH TO NIAGARA FALLS BOULEVARD)

The request was made because residents of the trailer park on the west side of 82nd Street are having difficulty getting in and out of their narrow driveways due to cars/large vehicles from Pine Plaza and Seven Eleven parking here. In addition, this will also ease congestion for deliveries and garbage trucks trying to access the rear of Pine Plaza.

Submitted By: Elizabeth Woods, 8119 Niagara Falls Boulevard, #4

It is requested that City Council approve this recommendation.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: LUTZ, ROLLO

Agenda Item #25

Date Claim Filed:	March 17, 2014
Date Action Commenced:	N/A
Date of Occurrence:	March 13, 2014
Location:	2450 Independence Ave., Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Jeanine Harvey.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,389.64
Make Check Payable to:	Rollo Lutz
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CLAIM: BARTO, JOSEPH D.

Agenda Item #26

Date Claim Filed: March 19, 2014	
Date Action Commenced:	N/A
Date of Occurrence:	February 23, 2014
Location:	3321 Church Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle
City Driver:	Joseph Bongiovanni
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,325.90
Make Check Payable to:	Joseph D. Barto
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: SCHUPP, SARA E.

Agenda Item #27

Date Claim Filed:	February 18, 2014
Date Action Commenced:	N/A
Date of Occurrence:	February 6, 2014
Location:	3002 Livingston Avenue, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained in an accident with City vehicle.
City Driver:	Thaddeus M. Buchalski
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,139.40
Make Check Payable to:	Sara E. Schupp
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: GAETA-PACKER, JENNIE LEE

Agenda Item #28

Date Claim Filed:	July 16, 2012
Date Action Commenced:	February 7, 2013
Date of Occurrence:	Various
Nature of Claim:	Employment; lost wages
Status of Action:	Action stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$5,000.00
Make Check Payable to:	Jennie Lee Gaeta-Packer
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: JOHNS, ERIC L.

Agenda Item #29

Date Claim Filed:	July 16, 2012
Date Action Commenced:	February 7, 2013
Date of Occurrence:	Various
Nature of Claim:	Employment; lost wages
Status of Action:	Action stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$5,000.00
Make Check Payable to:	Eric L. Johns
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: HANSEN, PAUL M.

Agenda Item #30

Date Claim Filed:	December 18, 2007
Date Action Commenced:	December 22, 2008
Date of Occurrence:	October 6, 2007
Location:	237 76th Street, Niagara Falls, New York
Nature of Claim:	Injuries and damages sustained incident to arrest.
Status of Action:	Pre-trial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$12,000.00
Make Check Payable to:	Matthew P. Pynn, Esq. as Attorney for Paul M. Hansen.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: HOME RULE REQUEST, DOWNTOWN SPEED LIMIT, 2014-38
BY: ALL COUNCIL MEMBERS

Agenda Item #31

WHEREAS, Section 1634 of the New York State Vehicle and Traffic Law, concerning speed limits on highways in cities and villages, provides that no such speed limit applicable throughout such city or village or within designated areas of such city or village shall be established at less than 30 miles per hour; and

WHEREAS, Senator George Maziarz introduced Senate Bill No. S4673 (on file in the City Clerk's Office) and Assemblyman John Ceretto introduced Assembly Bill A06611 (on file in the City Clerk's Office), which would authorize and empower the City of Niagara Falls to lower the speed limit to not less than 25 miles per hour in its downtown area in furtherance of projects to attract new investment in said downtown area; and

WHEREAS, the Senate Bill was amended to be Bill No. S4673-A, and the assembly was amended to be Bill No. A6611A, a copy of which is annexed hereto; and

WHEREAS, in order for the legislative process to continue, this Council is asked to adopt the annexed Home Rule Request.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Niagara Falls, New York does hereby recognize, acknowledge and support the enactment by the New York State Legislature of Senate Bill No. S4673-A and Assembly Bill A6611A, entitled "An Act Relating to Authorizing the City of Niagara Falls, County of Niagara, to Reduce the Speed Limit in Downtown Niagara Falls", and this Council declares that a necessity exists for the enactment of such legislation; and

BE IT FURTHER RESOLVED, that the Clerk of this Council is directed to complete and certify the Home Rule Requests and forward copies of the New York State Legislature as required.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NUCLEAR WASTE REPOSITORY IN THE GREAT LAKES BASIN, OPPOSING, 2014-39
BY: ALL COUNCIL MEMBERS

Agenda Item #32

WHEREAS, Ontario Power Generation is proposing to construct an underground long-term burial facility for all of Ontario's low and intermediate-level radioactive nuclear waste at the Bruce Nuclear Generating Station, some of which is highly radioactive and will remain toxic for over 100,000 years, less than one mile inland from the shore of Lake Huron and less than 1500 feet below the lake level, and

WHEREAS, the Great Lakes are an irreplaceable natural resource, containing 21% of the world's, and 95% of North America's, fresh water, which is vital to human and environmental health, and

WHEREAS, the Great Lakes are vital to the economic and agricultural well-being to both the United States of America and Canada, and

WHEREAS, Lake Huron and the connecting waters, including Lake St. Clair, are a source of drinking water for millions of people downstream in Canada, the United States of America and First Nations, and

WHEREAS, concern has been expressed by individuals, citizen and environmental groups and municipalities and counties in both Canada and the United States, and

WHEREAS, under the *2012 Protocol Amending the Agreement Between Canada and the United States of America on Great Lakes Water Quality,* the governments of the United States and Canada acknowledge the importance of anticipating, preventing and responding to threats to the waters of the Great Lakes, and

WHEREAS, the Governments of the United States and Canada share a responsibility and an obligation to protect the Great Lakes from contamination from various sources of pollution, including the leakage of nuclear waste from an underground nuclear waste repository, and

WHEREAS, placing a permanent nuclear waste burial facility so close to the Great Lakes creates a potential for damage to the Great Lakes from leaks or breaches of radioactivity that far outweighs any suggested economic benefit that might be derived from burying radioactive nuclear waste at this site, as the ecology of the Great Lakes is valuable beyond measure to the health and economic well-being of the entire region, and should not be placed at risk by storing radioactive nuclear waste underground so close to the shoreline, and

NOW, THEREFORE BE IT RESOLVED, that the City of Niagara Falls, NY, in order to protect the Great Lakes and its tributaries, urges that neither this proposed nuclear waste repository at the Bruce Nuclear Generating Station nor any other underground nuclear waste repository be constructed in the Great Lakes Basin, in the United States, Canada, or any First Nation property.

BE IT FURTHER RESOLVED, that the City of Niagara Falls, NY urges the Government of Canada and the Government of Ontario to reject (and seek alternatives to) Ontario Power Generation's proposal to bury radioactive nuclear waste in the Great Lakes Basin.

BE IT FURTHER RESOLVED, that copies of this resolution be provided to Ontario Premier Kathleen Wynne, Canada's Prime Minister Stephen Harper, Canada's Federal Minister of the Environment Leona Aglukkaq, U.S. Secretary of State John Kerry, U.S. Senators Charles Schumer and Kirsten Gillibrand, U.S. Representative Brian Higgins, New York Governor Andrew Cuomo, New York State Senator George Maziarz, New York State Assemblyman John Ceretto, as well as Joint Review Panel Deep Geological Repository for Low and Intermediate Level Radioactive Waste Case Reference Number 17520, Panel Co-Manager, Ms. Debra Myles, all Members of Ontario's Provincial Parliament and all Members of Canada's Parliament.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: FREEDOM OF INFORMATION LAW REQUEST FORM, CHANGES, 2014-40
BY: COUNCIL MEMBER ANDREW TOUMA

Agenda Item #33

WHEREAS, Section 84 of New York State Public Officers Law, Article 6, also known as the Freedom of Information Law, states "…a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions," and that "…the more open a government is with its citizenry, the greater the understanding and participation of the public in government," and

WHEREAS, that section further states, "…government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government…," and

WHEREAS, the Freedom of Information Law allows citizens to request government documents in an electronic format, and requires the agency being solicited for information to provide that information in an electronic format if that agency is reasonably able, and

WHEREAS, the provision of electronic records often provides a cost-savings to the applicant over physical records, and

WHEREAS, the Council finds that it is in the best interest of the City of Niagara Falls to make the provision of government records to the public as simple and convenient as possible,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council requests that the City of Niagara Falls provide a checkable box on all City of Niagara Falls FOIL Request forms to indicate the applicant's preference for electronic versions of the requested records.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:53 P.M.

Carol A. Antonucci
City Clerk

The first session of the May 27, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

There were no presentations

Mayor Dyster stated that DPW Director, David Kinney, lost his son David and condolences go out to the Kinney Family. He thanked the Niagara Falls Police Dept. For the program they presented. Mayor Dyster also said that Bob Slaughter, the husband of Louise Slaughter, passed away last week and condolences go out to her and her family.

Council Member Glenn Choolokian said he needed clarification that 500 Businesses will be losing their garbage pickup under the new contract with Modern that begins in August.

Mayor Dyster said that the implementation of the Garbage Program has a new set of regulations. Large Businesses should have dumpsters for their garbage and he is in the process of seeing what businesses will be impacted and this is not an easy task to do. He has been discussing with the Council and the County that businesses and residents will have to change what they have been presently doing. There will be 3 people working on the "Sweet" Program to implement the changes.

Council Member Choolokian asked if the businesses will be done in August with pickup. City Administrator Donna Owens said that information will be sent to over 500 Businesses that they can still participate in the Program, businesses should already be using dumpsters.

Council Member Choolokian asked if the City if comfortable with the large recycle bins and the Mayor responded that recycle pickup will be every 2 weeks. A discussion followed.

Council Chairman Walker said the sooner the better for notifying the businesses about the upcoming changes.

Council Member Touma said that since Lewiston Road has been completed, the residents are concerned about the speeders. They want signs put up to slow down the traffic. Mayor Dyster will pass this on to Capt. Pino to monitor.

Council Member Touma took a stroll downtown towards Falls St. and noticed that the garbage cans were overflowing. He called the Parks Director, John Caso, and someone was sent to clean it up.

City Administrator, Donna Owens, said the cans are emptied on a regular basis but with more tourists, they need to be emptied more frequently and she will approach Public Works on this.

Chairman Walker wanted to know the schedule for empting the cans and City Administrator Owens will look into this.

Council Member Touma stated that work at Caravelle Park is to begin this Thursday and will be done by the end of June.

Mayor Dyster said he wanted this noted for the record that the Engineering Dept. is working on the Contract for Griffon Park Boar Ramps to get the best possible estimate on when the ramps will be reopen. The ramps might be able to open temporarily for weekends. As soon as we have that information, it will be published.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #11 and a Resolution to be added to the Agenda.

1. Council Member Touma moved to amend Agenda Item #11 by substituting a new Item with additional wording.

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

2. A Resolution relative to renaming 9th St. between Depot Ave. & Garden Ave. to Bloneva Bond St.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as Item #13

The Session ended at 5:25 PM

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Candice Corsaro	Agenda Item #10
Paul Gromosiak	Worked on Experience Center, Old Stone Chimney, Tesla Statue, thanks to everyone who helped him, will be turning everything over to the younger people.
Ron Anderluh	Memorial Day weekend was the start of the Tourist season; Parking Plan not in place as of yet; Revenues from parking have not been obtained.
Wendy Magaddino	Spoke of conditions of Caravelle Park & had photos of the condition; Council Chairman Walker will contact Public Works to make the Park safe.
Evelyn Kresman	Property next door to them had a fire in 2013 & her & her husband have been cleaning up that property; Workers from the City said it wasn't that bad; Council Member Grandinetti asked her to stay afterwards to speak with the Council on this.
Ken Hamilton	Recycling, we need more education; making progress at Caravelle Park; Bloneva Bond Park Proposal.
Tracy Greene	Thanked Council for job done on CSX cleanup; Fence not up on that property.
Diane Tattersall	In Rem auction Properties; back taxes (Council Member Grandinetti is talking to the Legal Dept. on this); Communities recovering from Natural Disasters; thanked Council for the picture of Nik Wallenda in the Show Case in the Atrium; met with Community Development Director Seth Piccirillo on having more to do for 12-17 year olds.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF APRIL 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: LASALLE WATERFRONT PARK EXPANSION, GARDENVILLE LANDSCAPE & NURSERY, LLC, CHANGE ORDER

Agenda Item #2

A contract for the above referenced project was awarded to Gardenville Landscape & Nursery, LLC on November 26, 2012, in the amount of $223,442.23.

While this project was under construction, additional work was completed to improve the existing lawn turf, change the service for the drinking fountain to better accommodate winter conditions and repair light pole anchor bolts found damaged. The total cost of this additional work is $7,318.75. However, various quantity under-runs totaling $6,744.50 will result in a net addition of only $574.25. This change order to the contract will bring the total revised contract sum to $224,016.48.

Funding is available in code H0813.2008.0813.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: DIESEL EXHAUST SYSTEMS, AIR CLEANING SYSTEMS, INC.

Agenda Item #3

In February 2014 request for proposals were issued by the Purchasing Department for new diesel exhaust systems at various fire department locations. Proposals from three firms were received and after a review by the engineering department we concur that the Bid shall be awarded to the lowest bidder Air Cleaning Systems Inc.

CONTRACTOR	BASE BID
Air Cleaning Systems Inc. 8 Sunset Dr. Latham, NY 12110	$29,060.00
Air Cleaning Specialist of New England	$32,611.00
Clean Air Company, Inc.	$36,346.00

It is the recommendation of the undersigned that the project for upgrades and retrofit be awarded to Air Cleaning Systems Inc. at their Proposal Price of $29,060 Funding is available in the Capital Funds, Infrastructure-buildings, Fire Department account, Code H1311.2013.1311.0449.599

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: FIREWORKS DISPLAY, SKYLIGHTERS FIREWORKS

Agenda Item #4

We respectfully request you award a contract for a fireworks display as follows:

TO: Skylighters Fireworks
P.O. Box 1357
Orchard Park, NY 14127

FOR: Fireworks displays on July 4, 2014 at Hyde Park:
$25,000.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that proposals were to be received was advertised in the Niagara Gazette and requests for proposals were sent to four (4) companies. Three (3) proposals were received. After reviewing each proposal, it was determined that Skylighters Fireworks would be the best program to fit the City's needs. Proposals were also received from Pyrotecnico and Zambelli Fireworks.

Funds are available in the Tourism Fund account code T.6410.0000.0449.599.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: STREET SWEEPER, JOE JOHNSON EQUIPMENT, INC.

Agenda Item #5

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

TO: Joe Johnson Equipment (USA) Inc.
62 LaGrange Avenue
Rochester, NY 14613

FOR: One (1) Elgin Pelican, three wheel design, street sweeper
$179,123.00

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 three (3) vendors. The above referenced company submitted the only bid.

Funds for this expenditure were approved in the 2013 Capital Budget for Department of Public Works, Streets Division.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: SODIUM HYPOCHLORITE, CHEMICAL DISTRIBUTORS, INC.

Agenda Item #6

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

TO: Chemical Distributors, Inc.
80 Metcalfe Street
Buffalo, NY 14206
FOR: Sodium Hypochlorite as described on the attached tally sheet.

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 five (5) companies. Three (3) bids and two (2) "No Bid" were received. After reviewing each bid, it was determined that Chemical Distributors was the lowest overall bid as shown on the attached tally sheet (on file in the City Clerk's Office).

Funds are available in the DPW Pool Maintenance Miscellaneous Chemicals account code A.7146.0200.0419.009.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: GOLF COURSE CLUBHOUSE, ROOF REPLACEMENT, FUNDING

Agenda Item #7

The replacement of the roof at the Hyde Park Golf Course Clubhouse was included in the 2014 Capital project list. It is now desirable to proceed with that project. It is requested that the sum of $250,000 be made available from Casino revenues for this project. It is estimated that of that $250,000, $4,500 will be allocated for required environmental testing; an environmental testing consultant is already under contract with the City to provide these services. The actual replacement of the roof will be the subject of competitive bidding.

Will the Council so approve and authorize the Mayor to enter into any required agreements subject to approval of the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PUBLIC WORKS/PARKS DEPTS.: OVERTIME, BUDGET REIMBURSEMENT

Agenda Item #8

As we all know, this past winter was harsh and there were numerous snow events which had to be addressed as they presented themselves and therefore required much overtime for DPW/Parks. It is requested that the sum of $152,224 (inclusive of FICA and pension contributions) be transferred to the DPW/Parks budget for this purpose. The following is a summary of the amount requested for each respective budget line:

Street Construction/Snow Removal Overtime (A.5142.0000.0140.000) $80,028.25
Street Construction/Snow Removal Overtime Meals (A5142.0000.0170.000) $ 3,369.00
Street Construction/Snow Removal Call-in Time (A.5142.0000.0186.000) $10,180.70

Central Garage (A.1640.0000.0140.000)	$16,590.95
Parks/Hyde Park (A.7110.3450.0140.0000)	$ 5,598.70
Parks/Small Parks (A.7110.3460.0140.000)	$ 2,121.70
Mall (A.7130.0200.0140.000)	$ 1,082.70
FICA	$ 9,101.00
Pension Tier 3 & 4	$24,151.00
	$152,224.00

Funding is available from Fund balance.
Will the Council so approve?
Council Chairman Walker moved TO Table the communication.

Yeas	5
Nays	0
	TABLED

CONTRACT: BUFFALO AVE. RECONSTRUCTION PROJECT, CATCO, CHANGE ORDER

Agenda Item #9

A contract for the above referenced project was awarded to CATCO on May 29, 2012 in the amount of $9,979,999.00.

As this project enters the final phases of reconstruction, outstanding unpaid costs associated with the excavation and disposal of native materials and water/sewer system improvements have been incurred and addressed via Change Order #4 in October 2013. It is the intent of this change order to reimburse the contractor for the work already completed since last fall, as we start the final push to complete the contract this summer. The total cost for these completed tasks is $27,400.00. However, existing funding for future portions of this project will allow this work to be paid at this time at no increase to the existing contract total. Therefore, it is the recommendation of the undersigned that Change Order #5 in the amount of $ 0.00 be approved.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS DEPT.: "SWEET" PROGRAM PILOT PLAN, FUNDING

Agenda Item #10

The Director of DPW is requesting that the sum of $58,558 be made available from Casino revenues to initiate the "Sanitation Waste Education Enforcement Team" Pilot Plan (the "SWEET") program. Attached (on file in the City Clerk's Office) is a description of the pilot plan and an explanation of the initiative, together with a proposed estimated budget, inclusive of FICA costs.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	4
Anderson, Grandinetti, Touma, Chairman Walker	
Nays	1
Choolokian	
	APPROVED

Council Member Choolokian noted that he was frustrated about more & more Casino money being spent. This should have been negotiated better since it was given a 3 month extension last year.
Council Member Touma said they should continue to follow through & get the information about recycling out to the Public. We need to educate the Public & enfore this Program.
Chairman Walker stated that this is definitely a big change for the City & he agrees with some of the comments from Council Member Choolokian.

CONTRACT: PORTAGE RD. & 11TH ST., PARKING LOT, CONSTRUCTION/ MAINTENANCE/CARE, NIAGARA COUNTY

Agenda Item #11

The County currently owns 80% of the unimproved parking lot area located at the intersection of Portage Road and 11th Street, across from the County's Trott Access Center and adjacent to the Legends Court. The City owns the remaining 20% of the parking area which is adjacent to the Legends Court. Attached (on file in the City Clerk's Office) is sketch of the same. It is requested that this parking lot area be improved. The estimated cost for this improvement is $420,000 allocated as follows: County share - $336,000; City share - $84,000. This improvement will be beneficial for users of the Trott Access Center as well as users of Legends Courts. Attached (on file in the City Clerk's Office) is a copy of the County's approval.

It is requested that funding be made available from Casino funds for this improvement and that the improvement and the future maintenance and care of the parking lot be addressed in a shared services agreement between the County and the City.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: WOMEN OF DISTINCTION, HONORING, 2014-41
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the Niagara Gazette will hold its 2014 Women of Distinction Awards Ceremony on Tuesday, May 20, 2014, and

WHEREAS, this event recognizes women that have made a difference in our community through their strong leadership and passionate work ethic, and

WHEREAS, the following women are the Niagara Gazette 2014 Women of Distinction honorees:

Sister Nora Sweeney, Mount St. Mary's Hospital
Judith Conte Villani, Niagara Falls Memorial Medical Center
Lenora Teixeira, Niagara County Department of Health
Mary Borgognoni, Niagara University
Natalie Bielein, Niagara Catholic Junior and Senior High School
Rebecca Polletti, Mangia Cakes
Jacquekia Jefferson, Niagara Falls High School
Kalie Lazarou, Niagara-Wheatfield High School
Courtney Santasero, Niagara Catholic High School
Emily Mansour, Lewiston-Porter High School
Jessica Dolansky, Niagara County Community College
Jacey Diez, Niagara University

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby honors these twelve inspiring leaders for their devotion to the betterment of our communities, and for the extraordinary strength of character that has made them so deserving of the 2014 Women of Distinction designation.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: NONTH ST. BETWEEN DEPOT AVE. & GARDEN AVE., RENAMING BLONEVA BOND STREET, 2014-42
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, Mrs. Bloneva Althea Pride Bond was a great and very courageous orator, a great advocate for education on all levels, the second of only four African-Americans ever elected to the Niagara Falls School Board, an advocate for young people, and a prominent member of the African-American community prior to the election of the first African American officials in the city of Niagara Falls, and

WHEREAS, Mrs. Bond was an independent business owner who also served the citizens of Niagara County as one of only two female, African-American caseworkers in the 1960s, diligently working to demonstrate to her clients how to make it on their own, and

WHEREAS, Mrs. Bond was also a founding and charter member of the New York State Community Action Program (NYCAP) Board of Directors, a member of the Niagara Coalition, the National Council of Christians and Jews, (now the National Council for Community and Justice), the United Way of Niagara Central Budget Committee, the Niagara Community Center Scholarship Committee, the Congress of Racial Equality (CORE), the Niagara Falls Council of Churches, the People for Progress Committee, the Niagara Chapter of the American Red Cross Minority Task Force, and the Niagara Falls Centennial Committee, and

WHEREAS, Mrs. Bond accepted an appointment from then-Governor Nelson Rockefeller to serve on both the New York State Health Council and the New York State Health Planning Commission, worked closely with the Girl Scouts of America, and was honored by Niagara University with a Doctor of Humanity Degree, and

WHEREAS, as a loyal friend, effective organizer and a civil rights advocate in a city dominated by male leadership, Bloneva Bond was able to stand shoulder to shoulder with the best of them, and

WHEREAS, Mrs. Bond's dedication to the youth of the City of Niagara Falls was rooted in her parent's values of academic success, the nurturing of creative talent and a commitment to moral conduct,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that the City Council intends to rename that portion of 9th street that runs between Depot Avenue and Garden Avenue and is proximate to and north of the city's proposed new train depot, to be renamed Bloneva Bond Street, and

BE IT FURTHER RESOLVED, that the City Clerk cause to be published a Notice of the City Council's intention to rename that portion of 9th street that runs between Depot Ave. and Garden Ave. to be renamed Bloneva Bond Street. Such publication shall be made once in the Niagara Gazette at least one week prior to such change taking place and shall include in such notice that this City Council calls for a public hearing on said street renaming, to take place on June 9, 2014 at 6:00 PM in these Council Chambers.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:35 P.M.

Carol A. Antonucci
City Clerk

The first session of the June 9, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the Special City Council Meeting of May 2, 2014 and the Regular Council Meetings of May 12 and May 27, 2014.

Yeas	5
Nays	0
	APPROVED

John Percy, President and CEO of the Niagara Tourism and Convention Corporation, gave a Presentation including the Agency's 2013 Annual Report, 2 year Marketing Plan and 5 year Strategic Report. He noted that Bed Tax Revenue has increased significantly, and the Agency is working with local restaurants and the Tourism Advisory Board to get information for tourists. Council Member Anderson thanked Mr. Percy for a very nice Presentation. Council Member Touma suggested getting survey forms out to get feedback from visitors, businesses and hotel owners. In response to Chairman Walker's question, Mr. Percy said that his Agency works closely with Mayor Dyster, Community Development Director Seth Piccirillo, City Controller Maria Brown and the Council's Office Administrator Ryan Undercoffer, and he thanked them all for their help.

Public Works Director David Kinney gave the following update on the street paving and repair Program: use of the Pothole Killer ended on Friday, June 6; patching is being done all over the City; use of the Zipper Machine was very successful with the addition of a second crew to work with it; and sealing will be an ongoing process. Chairman Walker said that a way needs to be found to sustain the roadwork that has been done. Council Member Touma thanked the DPW crews for a job well done.

City Administrator Donna Owens spoke on the Refuse and Recycling Program. She said the Program is still being worked on to correct the glitches in the data base of properties and businesses; informing and educating the public on recycling is ongoing; pickup of yard waste will be addressed; Modern has agreed to a 90 day moratorium between the expiration date of the previous contract and start of the new contract; the new totes will be delivered starting at the end of June, and they will include an information packet; the City Administrator and the two Enforcement Officers who have been hired will be addressing the Block Clubs and other groups on the Refuse/Recycling Program. Council Member Grandinetti asked what outreach was done with small businesses before the contract was awarded, and City Administrator Owens responded that could not be done while the contract was being negotiated. Council Member Choolokian expressed his concern about the businesses not getting their garbage picked up, and said that the City needs to take care of the business people. He also said that the City should use the Casino money to help the citizens by giving them more free services.

Council Member Anderson said that he had received a large amount of calls regarding the Refuse/Recycling Program, and suggested that the Council Chairman meet with the Administration to review concerns that have been brought up. He also said that the City should take the time to make sure that the Program is successful. Council Member Touma said that the Refuse/Recycling Program has had no oversight for thirty years, and needs to be enforced. Chairman Walker said that the Program needs to be defined, and is a work in progress. Mayor Dyster added that a huge amount of work has already been done on the Program by only a few staff members.

Chairman Walker said that the Council would like to remove from the table for action the Agenda Item from the May 27 Council Meeting relative to DPW/Parks Budget reimbursement for overtime incurred as a result of the winter snow events.

Council Member Touma moved to remove the communication from the table.

Yeas 5
Nays 0

MOTION TO REMOVE COMMUNICATION FROM TABLE APPROVED

The communication was added to the Agenda as #16.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #5, relative to funding for the Pax Romana Festival, and a communication to be added to the Agenda relative to a Change Order in the contract for the Train Station Project.

1. Council Member Touma moved to amend Agenda Item #5 by adding an additional sentence to the first paragraph stating that the Corporation Counsel will prepare the Funding Agreement.

Yeas 5
Nays 0

MOTION TO AMEND COMMUNICATION APPROVED

2. Council Member Anderson moved to add the communication relative to a Change Order in the contract for the Train Station Project to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #17.

Mayor Dyster thanked the Council Members for adding this Item to the Agenda.

Chairman Walker stated that the Stone Chimney Project needs to be completed (Agenda Item #3), and Mayor Dyster added that with the Council's action on this Item, this Project will move forward, but the New York Power Authority will still be held accountable.

This Session ended at 6:25 PM

Chairman Walker reconvened the Meeting at 6:45 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Choolokian and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman announced a Special Order of Business, a Public Hearing regarding the renaming of Ninth Street between Depot Avenue and Garden Avenue in the City of Niagara Falls, NY to Bloneva Bond Street and asked if there were any speakers relative thereto.

The following spoke relative to the Public Hearing:

Ken Hamilton
Harvey Kelley
Carrie Mitchell
Robert Alston
Paul Gromosiak
Nick D'Agostino

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #2, #5
Paul Gromosiak	Agenda Item #3
Nick D'Agostino	Agenda Items #2, #3, #4, #5, #6
Tracy Greene	Agenda Items #2, #4
Ron Anderluh	Niagara St. Business Association Concert Series & International Festival; recycling; Equalized taxation rates; no more fees for Businesses; business trying to open on Niagara St. having issues
Joe Casale	Business concerns about garbage pickup
Nick D'Agostino	Good things happening in the City; kudos to DPW workers
Charles Knoll	Refuse/recycling issues
Doug Brown	Refuse/recycling issues; Old Falls St. closing issues getting better
Kevin Young	Refuse/recycling issues
Gerald Skrlin	Various Government issues
Tracy Greene	Cleanup North end, including City properties; Flooding issues; fence needed at Gluck Park; Trash Enforcement Officers not needed
Bob Pascoal	Refuse/recycling issues
Ken Hamilton	Refuse/recycling issues

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF MAY 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: GILL CREEK PARK PLAYGROUND FENCE, FOX FENCES

Agenda Item #2

The Community Development Department solicited proposals for a new fence at Gill Creek Park. The RFP specified Eagle Industries High Royal II Black Steel Fencing or equal. Proposals were used rather than sealed bids as the amount of the contract is below the sealed bid threshold of $35,000.00 found in General Municipal Law §103.

The Department received the following proposals:

Davidson Fence, Inc. $7,900.00
Fox Fences $12,419.00
Classic Fence & Lumber, Inc. $25,253.00

The Fox Fences and Classic Fence proposals each provided prices for the installation of the fencing specified in the RFP. The Davidson proposal did not specify the type of fencing to be installed. The Davidson proposal merely specified "ornamental" fencing. Because the Davidson proposal did not conform to the RFP, it is our recommendation that the contract be awarded to Fox Fences for $12,419.00. Funds are available in the Community Development budget under budget line CPW078/CD1.8662.0000.0450.500.

Will the Council vote to approve awarding the Gill Creek Park fencing contract to Fox Fences as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

STONE CHIMNEY PROJECT, GREENWAY FUNDING

Agenda Item #3

As the Council is aware, the City has been seeking funding to advance the relocation of the Stone Chimney.

The City filed an application with the Greenway Commission for consistency review and the Commission voted unanimously that the project was consistent.

The City has now applied to the Host Community Standing Committee for $200,000 of funding for this project.

Will the Council approve this application?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

POLICE DEPT.: NYS DIVISION OF CRIMINAL JUSTICE SERVICES, GRANT FOR GUN INVOLVED VIOLENCE ELIMINATION

Agenda Item #4

The Superintendent of Police advises that the Niagara County District Attorney's Office and the Niagara Falls City Police Department ("NFPD") are the recipients of a grant from DCJS in the amount of $651,797 for the GIVE Partnership. This is for NYS fiscal year 2014 – 2015. These funds will be utilized by the Niagara County District Attorney's Office and NFPD to support targeted firearm and violent crime reduction efforts. Enclosed (on file in the City Clerk's Office) is a copy of the grant award letter dated May 1, 2014, together with the "Awarded Budget." The portion of this to be allocated to the NFPD is $333,715.

Will the Council authorize acceptance of these grant funds and authorize the Mayor to execute any and all documents and grant agreements required by DCJS subject to approval by the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PAX ROMANA FESTIVAL, FUNDING

Agenda Item #5

The organizer of the Pax Romana Festival to take place on Pine Avenue on Friday, August 1st – Sunday, August 3, 2014 has requested that the City provide the Pax Romana event with $2,500 to assist to deferring the cost of the festival.

Funding is available from Tourism Fund balance.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

LANDLORD LICENSING CLERK: GRIEVANCE

Agenda Item #6

The Landlord Licensing Clerk filed a grievance alleging that he has been assigned and has been performing duties outside of his job title since the first of the year. After reviewing this situation, his department head agrees with his position and recommends that the Landlord Licensing Clerk should be compensated for the extra duties he has performed. This would be retroactive to January 1, 2014 and continue until the Civil Service Commission rules on amended job specs that have been submitted to the Commission.

The total amount requested here to settle this grievance is $3,000.00. An adjustment would be made to compensate the Landlord Licensing Clerk retroactive from January 1, 2014 through and including June 9, 2014, at the rate of approximately $115.38 per pay period with weekly adjustments in that amount. This will not exceed the sum of $3,000.00. Funding is available from A.1345.0000.0110.000.

Will the Council so approve?

Council Member Walker moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: STANEK, KIMBERLY

Agenda Item #7

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Cardamone Chiropractic	5/28/2014	$35.52
Cardamone Chiropractic	5/29/2014	35.52
		$71.04

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 35/37 B ST, SALE

Agenda Item #8

Yasin S. Hussain acquired 26 C Street and 28 C Street during the City tax foreclosure auction which took place on or about December 12, 2011. Attached (on file in the City Clerk's Office) hereto is a copy of a page advertisement from the auction book showing these properties. Note the disclaimer below the photograph. Regardless of the above mentioned disclaimer, these properties are side by side and share a "party wall." It was not apparent that these properties were also attached to 35 B Street and 37 B Street. These four parcels are one structure sharing "party walls" that long ago were divided into four separate tax parcels. The reason for this is unknown and it is unlikely that this would be permitted to happen today. It was also not apparent that the sewer/water connection to this structure is made through 35 B Street and 37 B Street. Attempts by Mr. Hussain to secure sewer/water service from the owner of 35 B Street and 37 B Street have not been successful. Mr. Hussain advises that he has been unable to utilize 26 C Street and 28 C Street for any purpose because of the lack of sewer/water service, among other reasons. These properties are side by side and share a "party wall." It was not disclosed that these properties were also attached to 35 B Street and 37 B Street.

The owner of 35 B Street and 37 B Street has not paid taxes for several years and these properties are now in the City In Rem proceeding. Mr. Hussain further advises that the roof on these properties is caving in and the interior has substantially deteriorated. Mr. Hussain has offered to purchase 35 B Street and 37 B Street from the City for the sum of $2,000.00. He has also agreed to amalgamate these four parcels (26 C Street, 28 C Street, 35 B Street and 37 B Street) into one parcel so as to eliminate this problem. Attached hereto is correspondence from Mr. Hussain in which he makes this offer. I respectfully submit that it is in the best interest of the City to accept Mr. Hussain's offer.

This matter has been presented to the Planning Board and the Planning Board has made a recommendation to the City Council that Mr. Hussain be permitted to purchase 35 B Street and 37 B Street for the total sum of $2,000.00 and proceed to amalgamate those four parcels into one parcel. Attached (on file in the City Clerk's Office) hereto is that recommendation from the Planning Board. Mr. Hussain further agrees to be responsible for all fees and expenses incidental to this process.

Will the Council so approve and authorize the Mayor to execute any and all documents necessary to accomplish this, provide such documents and agreements are acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: BLEVINS, JR., LEWIS F.

Agenda Item #9

Date Claim Filed:	August 15, 2013
Date Action Commenced:	N/A
Date of Occurrence:	July 19, 2013
Location:	421 71st Street, Niagara Falls, NY
Nature of Claim:	Property damage sustained during installation of sidewalk.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$20,038.86
Make Check Payable to:	Dana Roetzer's Executive Landscaping, Inc.
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

Agenda Item #10

Please be advised that on May 9, 2014, Mayor Paul A. Dyster duly approved the following:

A Local Law, relative to amending the City Charter as amended by adding Section 201-e entitled "Enactment of Assessment Relief for Improvements Damaged by Severe Weather pursuant to the Provisions of Part T of Chapter 55 of the Laws of New York for 2014 entitled 'Mohawk Valley and Niagara County Assessment Relief Act'" of Article VIII of the Charter, entitled "Taxation and Assessment" which was adopted by Council on May 2, 2014 and was received and filed by the New York State Department of State on May 13, 2014.

THIS ITEM WAS RECEIVED AND FILED

COMMISSIONER OF DEEDS, APPOINTMENTS

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from July 1, 2014 to June 30, 2016.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Dobrasz, Daniel	NFPD
Freeman, Roger	NFPD
Jaraszewski, Mark	NFPD
Smith, William	NFPD
Kunecki, Julie	Department of Inspections
Myles, Bridgette	Mayor's Office
Zona, Anita	Human Resources
Choolokian, Pam	1141 Garrett Ave., NF NY 14305
Corsaro, Candace	1826 North Ave., NF NY 14305
Cunningham, Ronald	1616 15th St., NF NY 14305
Curcione, Frances	3302 Walnut Ave., NF NY 14301
Graham, Alyson	2441 Woodlawn Ave. NF NY 14301
Kemp, Elyse	1543 Center Ave., NF NY 14305
Kennedy, Jean	1423 Wyoming Ave., NF NY 14305
Laible, Alicia M.	2625 Lewiston Rd., NF NY 14305
Massaro, Marcia	626 69th St., NF NY 14304
Matsulavage, Melissa	2921 Michigan Ave., NF NY 14305
Sirianni, Juanita	3351 Ely Ave., NF NY 14303
Smith, Angela	1723 Caravelle Dr. A6, NF NY 14304
Smith, Laura	1138 90th St., NF NY 14304
Smith, Richard	1021 96th St., NF NY 14304
Thomason, Candra	2470 LaSalle Ave., NF NY 14301
Zito, Peter	3351 Ely Ave., NF NY 14304

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: BUFFALO AVENUE, TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION, STREETSCAPING, 2014-43
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, the City of Niagara Falls is applying for a Transportation Alternatives Program grant for the above referenced project with a total cost of $500,000 with State assistance in the amount of $400,000 and a local share of $100,000; and

WHEREAS, funds are available from casino revenue pending reimbursement to the City in the amount of $400,000 from New York State Department of Transportation.

WHERESAS, matching funds will be applied for through Power Authority greenway funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: HIGHLAND AVE. PARK, CONSOLIDATED FUNDING APPLICATION- ENVIRONMENTAL PROTECTION FUND FOR DEVELOPMENT, 2014-44
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the City of Niagara Falls is submitting a Consolidated Funding Application- Environmental Protection Fund for the above referenced project with a total cost of approximately $600,000 with State assistance of up to $500,000 and a local share of up to $300,000; and

WHEREAS, matching funds will be available from casino revenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that it hereby approves this grant application and authorizes the Mayor to act on behalf of the City in all matters related to the application and grant and is further authorized to execute any and all documentation related to this grant.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CIVIL SERVICE COMMISSION, APPOINTMENT, 2014-45
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, at its September 16, 2013 meeting the Council appointed Ronald Mang to fill the unexpired term of Commissioner John Fiori, Sr. who had passed away; and

WHEREAS, the resolution indicated that Mr. Mang's term would expire on May 31, 2017; and

WHEREAS, the correct expiration date should be May 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that Ronald Mang is appointed to fill the unexpired term of John Fiori, Sr. which end will expire on May 31, 2018.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: FINAL RENAMING OF 9TH ST. BETWEEN DEPOT AVE. & GARDEN AVE. TO BLONEVA BOND ST., 2014-46
BY: ALL COUNCIL MEMBERS

Agenda Item #15

WHEREAS, by resolution adopted May 27, 2014, this Council directed the City Clerk to publish a Notice of Intention to consider a change of name of a portion of Ninth Street to Bloneva Bond Street at the regularly scheduled meeting of this Council on June 9, 2014 and to hold a public hearing thereon; which notice was published in the Niagara Gazette and which hearing was held as scheduled, and

WHEREAS, this Council has considered the aforesaid change of name and is of the opinion that said renaming is desirable; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the name of Ninth Street between Depot Avenue and Garden Avenue in the City of Niagara Falls, NY be and is hereby changed to be henceforth known as Bloneva Bond Street, and

BE IT FURTHER RESOLVED, that the Clerk of this Council is hereby directed to forward a copy of this resolution to the Mayor and City Administrator so that they can implement this change through the appropriate City departments and further that a certified copy of this resolution be forwarded to the Niagara County Clerk.

Yeas 5
Nays 0
ADOPTED

PUBLIC WORKS/PARKS DEPTS.: OVERTIME, BUDGET REIMBURSEMENT

Agenda Item #16

As we all know, this past winter was harsh and there were numerous snow events which had to be addressed as they presented themselves and therefore required much overtime for DPW/Parks. It is requested that the sum of $152,224 (inclusive of FICA and pension contributions) be transferred to the DPW/Parks budget for this purpose. The following is a summary of the amount requested for each respective budget line:

Street Construction/Snow Removal Overtime (A.5142.0000.0140.000)	$80,028.25
Street Construction/Snow Removal Overtime Meals (A5142.0000.0170.000)	$ 3,369.00
Street Construction/Snow Removal Call-in Time (A.5142.0000.0186.000)	$10,180.70
Central Garage (A.1640.0000.0140.000)	$16,590.95
Parks/Hyde Park (A.7110.3450.0140.0000)	$5,598.70
Parks/Small Parks (A.7110.3460.0140.000)	$2,121.70
Mall (A.7130.0200.0140.000)	$1,082.70
FICA	$9,101.00
Pension Tier 3 & 4	$24,151.00
	$152,224.00

Funding is available from Fund balance.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: TRAIN STATION, CHANGE ORDER, SCRUFARI CONSTRUCTION CO. INC.

Agenda Item #17

Upon the request of Amtrak, payment to Amtrak for the protection of railroad traffic services will be paid to Amtrak by the Contractor directly instead of from the City of Niagara Falls as previously provided.

Accordingly, this change order will add to SECTION 012100 – ALLOWANCES, Part 3.3 Schedule of Allowances of the contract; Allowance No. 4: Railroad Force Account for Protection of Railroad Traffic.

This change order will add the amount of $250,000.00 for Railroad Force Account for Protection of Railroad Traffic plus $12,500 (5%) for contract supervision, overhead and profit to the Contractor's total contract value in accordance with the Contract and shall be considered a "Service Charge" in accordance with the Force Account provisions of the contract documents.

This allowance shall be administered in accordance with the terms and conditions of Section 012100 and the Contractor's Temporary Permit to Enter Amtrak property.

Contractor will pay to Amtrak a retainer in the amount of $250,000.00 for services and will account to the Owner the total funds expended on a monthly basis all using Force Account Reports as specified NYSDOT Chapter 12, Appendix 12-1 and 12-2

The funding for this is a transfer of funds from the "Owner's" budget to the "Contractor's" budget and is available in the City's project funding. This is a no-cost administrative modification to the Project. There are no additional expenses to the Project from such administrative change.

The City's local-share funding is already approved and available in the Casino Revenue Fund for transfer to Capital Projects Fund H0402.

Will the Council vote to so approve and authorize the Mayor to make such modification to contracts as necessary to effect this administrative change, and in a form acceptable to the Corporation Council?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 8:25 P.M.

Carol A. Antonucci
City Clerk

June 23, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the June 23, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: City Administrator Donna Owens, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of June 9, 2014.

Yeas	5
Nays	0
	APPROVED

Randy Shepard, of the Bonadio Group, gave a presentation on his Group's Audit of the City's Financials for the year ending December 31, 2013. He noted that the Audit went very well, and he thanked City Controller Maria Brown and her staff for their assistance. He also noted that the City ended the year with a Sixteen Million Dollar Fund Balance. Council Member Anderson asked if Section 99H which governs the use of Casino Funds can be changed, and Mrs. Brown responded that the law could be amended. Assemblyman John Ceretto was present at the Meeting, and he said he would work with the City to make changes to the law if he was given that direction from the City. Council Member Touma requested that future Audits compare Niagara Falls to like cities, and Chairman Walker added that the City should look into long term budgeting in the use of the Casino Funds.

In the Administrative Update, Council Member Grandinetti informed the Council Members that Mayor Paul Dyster is out of town and had appointed her as Acting Mayor.

City Administrator Donna Owens said that a new Purchasing Agent had been hired and would start work at the end of the month. The Purchasing Agent would meet with the IT Department to work on procuring services to update the City's website. Chairman Walker said that information for tourists should also be available on the City's website.

City Administrator Owens read a Proclamation honoring the two Fireman of the Year Award recipients, and presented the Proclamations to them.

Council Member Anderson asked about repairs to the City Hall parking lot, and City Administrator Owens responded that this Project was included in the Capital Plan.

A lengthy discussion was held on the refuse/recycling program. Council Members Touma and Choolokian spoke on the Informational Meetings that were being held; City Administrator Owens said that a website would be up soon with information on the program; Council Member Choolokian asked if changes could be made to the contract, and City Administrator Owens responded that the Ordinance was being changed because the current Ordinance was not being followed or enforced. Chairman Walker added that he would like the Administration to sit down with the Council within the week to discuss the Program.

Chairman Walker asked Public Works Director David Kinney about the fence at Caravelle Park, and Mr. Kinney reported that it was in the process of being bid out, a snow fence had been put up for now, and the drainage issue had been taken care of.

This Session ended at 5:50

Chairman Walker reconvened the Meeting at 6:07 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #3, #14
Michael Henderson	Agenda Item #3
Lisa Vitello	Agenda Item #18
Jim Haid	Agenda Item #11
Harvey Albond	Agenda Item #18
Ken Hamilton	Agenda Item #19
Paul Gromosiak	Distributed copies of his 11th book; Tesla Museum in City
Gerald Skrlin	Condition of properties on Buffalo Ave.
Candace Corsaro	SWEET Program is dysfunctional; City Engineer position; grass cutting on vacant lots
Craig Avery	Good that the Council is working together; Complimented weekend events in City; issues with City Administrator & Senior Planner
Doug Brown	Old Falls St. issues
Sr. Barbara Pfohl	Thanks for approval to have landscaping done on Daly Blvd.; issues with abandoned properties in neighborhood
JoAnne Gialloreto	Refuse/recycling issues
Bob Pascoal	Refuse/recycling issues; property values need to be raised
Allan Leo	Refuse/recycling issues
Jo Forgione LePage	Refuse/recycling issues
Roger Spurback	High grass on properties
Ken Hamilton	Refuse/recycling issues; Lockport St. traffic issue; Factory Outlet traffic issue; questioned legality of Council Member as acting Mayor
Robert Ventry	Refuse/recycling issues; high grass on Properties; lights burned out in downtown Parking lots
Michael Quarcini	Refuse/recycling issues; Isaiah 61 Project
EJ Battaglia	refuse/recycling issues; against Police Barracks Relocation; pollution emission from Globe

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF MAY 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

HOUSING AUTHORITY, PAY INCREASES

Agenda Item #2

The Niagara Falls Housing Authority Board of Commissioners approved certain pay increases for its employees. Attached (on file in the City Clerk's Office) 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?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

FISHING DERBY: YOUTH BUREAU, FUNDING

Agenda Item #3

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?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

BILLING/COLLECTIONS DEPT.; REORGANIZATION

Agenda Item #4

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?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PURCHASE: FIRE DEPT., LADDER TRUCK

Agenda Item #5

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?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Touma commended the Fire Chief for his efforts.

PUBLIC WORKS/PARKS DEPTS.: STIPEND, AGRICULTURAL CHEMICALS/PESTICIDES

Agenda Item #6

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 On file in the City Clerk's Office) 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?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

PUBLIC WORKS: STIPENDS, TWO CLIMBER 3 POSITIONS

Agenda Item #7

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 (on file in the City Clerk's Office) 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?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

PUBLIC WORKS: VEHICLES, FUNDING

Agenda Item #8

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 (on file in the City Clerk's Office) 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?

Chairman Walker moved to Table the Communication.

Yeas	5
Nays	0
	TABLED

CONTRACT: CITY TELEPHONE SYSTEM, MAINTENANCE AGREEMENT, ADVANCE 2000

Agenda Item #9

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.	$93,585.00
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: TREE STUMPING, CANYON ENVIRONMENTAL LLC

Agenda Item #10

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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Grandinetti explained that this will take care of half of the Project & the rest will be done In House.

CITY PROPERTY: 436 MEMORIAL PKWY, SALE

Agenda Item #11

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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

LIBRARY: CONSTRUCTION GRANT PROGRAM MATCH

Agenda Item #12

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 (on file in the City Clerk's Office) is a copy of a communication from the Library Director in this regard.

Funding is available from Casino revenues.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: CITY HALL ELEVATOR, INFRARED DOOR CURTAINS, DCB ELEVATOR

Agenda Item #13

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 (on file in the City Clerk's Office) from D.C.B. Elevator Co., Inc.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

INTERNATIONAL FESTIVAL: NIAGARA ST. AREA BUSINESS & PROFESSIONAL ASSOCIATION, FUNDING

Agenda Item #14

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 (on file in the City Clerk's Office) 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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: GARITO, CAROL E.

Agenda Item #15

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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CITY PROPERTY: 1614 EIGHTH ST., SALE

Agenda Item #16

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 (on file in the City Clerk's Office) is a copy of the Planning Board recommendation.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: PARKING FEES, PARKING LOTS/RAMPS, WAIVING, 2014-47
BY: ALL COUNCIL MEMBERS

Agenda Item #17

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.

Yeas 3
Anderson, Choolokian, Chairman Walker
Nays 0
Abstain 2
Grandinetti, Touma

ADOPTED

RESOLUTION: NYS PARK POLICE STATION: RELOCATION, 2014-48
BY: COUNCIL CHAIRMAN WALKER, COUNCIL MEMBER CHOOLOKIAN

Agenda Item #18

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.

Yeas 5
Nays 0

ADOPTED

Chairman Walker commended the Traffic Advisory Board for their efforts.

RESOLUTION: NF CITY SCHOOL DISTRICT, WAIVER OF EVENT RELATED FEES, 2014-49
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #19

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 **t**he 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.

Yeas 3
Anderson, Choolokian, Chairman Walker
Nays 0
Abstain 2
Grandinetti, Touma

ADOPTED

RESOLUTION: ABANDONED PROPERTY NEIGHBORHOOD RELIEF ACT OF 2014, 2014-50
BY: ALL COUNCIL MEMBERS

Agenda Item #20

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 Maziarz, and New York State Assembly Member John Ceretto.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: CAREY, JOHN & DEROSA, BART, HONORING, 2014-51
BY: ALL COUNCIL MEMBERS

Agenda Item #21

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.

Yeas 5
Nays 0
ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 8:05 P.M.

Carol A. Antonucci
City Clerk

June 25, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Wednesday, June 25, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. Review and act on a recommendation regarding Bid 2014-08 Clearing of Vacant Lots.

Respectfully submitted,

_____
CHARLES WALKER
Council Chairperson

_____
ROBERT ANDERSON, JR.
Council Member

_____
GLENN CHOOLOKIAN
Council Member

_____
KRISTEN GRANDINETTI
Council Member

_____
ANDREW TOUMA
Council Member

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

The June 25, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Glenn Choolokian, Andrew Touma.
Absent: Council Members Robert Anderson, Kristen Grandinetti

Also Present: Mayor Paul A. Dyster, City Administrator Donna Owens, Deputy Corporation Counsel Thomas O'Donnell, City Controller Maria Brown.

CONTRACT: VACANT LOT CLEARING, K. J. SMITH ENTERPRISES

Agenda Item #1
At your March 31, 2014 meeting, you awarded the above referenced bid to Baker Tree Care (on file in the City Clerk's Office)
Baker Tree Care has failed to perform under the bid and we therefore request that you terminate Baker Tree Care and award the bid to K.J. Smith Enterprises, 3616 Highland Avenue, Niagara Falls, NY 14305 at its bid amounts of 10.50 per man hour & 25.00 per acre.
Funds for this expenditure are available in the Community Beautification code: A8510.0000.0449.080.
Will the Council so approve?
Council Chairman Walker moved that the communication be received and filed and the recommendation approved.

Yeas	3
Chairman Walker, Members Choolokian, Touma	
Nays	0
Absent	2
Anderson, Grandinetti	

APPROVED

Per Deputy Corporation Counsel, Thomas O'Donnell, the former contractor was not performing & this was the 2nd lowest bidder.
The Bonds have to be processed.
Council Member Touma asked Deputy Director for DPW, John Caso, if the contractor will start immediately. The answer was that the Bonds & paperwork will have to be completed first.
Mayor Paul A. Dyster thanked all 5 members of the Council & especially the 3 that showed up to resolve the matter.

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There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 4:04 PM.

Carol A. Antonucci
City Clerk

The first session of the July 7, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of June 23, 2014 and the Special Meeting of June 25, 2014.

Yeas	5
Nays	0
	APPROVED

Michael Lewis, President of the Board of Directors of Community Missions, spoke on the Mission's request for financial support from the City (Agenda Item #8). The funding will be used to continue the Crisis Services provided by the Mission. Council Member Grandinetti asked if these services can be provided by other Agencies should the Mission close, and Mr. Lewis responded that there were limited other services available.

In the Administrative Update, City Administrator Donna Owens reported that delivery of the refuse/recycling totes has begun, and the totes contain information packets for use of the totes. She added that a demonstration would be held on Saturday at DeVeaux Woods on use of the totes.

Mayor Paul Dyster reported that the Wallenda Monument was dedicated today, and thanked all those involved with the Walk. He said that discussions were underway for Nik Wallenda to have a permanent presence in Niagara Falls. The Mayor thanked Congressman Brian Higgins for his efforts in securing a Purple Heart for S/Sgt. Andrew Bluhm, which was presented to him at the Veterans Memorial at Hyde Park. The Mayor also spoke on upcoming events on Old Falls Street.

Chairman Walker asked about the second contract that was awarded for grass cutting, and Deputy Corporation Counsel Thomas O'Donnell said that the contractor was still working on getting bonded to do the work. The Council stressed the need to get the work done, and Council Member Choolokian asked if City crews could do the work on overtime until the contractor is able to begin. Public Works Director David Kinney said that the Council would need to allocate the funding to his Department to cover the overtime. Mayor Dyster suggested that the grass cutting contract be bid out earlier next year so that the contractor will be ready to begin the work as soon as it is needed. The Mayor said that he will report back to the Council within 24 hours on the status of the contractor getting the paperwork necessary to begin the work. Chairman Walker added that if City workers begin the work on overtime, the overtime funds will be taken from the funds that were set aside to pay the contractor.

Corporation Counsel Craig Johnson distributed copies of an Item to be added to the Agenda relative to awarding the bid for the fence at D'Amelio Park.

Council Member Anderson moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #19.

During a discussion on Agenda Item #7, relative to an amendment to the contract with Modern Disposal, Council Member Choolokian asked why the amendments were not part of the original contract. Mayor Dyster responded that small businesses were added to the contract in response to the Council's concerns, and Jordan Gardens and Packard Court were added to the contract to provide recycling bins for these Housing Authority properties. City Administrator Owens added that homeowners can use clear plastic bags for grass clippings. Council Member Grandinetti asked about pickup of bulk items, and City Administrator Owens responded that, before the official August 4 startup of the new refuse/recycling program, homeowners can put out bulk items as they have been, but with the start of the new program, they will be limited to one bulk item per week. Council Member Anderson asked about the number of businesses that will be able to participate in the program, and asked that the Council be immediately notified if the number of businesses included in the contract changes.

Council Member Touma said that he would like to amend the amount of funding provided for the Blues Festival from $40,000 to $10,000 (Agenda Item #11). Mayor Dyster said that he would pull the Item from the Agenda so the Council could discuss it before taking a vote.

This Session ended at 5:37 PM

Chairman Walker reconvened the Meeting at 6:03 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Robert Pascoal	Agenda Item #7
Ron Anderluh	Agenda Item #7
Candice Corsaro	Agenda Item #7
Jason Chilcote	Agenda Items #7, #8
Emma Chapman	Agenda Item #7
Ken Hamilton	Agenda Item #7
Robert Pascoal	Issues with Landlord responsibility for tenants trash/recycling; instead of fines, offer training classes
Paul Gromosiak	Tesla Museum; Wallenda copycat stunts
Ron Anderluh	Downtown area very busy over Holiday Weekend/loss of parking revenues; Gill Creek Park rental increase for gazebo/pavilion
Henry Krawczyk	DPW/ZOOM issues; In Rem issues; Covanta issues
Gunwant Sodhi	No response regarding DPW complaints
Tracy Greene	North End issues
Ronda Grose	Thank you for totes
Jason Chilcote	Condition of abandoned properties; electronics recycling
Ken Hamilton	NF Veterans Monument; Niagara Community Center & Girls Club; Council Committees; NorLock Park issues; basketball courts at Hyde Park
Gerald Skrlin	NTCC issues; Council Committees

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DEMOLITIONS, CD 2014-1, CHANGE ORDER #2, REGIONAL Environmental Demolitions

Agenda Item #1

On February 19, the City awarded demolition contract CD2014-1 to Regional Environmental Demolitions, Inc. in the amount of $456,822.00. Unforeseen circumstances arose in the course of demolition of 2928 Highland Avenue, necessitating change order 1 in the amount of in the amount of $5,632.82.

The sidewalk at 528 Tenth Street currently jogs around a raised concrete deck. With the demolition of the deck, the sidewalk will be irregular. It is proposed that the contractor remove the concrete sidewalk at the public frontage for the full width of the lot and replace this with a new concrete sidewalk which will be in line with the existing public sidewalks at each side of lot. The new concrete sidewalk shall conform to City of Niagara Falls, NY Dept. of Engineering specifications for all aspects of new sidewalk replacement in a public right-of-way, and also shall meet all requirements of contract CD2014-1 specifications for new concrete sidewalk replacement. Where necessary, the work shall include grading, finishing and seeding as per specifications.

The cost of this extra work is $1,716.00. This is a fair price for replacement of this sidewalk so it conforms to the existing sidewalks in the neighborhood.

Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR599).

Will the Council approve change order 2 to CD2014-1 in the amount of $1,716.00 and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: HOUSING VISIONS PROJECT/WALNUT AVE. HOMES, 543 SIXTH ST., DEMOLITION

Agenda Item #2

Housing Visions, through Walnut Avenue Homes, LLC, is proceeding with a housing development in the Seventh Street area. One of the properties involved is the former Lammerts Garage at 543 Sixth Street. The property is currently owned by the Board of Education, but is under contract to be sold to Walnut Avenue Homes.

The New York State Historic Preservation Office (SHPO) has determined that the property is eligible for listing in the National Register of Historic Places. The City, as an approving and funding agency, and Walnut Avenue Homes, must obtain SHPO approval if the property is to be demolished. The City, Walnut Avenue Homes and SHPO will enter into an agreement detailing the steps to be taken to document the significant features of the structure, through digital photographs, pre-demolition drawings, copies of records and preparation of a narrative history. In addition SHPO has accepted plans for the development incorporating elements of the Lammerts Garage materials and design features. Any changes in the plans will require SHPO approval.

Walnut Avenue Homes will be responsible for all necessary undertakings and expenses. The City will cooperate in the effort to obtain approval for the demolition.

Will the Council vote to approve an agreement between the City, Walnut Avenue Homes, LLC and SHPO as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMUNITY DEVELOPMENT DEPT.: NATIONAL GRID GRANT

Agenda Item #3

On May 27, 2014, the City of Niagara Falls Community Development Department received written approval from the following National Grid competitive funding programs. The department submitted grant applications to National Grid in April 2014.

(1) $143,000 - National Grid Urban Center/Commercial District Revitalization Program
(2) $5,000 - National Grid Cooperative Business Recruitment

Grant (1) will be dedicated to the following economic development projects:
$75,000 – Street lighting standard improvements on Third Street, from Main St. to Cedar Ave.
$38,000 – Small business façade rehabilitation
$30,000 – Gateway LED sign installation at the corner of Third & Niagara Sts.

Grant (2) will be dedicated to the following economic development project:
$5,000 – Direct marketing of business opportunities in the City of Niagara Falls as well as available commercial space.

The City of Niagara Falls is providing a $380,000 funding match via the 2012 Downtown Stabilization Project grant, received from the Western New York Regional Economic Development Council. No general fund dollars are being requested as part of this project.

Will the Council allow the Mayor to officially accept this grant offer from National Grid?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CITY EMPLOYEES, SEASONAL/RECREATIONAL: MINIMUM WAGE INCREASE

Agenda Item #4

As you are aware, the New York State Legislature enacted a minimum wage increase in a series of three (3) annual changes. Effective December 31, 2013, the New York State minimum wage was raised to $8.00 per hour; on December 31, 2014, that figure will rise to $8.75 per hour and on December 31, 2015, the minimum wage will rise to $9.00 per hour.

While the City of Niagara Falls is exempt from the provisions of this law, this Administration is supportive of the minimum wage increase and proposes to raise the hourly rate for certain classifications of employees with pay scales currently below the State’s minimum wage.

After a review of the City’s pay plans, only wage Schedule K, Seasonal and Recreational titles, will be impacted by the proposed increases. The specific titles are Recreational Aide I & II, Recreational Specialist I & II and Parking Attendant and Lead Parking Attendant.

The attached (on file in the City Clerk's Office) is a proposal to enact minimum wage increases for these employees in a series of three increments; the first increase, to $8.00 per hour, would be effective as of the date of Council approval. Subsequent increases would mirror the New York State schedule, rising to $8.75 per hour on December 31, 2014 and to $9.00 per hour on December 31, 2015. These increases will be paid from existing budgeted funds in the Seasonal and Recreational lines and will not be retroactive.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: PARKING LOT #5, CLEVELAND/NIAGARA AVES. RESURFACING/IMPROVEMENTS, YARUSSI CONSTRUCTION, INC.

Agenda Item #5

The following were the result of bids received on June 25, 2014 for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$172,340.00
Scott Lawn Yard, Inc.	$189,900.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Yarussi Construction, Inc. at their total bid of $172,340.00. Funding will be made available from casino funds in code H1312.2013.1312.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Chairman Walker explained that this Lot is City Property.

CONTRACT: PORTER RD. PAINTING PROJECT, CONSTRUCTION INSPECTION & ADMINISTRATION SERVICES, GREENMAN-PEDERSON, INC.

Agenda Item #6

A contract for the above referenced project was awarded to Greenman-Pederson, Inc. on November 26, 2012 in the amount of $15,000.00.

Following the receipt of supplemental funds from the New York State Department of Transportation for the construction portion of this project, the City is now able to amend the professional services portion of this project – administration and inspection – to the above referenced firm. Costs associated with the construction related professional services total $44,887.00 and are available in code H1110.2011.1110.0449.599.

Please note that existing agreements already in effect between the City and NYSDOT allow for a maximum 80% reimbursement of all contract administration and inspection funds expended.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

CONTRACT: REFUSE COLLECTION/DISPOSAL/RECYCLABLE MATERIALS COLLECTION & PROCESSING, MODERN DISPOSAL SERVICES, INC., AMENDMENT

Agenda Item #7

At your April 28th, 2014 meeting you awarded the above referenced contract to Modern Disposal Services, Inc. ("Modern").

This contract provided for a five (5) year period for refuse hauling from collection sites using wheeled carts within the City limits, and related disposal and recycling also using carts.

Since that time it has been determined that certain revisions to the agreement are desirable based on citizen comments and other reaction to the changes in the City's refuse collection program.

Modern has submitted the attached letter dated June 16, 2014 setting forth the cost to provide for four (4) amendments to the service.

These amendments, on an annual basis total $380,928, subject to any program adjustments, and require $167,400 for the balance of this year. Funding is available from fund balance.

It is the recommendation of the administration that the City adopt these changes.

Will the Council so approve and authorize the Mayor to execute an amendment to the agreement with Modern in a form acceptable to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 3

Grandinetti, Touma, Chairman Walker

Nays 2

Anderson, Choolokian

APPROVED

Council Member Anderson said that this Contract needs more work.
Council Member Choolokian said that there are many questions that haven't been answered about this Contract.

COMMUNITY MISSIONS, FUNDING

Agenda Item #8

The City has been requested by Community Missions to contribute the sum of $150,000 to apply to operating expenses associated with the Crisis and Community Services programming activities undertaken by Community Missions. A funding agreement will be prepared by the Corporation Counsel which will detail the terms and conditions of the disbursement of any City dollars approved. The total amount requested by Community Missions is $150,000 to be disbursed as follows:

- $75,000 upon execution by all parties of a disbursement agreement.
- $50,000 to be disbursed six (6) months of thereafter provided Community Missions is in compliance with the agreement.
- $25,000 to be disbursed six (6) months thereafter provided Community Missions is in compliance with the agreement.

Funding is available from Casino revenues.

Attached (on file in the City Clerk's Office) hereto is a communication from Community Missions detailing this request.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 2
Anderson, Choolokian

APPROVED

Council Member Anderson said that answers are needed to questions on financial issues.

Council Member Choolokian said Community Missions does a great job but he believes that the City should separate itself from non-for-profits.

Council Member Grandinetti said her financial questions were answered and Law Enforcement Agencies need the services that community Missions provides.

Council Member Touma said that this was not an easy decision for him. He was very impressed when he toured Community missions. He will vote for this knowing that the Controller will be auditing Community Missions on a regular basis.

Chairman Walker said several meetings have been held and the Corporation Counsel and Controller are working with Community Missions.

CONTRACT: CARNEGIE BLDG., INSTALLATION OF NEW ROOF MASONRY REPAIRS & HVAC ADJUSTMENTS, JOSEPH A. SANDERS & SONS, INC.

Agenda Item #9

The following were the result of bids received on June 25, 2014 for the above referenced project:

CONTRACTOR	BASE BID
Joseph A. Sanders & Sons, Inc. 107 Lathrop St. Buffalo NY 14212	$659,810.00
Sicoli Construction Services, Inc.	$727,700.00

It is the recommendation of the undersigned that this project be awarded to the low bidder
Joseph A. Sanders & Sons, Inc. at their total bid of $659,810.00.
Funding will be made available in code H0827.2008.0827.0449.599.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

GOOD NEWS GOSPEL FESTIVAL/HEALTH FAIR, FUNDING

Agenda Item #10

The Niagara Falls Memorial Medical Center ("NFMMC") will be holding its 8th Annual Good News Gospel Festival/Health Fair on July 19, 2014. The location will be on the steps of the Niagara Arts and Cultural Center ("NACC"). NFMMC is requesting that the City serve as a major sponsor for this event with a contribution of $2,500. Any City dollars will be disbursed pursuant to a funding agreement prepared by the Corporation Counsel.

Funding is available from Tourism Fund balance.

Will the Council so approve and authorize the Mayor to execute an agreement approved by the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
Abstain	1

Chairman Walker

APPROVED

BLUES FESTIVAL, FUNDING
Agenda Item #11
THIS ITEM WAS PULLED
NO ACTION TAKEN

ASSESSOR: 2014 GENERAL ASSESSMENT ROLL

Agenda Item #12

Listed below are the taxable totals of the General Assessment Roll for the City of Niagara Falls, New York, as now constituted and completed by the Board of Assessment Review for the year 2014 and was filed with the City Clerk on July 1, 2014.

Also, attached (on file in the City Clerk's Office), please find the exemption summary for the 2014 roll.

Total Taxable Assessed Value		$1,292,350,632
Homestead	$876,748,984	
Non-Homestead	415,601,648	
Total	$1,292,350,632	

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: ALSTON, ROBERT L.

Agenda Item #13

Date Claim Filed:	December 31, 2013
Date Action Commenced:	N/A
Date of Occurrence:	December 19, 2013
Location:	1558 Benjamin Drive, Niagara Falls, NY
Nature of Claim:	Property damage due to City plow
Status of Action:	Claim stage
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$65.65
Make Check Payable to:	Robert L. Alston
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: STANEK, KIMBERLY

Agenda Item #14

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Cardamone Chiropractic	6/19/2014	$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

RESOLUTION: "CAMPER PARKS", AMENDING CHAPTER 1129, 2014-52
BY: COUNCIL CHAIRMAN CHARLES WALKER
COUNCIL MEMBER GLENN CHOOLOKIAN

Agenda Item #15

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1129 of the Codified Ordinances entitled "Camper Parks" is hereby amended to read as attached (on file in the City Clerk's Office).

Bold and Underlining indicate Additions.
Strikethrough indicate Deletions.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: "SOLID WASTE REFUSE AND RECYCLING", PUBLIC HEARING, ADOPTING CHAPTER 911, 2014-53
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #16

RESOLVED that a public hearing be held, in accordance with Section 120-aa of the General Municipal Law, adopting Chapter 911 entitled "Solid Waste Refuse and Recycling" (on file in the City Clerk's Office) on the 14th day of July, 2014 at 4:00 P.M. Daylight Saving Time, in the Council Chambers of the City of Niagara Falls, New York, and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: O'BRIEN, SEAN, HONORING, 2014-54
BY: ALL COUNCIL MEMBERS

Agenda Item 17

WHEREAS, Sean O'Brien has maintained an exemplary academic record while remaining actively involved in sports and extracurricular activities, including service on the Niagara County Youth Bureau, and

WHEREAS, Sean's acceptance to the United States Military Academy at West Point is the result of his hard work and deep commitment to the service of his country, and

WHEREAS, Sean's acceptance to the United States Military Academy at West Point is a source of great pride for the people of the City of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby honors Sean O'Brien for his admission to the United States Military Academy at West Point, and wishes him all the best in his future endeavors, trusting that his dedication to excellence will serve him and the United States of America well, both at West Point and beyond.

Yeas 5
Nays 0

ADOPTED

Council Member Touma said that there are many outstanding students in the Niagara Falls School District and he commended all the 2014 graduates.

RESOLUTION: NEW TESTAMENT REVIVAL CATHEDRAL, CELEBRATING, 2014-55
BY: ALL COUNCIL MEMBERS

Agenda Item #18

WHEREAS, the New Testament Revival Cathedral will begin its new ministry at 1002 Niagara Avenue in the City of Niagara Falls on July 20, 2014, and

WHEREAS, the Council wishes to mark this occasion by honoring Pastor Stanley L. Johnson and Elect Lady Charlotte Johnson as they begin this new ministry in the City of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council congratulates Pastor Stanley L. Johnson and Elect Lady Charlotte Johnson, as well as the congregants of the New Testament Revival Cathedral, on their new ministry in Niagara Falls, and welcomes them with open arms to our community.

Yeas 5
Nays 0

ADOPTED

CONTRACT: D'AMELIO PARK FENCE, FOX FENCE, INC.

Agenda Item #19

The following bids were opened by the Department of Engineering on July 7, 2014 for installation of fencing at the D'Amelio Park swimming pool:

CONTRACTOR	BID AMOUNT
Fox Fence, Inc.	$37,400.00
NYS Fence, Inc.	39,880.00

It is our recommendation that a contract be awarded to the low bidder, Fox Fence, Inc., at their bid amount of $37,400.00. Funds are available in the 2014 Community Development budget under budget code CD1.8662.0000.0450.500.

Will the Council vote to award the contract for D'Amelio Park swimming pool fence to Fox Fence, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:50 P.M.

Carol A. Antonucci
City Clerk

July 14, 2014

SPECIAL COUNCIL MEETING-PUBLIC HEARING NIAGARA FALLS, NEW YORK

July 2, 2014

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

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

1. Hold Public Hearing in accordance with Section 120-aa of the General Municipal Law regarding Ordinance entitled "Solid Waste Refuse and Recycling"

2. Rescind Chapter 911 entitled "Garbage and Rubbish" and Chapter 924 Entitled "Recycling Ordinance" and adopt Chapter 911 entitled "Recycling Ordinance" and adopt Chapter 911 entitled "Solid Waste Refuse and Recycling."

Respectfully submitted
Charles Walker
Council Chairman

The July 14, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Andrew Touma.
Absent: Council Member Kristen Grandinetti

Also Present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and Controller Maria Brown.

The Chairman asked if anyone wished to speak regarding the Ordinances and the following spoke:

Ron Anderluh	Craig Avery	Russ Petrozzi
Jodi Collins	Allan Leo	Jo Forgione LaPage
Gerard Sobchak	Nicholas A. D'Agostino	Doug Brown
Paul Aswad	Marcia Massaro	Joanne Gialloreto
Karen Mock	Ken Hamilton	EJ Battaglia
Jeff Flach	Emma Chapman	

THERE WAS NO ACTION TAKEN ON THE ORDINANCES AT THIS TIME

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:17 PM.

Carol A. Antonucci
City Clerk

July 11, 2014

Members of the City Council
And
Carol Antonucci, City Clerk

Council Members and Madam:

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

1. Remove from the Table Item #8, Public Works Vehicle Funding from the June 23, 2014 Council Meeting.
2. Resolution relative to waiver of parking fees for the Niagara Falls Chamber of Commerce Event.
3. Approval of fence for Caravelle Park.
4. Resolution relative to honoring Mr. Tom Darro

Respectfully submitted
Charles Walker
Council Chairman

The July 14, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 5:17 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Andrew Touma.
Absent: Council Member Kristen Grandinetti

Also Present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and Controller Maria Brown.

PURCHASE: PUBLIC WORKS, VEHICLES

Agenda Item #1

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 (on file in the City Clerk's Office) 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?

Council Member Choolokian moved to remove the item from the Table.

Yeas 3

Anderson, Choolokian, Touma

Nays 1

Walker

APPROVED

Chairman Walker moved that the communication be received and filed and the recommendation approved.

Yeas 3

Anderson, Choolokian, Touma

Nays 1

Walker

APPROVED

RESOLUTION: PARKING FEES, 3RD ST. PARKING LOT, WAIVER, 2014-56
BY: COUNCIL MEMBERS ROBERT ANDERSON, JR., GLENN CHOOLOKIAN, ANDREW TOUMA

Agenda Item #2

WHEREAS, the Niagara Falls City Council recognizes the valuable role that the Niagara Falls, NY Chamber of Commerce plays in the economic health of our city, and

WHEREAS, the City Council wishes to support the activities of the Niagara Falls, NY Chamber of Commerce by waiving parking fees for the organization's July 17, 2014 event,

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 the Third Street City parking lot for persons attending the Niagara Falls, NY Chamber of Commerce event, scheduled for July 17, 2014 from 5 PM to 9 PM.

Yeas 3

Anderson, Choolokian, Touma

Nays 1

Walker

ADOPTED

CONTRACT: CARAVELLE PARK FENCE, FOX FENCE

Agenda Item #3

The Director of the Department of Public Works ("DPW") advises that he has solicited quotes to erect a fence around the Caravelle Park playground. The lowest quote was submitted by Davidson Fence in the amount of $12,950.00. A copy is attached (on file in the City Clerk's Office).

Funding is available in H.0622.0000.0622.

Will the Council so approve and authorize Davidson Fence to install the fence as proposed in the amount of $12,950.00?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

RESOLUTION: DARRO, TOM, HONORING, 2014-57
BY: ALL COUNCIL MEMBERS

Agenda Item #4

WHEREAS, Mr. Tom Darro served for 22 years as Vice President of Communications for the former Niagara Falls Convention and Visitors Bureau, and

WHEREAS, he appeared on radio and television across the United States to promote the city of Niagara Falls in that capacity, and

WHEREAS, in the years since his retirement from that position he continues to serve the Niagara Falls and Greater Western New York community through his radio show, "Viewpoint" on WJJL, and

WHEREAS, Mr. Darro will be honored on July 16, 2014 for his nearly 50 years of service to our community,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York, hereby honors Mr. Darro for his contributions to the betterment of our community through the art of communication, having spread a positive message about Niagara Falls for nearly half a century, in each of his professional capacities.

Yeas	4
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:25 PM.

Carol A. Antonucci
City Clerk

July 21, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the July 21, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:06 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of July 7, 2014

Yeas	5
Nays	0
	APPROVED

A lengthy discussion was held on the new Refuse/Recycling Ordinance. Council Member Grandinetti said that her questions had already been answered by City Administrator Donna Owens. Council Member Touma said that Niagara Falls Housing Authority properties Jordan Gardens and Packard Court are public entities and will be educated on recycling, and all City residents need to clearly understand the Ordinance. He is glad to see the Administration working with the Corporation Counsel to draft an application for porter service for those residents who are not able to move their totes. City Administrator Owens said that totes are being delivered according to the residents' scheduled trash pickup date – totes for Monday, Tuesday and Wednesday pickup dates have already been delivered, and when the Thursday and Friday pickup dates are done, delivery of totes to landlords and small businesses will begin. Also, to date, almost 300 businesses/landlord properties are covered under the Ordinance, and enforcement will be done gradually as residents become more familiar with the guidelines of the Ordinance. Mayor Paul Dyster added that the City is more concerned with education than enforcement. Chairman Walker said that the specifics of the Ordinance need to be addressed, and the Ordinance is the "Law" not a "choice". Council Member Choolokian suggested that residents write down the number that is on their totes and keep the information in a safe place in the house to keep track of which totes are theirs, and also waiting to adopt the Ordinance until all the kinks are worked out. He also said that electronics recycling needs to be addressed. Council Member Anderson suggested getting the landlords and business owners involved in the process, and waiting 60 days to implement the Ordinance to get all the problems solved. Council Member Grandinetti asked Mayor Dyster to explain the reason for working with a new Ordinance rather than the Ordinance previously adopted over 40 years ago. The Mayor said that the Ordinance can be modified as time goes on, smaller recycling totes are available if residents request them, and recycling is not mandatory.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #19, a Resolution and Communication to be added to the Agenda.

1. An amended cover letter for Agenda Item #19, relative to approval of the In Rem Auction Bids.

Council Member Choolokian moved to replace the original cover letter with the amended cover letter.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

2. A Resolution relative to honoring Eleanor Asklar for her years of service as Organist at Mt. Carmel Church.

Council Member Choolokian moved to add the Resolution to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #21.

3. A communication relative to a settlement agreement in the matter of One Niagara LLC vs Board of Assessment Review, et al.

Council Member Touma moved to add the communication to the Agenda.

Yeas 3
Anderson, Choolokian, Touma
Nays 2
Grandinetti, Walker
MOTION TO ADD RESOLUTION TO AGENDA FAILED – NEEDS FOUR YEA VOTES

This Session ended at 6:00 PM

Chairman Walker reconvened the Meeting at 6:20 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Walker who also led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Candice Corsaro	Agenda Item #20
Gerard Sobchak	Agenda Item #20
Joe Casale	Agenda Item #20
Vince Anello	Agenda Item #8
Doug Brown	Agenda Item #20
Henry Krawczyk	Agenda Item #20
Russ Petrozzi	Agenda Item #20
Nicholas Baio	Agenda Item #20
Ken Hamilton	Agenda Item #20
Lisa Vitello	Agenda Item #8
John Ceretto	Agenda Item #8
Paul Gromosiak	Planting only native species of trees
Henry Krawczyk	Issues with City Departments
Nicole Holland	Excited about totes
Ken Hamilton	Skate board at Legends Park; Kickball League in City
Diane Tattersall	Thanks to Council members for working on Garbage/Recycling Ordinance; more manpower needed in DPW, ZOOM Team & Clean Team
Sam Archie	Thanks to Council members for waiving Parking fees for Chamber of Commerce Dinner; Council & Chamber need to meet to find ways to help each other & recycling is good

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF JUNE 2014
Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: FIRE HOUSE #8 GARAGE DOOR, FUNDING, RICH'S "EXPERT" DOOR

Agenda Item #2

The Fire Chief advises that it is necessary to perform an emergency repair to the garage door located at Firehouse 8 at 320 Hyde Park Boulevard. It is necessary to replace a damaged door opener and this will include all the new safety features that will be installed to all firehouse doors over this year. The attached estimate (on file in the City Clerk's Office) from Rich's "Expert" Door is in the amount of $1,830.00 for this repair. Funding is available from Casino revenues.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS: PORTABLE PUBLIC ADDRESS SYSTEM & AED DEFIBRILLATOR, FUNDING

Agenda Item #3

The Director of DPW is requesting that the sum if $1,245 be made available to purchase a new Portable Public Address System. This recommendation is being made because the current unit is over ten (10) years old and malfunctions frequently.

In addition, the Director is purchasing a new AED Defibrillator. This unit will be utilized for City Pools. This item is available under New York State contract for the price of $1,391.

By way of summary, the Director is requesting the total sum of $2,636 for these purchases. These purchases are considered to be purchases from the 2013 Capital Plan.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

POLICE DEPT.: VEHICLES/EQUIPMENT, AMIMAL CONTROL VEHICLE, FUNDING

Agenda Item #4

The Superintendent of Police is requesting that the City purchase nine (9) new unmarked vehicles for daily use. This request is being made because the existing fleet of unmarked vehicles are old and have high mileage. The new vehicles will cost approximately $30,000 each for a total of $270,000 which includes the "upfitting" of each vehicle with the necessary police emergency equipment. This expense is included in the 2015 "Police Capital Budget."

The Superintendent of Police is also requesting that the sum of $60,000 be made available for the purchase of a new Animal Control vehicle with appropriate upfitting. An additional $2,100 will be needed for the purchase of appropriate Animal Control equipment. The total request for this item is $62,100.

By way of summary, the Superintendent is requesting that the sum of $332,100 be made available for the purchase of these vehicles. The source of funding is Casino revenues. Attached (on file in the City Clerk's Office) is an explanation of these requests from the Superintendent of Police.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: NEW ROAD, RESURFACING PROJECT, YARUSSI CONSTRUCTION

Agenda Item #5

The following is the result of bids received on July 14, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$546,460.00
L.J. Quigliano, Inc.	$610,547.75
Mark Cerrone, Inc.	$621,000.00
Accadia Site Contracting	$624,015.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of $546,460.00. Funding is available in code H0812.2008.0812.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: HYDE PARK ICE FACILITIES, CONSULTANT SERVICES, DIDONATO ASSOCIATE

Agenda Item #6

In 2010 the City of Niagara Falls hired DiDonato Associate, P.E., P.C. for the first phase of major renovations at the Hyde Park Ice Pavilion. Since then we have completed two phases and are in the midst of finishing a third. Each project has gone more smoothly than previous projects so we have asked DiDonato Associate, P.E., P.C., for a scope and cost for the next phase of improvements, Rink Replacement for rinks 1 and 2.

The project consists of removing and replacing the existing rinks, piping, dasher boards and glass and upgrading the refrigeration plant. DiDonato Associates have tailored their proposal based on the City's available construction funds and can adjust contract documents to our funding.

The schedule is very tight based on a bid date of January 14, 2015 and actual construction starting April 1, 2015. Based on their previous experience, knowledge of the facility and reasonable fee scale, it is the recommendation of the undersigned that the Scoping and Design phases of this project be awarded to DiDonato Associates at its Proposal Price of $175,000.00 Funding is available through Casino Revenues.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

FIRE DEPT.: FIREHOUSE #3, BUILDING REPAIRS/UPGRADES, FUNDING

Agenda Item #7

The Fire Chief is recommending that certain building repairs and renovations be made to Firehouse #3. In order to accomplish these repairs and renovations, he is requesting that the sum of $42,550 be made available for this purpose. Attached (on file in the City Clerk's Office) hereto is a detail regarding this request.

Funding is available from Casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

NYS OFFICE OF PARKS, RECREATION/HISTORIC PRESERVATION, DECLINATION OF OFFER TO PURCHASE AUTHORITY SURPLUS LAND

Agenda Item #8

Upon the request of the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"), the City of Niagara Falls ("City") declines the offer to purchase certain property, as described below, from the New York Power Authority in favor of OPRHP's use of the subject property for park purposes, including the possible construction of a new park police station.

As part of the relicensing of the Authority's Niagara Power Project, the City, along with other local municipal entities, entered into the *Host Community Relicensing Settlement Agreement Addressing Non-License Terms and Conditions* ("Host Community Agreement") with the Authority, dated June 27, 2005.

The Host Community Agreement provides for the transfer of surplus lands by the Authority to adjoining landowners and/or local government entities which includes offering a 1.25 acre parcel within the City, located along the Robert Moses Parkway right-of-way fence adjacent to DeFranco Park, to the City for $1.00, provided the City consults with OPRHP regarding its future use.

The City does not have a present use for the property and recognizes the beneficial effects of OPRHP's ability to use the site for park purposes, including as a potential site for a new park police station that is inland from the Niagara Gorge and would allow OPRHP to repurpose its existing police station on Goat Island.

Will the Council vote to so approve and authorize the Mayor to decline the Authority's offer to purchase the subject property under the Host Community Agreement?

Council Member Choolokian moved to Table the Communication

Yeas 2
Anderson, Choolokian
Nays 3
Grandinetti, Touma, Walker

MOTION TO TABLE FAILED

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 3
Grandinetti, Touma, Walker
Nays 2
Anderson, Choolokian

APPROVED

Council Member Choolokian said that he is excited about plans to move the NYS Parks Police Station but he still has more questions

CONTRACT: MACKLEM AVE. RECONSTRUCTION PROJECT, YARUSSI CONSTRUCTION

Agenda Item #9

The following is the result of bids received on July 15 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$1,331,781.00
Accadia Site Contracting	$1,589,231.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of $1,331,781.00. Funding is available in code H1411.2014.1411.0449.599.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: GOLF COURSE CLUB HOUSE, ROOF REPLACEMENT, DANNY THOMPSON, INC.

Agenda Item #10

The following was the result of bids received on July 15, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Danny Thompson, Inc. 2102 11th St. Niagara Falls NY 14305	$ 233,500.00
A1 Construction & Painting, Inc.	$ 234,000.00
Joseph A. Sanders & Sons, Inc.	$ 243,782.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Danny Thompson, Inc. at their base bid of $233,500.00. Funding is available in H1314.2013.1314.0449.599.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CODE ENFORCEMENT: DEMOLITIONS, FUNDING

Agenda Item #11

The Director of Code Enforcement is requesting that the sum of $1,000,000 be made available to his department to perform additional demolitions during the balance of this year. It is anticipated that approximately 70 houses will be demolished with this sum of money. Funding is available from Casino revenues and will be transferred to Demolitions account code H0910.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

SECOND HAND DEALER: ISSUANCE OF LICENSE

Agenda Item #12

Chapter 338 of the Codified Ordinances states: "338.03…City Council may grant a license to carry on the business of secondhand dealer within the City…"

The following have submitted applications for secondhand dealer licenses. These applications have been approved by the Niagara Falls Police Department.

Uzed Dealz
498 19th St
Niagara Falls, NY 14303

Will the Council So approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Agenda Item #13

Please be advised that Mayor Paul A. Dyster, on July 9, 2014, duly approved the following:

Resolution 2014-52, relative to Amending Chapter 1129 of the Codified Ordinances entitled "Camper Parks".

THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

10TH STREET, 546, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #14
At the Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 546 - 10TH STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Kimberly McCoy, on behalf of her son, Curtis Iveys, 546 - 10th Street
It is requested that City Council approve this recommendation.

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

GRAND AVENUE, 2926, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #15
At the Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended APPROVAL of the following item:
INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 2926 GRAND AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]
Submitted By: Louis Sciarrino, 2926 Grand Avenue
It is requested that City Council approve this recommendation.
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

ORLEANS AVENUE, 3057, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #16
At the Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3057 ORLEANS AVENUE

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Martha Bulinski, 3057 Orleans Avenue
It is requested that City Council approve this recommendation.
Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

87TH STREET, BETWEEN MUNSON/PERSHING AVE., REINSTATE ALTERNATE OVERNIGHT PARKING

Agenda Item #17

At a Traffic Advisory Commission meeting held on July 9, 2014 the Commission recommended APPROVAL of the following item:

REINSTATE ALTERNATE OVERNIGHT PARKING ON 87TH STREET BETWEEN MUNSON AVENUE & PERSHING AVENUE

Alternate Overnight Parking was rescinded by the Traffic Advisory Commission, based upon a petition submitted by the residents of this block at their January 15, 2014 meeting. However, a subsequent petition submitted in June was signed by many of the same residents/households in favor of Alternate Overnight Parking and resulted in Traffic Engineering conducting a mail survey of the residents. The mail survey resulted in a majority of votes received back (60%) in favor of Alternate Overnight Parking, therefore, Alternate Overnight Parking will be reinstated in this block.

It is requested that City Council approve this recommendation.

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: SYKES,JASON; MARTINEZ, MARC; ARNDT, SHAWN; FADDOUL, TODD

Agenda Item #18

Date Claim Filed: N/A

Date Action Commenced:	March 12, 2012
Date of Occurrence:	1/1/2003 – 9/15/2013
Location:	Various
Nature of Claim:	CPLR Article 78 – Failure by City to promote Police Officers to Detective pursuant to Civil Service Law §58.
Status of Action:	Post Judgment stage.
Recommendation/Reason:	Best interests of City/Comply with Judgment of Appellate Division.
Amount to be Paid:	$99,093.76(see attached).
Make Check Payable to:	Jason Sykes, Marc Martinez, Shawn Arndt & Todd Faddoul as per attached.
Conditions:	General Release to City, approved by Corporation Counsel.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

IN REM AUCTION BIDS, APPROVAL

Agenda Item #19

Attached (on file in the City Clerk's Office) is the list of bids from the June 10, 2014 auction.

With regard to Schedule A, we recommend that the bids for Serial Nos. 43, 72, 130, 133, 236, 326, 330, 456, 534, 662, 703, 705, 713, 788 and 846 be rejected and the deposits forfeited.

With regard to Schedule A, we recommend that no action be taken on the bids for Serial Nos. 8, 9, 10, 11, 98, 161, 378, 379, 446, and 612.

With the exception of the above, we recommend that the bids on Schedule A be approved, subject to a favorable recommendation from the Planning Board. The bids on Schedules B and C do not require Council approval and are submitted for your information. (Serial No. 51 is being rejected and the deposit forfeited.)

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: RESCINDING CHAPTER 911 OF THE CODIFIED ORDINANCES ENTITLED "GARBAGE AND RUBBISH", RESCINDING CHAPTER 924 OF THE CODIFIED ORDINANCES ENTITLED "RECYCLING ORDINANCE" AND ADOPTING CHAPTER 911 OF THE CODIFIED ORDINANCES ENTITLED "SOLID WASTE REFUSE AND RECYCLING

BY: COUNCIL MEMBER KRISTEN GRANDINETTI
COUNCIL MEMBER ANDREW TOUMA

Agenda Item #20

WHEREAS, this City Council has reviewed the "Solid Waste Refuse and Recycling" Ordinance attached hereto; and

WHEREAS, pursuant to Section 120-aa of the General Municipal Law, on Monday July 14, 2014, this City Council held a public hearing relating to the proposed provisions in the attached ordinance; and

WHEREAS, this City Council acknowledges recent public information that demonstrates that the City of Niagara Falls has the lowest recycling rate in Western New York and the proposed provisions contained in the attached ordinance are intended to increase that recycling rate; and

WHEREAS, this City Council also acknowledges that other municipalities in Erie and Niagara Counties have recycling rates which exceed the existing recycling rate in the City of Niagara Falls; and

WHEREAS, this City Council further acknowledges the adequacy of markets for separated materials, and that an increase in the recycling rate in the City of Niagara Falls, because of these markets, is intended to increase revenue for the City of Niagara Falls, and also result in a corresponding decrease in expenses in disposal costs; and

WHEREAS, the City of Niagara Falls has helped to facilitate the effort and expense to be incurred by residents in meeting the proposed separation requirements by providing refuse carts and recycling carts to residents at no cost; and

WHEREAS, this City Council is mindful that the public health and safety will be promoted by the proposed provisions in the attached ordinance in that it is widely known that depositing refuse and recyclables in carts, such as those the City is providing, rather than depositing such items in plastic bags, deters rodents and other vermin that seek a potential food source, as well as the provisions in the attached ordinance which contain provisions aimed at rodent control.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 911 entitled "Garbage and Rubbish" and Chapter 924 entitled "Recycling Ordinance" are hereby rescinded; and be it further

RESOLVED that Chapter 911 of the Codified Ordinances entitled "Solid Waste Refuse and Recycling" is hereby adopted as attached (on file in the City Clerk's Office) hereto.

Council Member Touma moved to Table the Resolution

Yeas	5
Nays	0

TABLED

RESOLUTION: ASKLAR, ELEANOR, HONORING, 2014-58
BY; ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, Eleanor Asklar has retired as the organist at Our Lady of Mount Carmel Church after 62 years of faithful service, and

WHEREAS, Eleanor has become, over the decades, an integral part of Our Lady of Mt. Carmel for generations of parishioners, and

WHEREAS, Eleanor has endeavored to serve others with her musical talent at liturgies, weddings, and funerals, and has therefore been an important part of major milestones in the lives of thousands of people who have passed through the doors of Our Lady of Mt. Carmel Church, and

WHEREAS, the Niagara Falls City Council wishes to honor Eleanor Asklar for her dedication and service to Our Lady of Mt. Carmel Church,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council does extend their warmest congratulations to Mrs. Asklar on the occasion of her well-deserved retirement, and

BE IT FURTHER RESOLVED, that the Niagara Falls City Council honors Mrs. Asklar for the talent, selflessness, and enthusiasm she has exhibited through decades of service to her parish and community.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:25 P.M.

Carol A. Antonucci
City Clerk

August 11, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

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

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

Respectfully submitted,

_____

CHARLES WALKER
Council Chairperson

The August 14, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:00 p.m. in the Council Chambers.

Present: Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma and Council Chairman Charles Walker

Also Present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson and Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Corporation Counsel Craig Johnson distributed copies of an amendment to an Agenda Item #4 and 3 Items to be added to the Agenda.

1. An Amendment to Agenda Item #4 to add an alternate item in the amount of $25,000.00 to the Base Bid.

Council Member Choolokian moved to approve the amendment

Yeas 5
Nays 0

AMENDMENT APPROVED

2. A Communication relative to awarding the Contract for Weston Avenue Reconstruction Project.

Council Member Touma moved to add the communication to the agenda

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The Communication was added to the Agenda as Item #11

3. A Communication relative to award Asbestos Abatement Contract for 3721 Highland Ave.

Council Member Choolokian moved to add the communication to the Agenda

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The Communication was added to the Agenda as Item #12

4. A Resolution relative to honoring John Prozeralik on his 90th Birthday

Council Member Touma moved to add the communication to the Agenda

Yeas 5
Nays 0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as Item #13

Council Member Choolokian asked why the Contract for the Weston Avenue Project was being awarded as this time (Agenda Item #11).

Mayor Dyster responded that the last minute bid award in August when the construction season was winding down was due to several factors: some projects were on previous lists and not done; the time frame for receipt of Casino funds; and weather related issues.

Council Member Anderson said that he had received several calls relating to problems with rats in the LaSalle area and asked the Administration to address the issue.

CONTRACT: ONE NIAGARA

Agenda Item #1

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

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

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

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

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

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

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

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 3

Anderson, Choolokian, Touma

Nays 2

Grandinetti, Chairman Walker

APPROVED

Council Member Touma said that he wanted to thank the Corporation Counsel, One Niagara and City Assessor Jim Bird for working this matter out in good faith and it's time to move forward.

Chairman Walker said he has a problem with the assessment being too low for the property.

CONTRACT: e911SUPPORT AND VERIZON SERVICE EXTENSION

Agenda Item #2

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

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: CITY HALL PARKING LOT REHABILITATION PROJECT, YARUSSI CONSTRUCTION

Agenda Item #3

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

CONTRACTOR	BASE BID
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$468,720.00

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

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: GRIFFON PARK CARTOP BOAT LAUNCH, SCOTT LAWN YARD, INC.

Agenda Item #4

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

CONTRACTOR	BASE BID
Scott Lawn Yard, Inc. 5552 Townline Rd. Sanborn NY 14132	$77,950.00
Yarussi Construction, Inc.	$118,900.00

Per the contract documents, award is determined by the lowest base bid making Scott Lawn Yard, Inc. this project's successful contractor. In addition, the City has opted to include an alternate bid item totaling $25,000.00 to the base bid amount, making the total contract award amount $102,950.00. Funding will be made available from code H1213.2012.1213.0449.599.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: MUNICIPAL RESURFACING PROJECT, LASALLE AREA, YARUSSI CONSTRUCTION, INC,

Agenda Item #5

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

CONTRACTOR	BASE BID
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$1,568,930.00

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

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Touma thanked DPW for getting the roads in LaSalle done.

BLUES FESTIVAL: FUNDING

Agenda Item #6

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

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 3

Grandinetti, Touma, Chairman Walker

Nays 2

Anderson, Choolokian

APPROVED

Council Member Choolokian said funding for festivals was cut in past years due to budget issues, and the festivals were still successfull.
Chairman Walker said that this Festival promotes downtown Niagara Falls and encourages tourism.

PURCHASE: PORTABLE SECURITY TOWER, STAMM MANUFACTURING

Agenda Item #7

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

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

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

Will the Council so approve?

Bid #2014-29 Portable Security Tower

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

PURCHASE: FIRE DEPT. SERVICE TRUCK, VISION FORD

Agenda Item #8

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

TO: Vision Ford
4545 Ridge Road
Rochester, NY 14626

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

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to nine (9) vendors. Three (3) bids were received. Vision Ford also submitted a bid of $ 43,073.00 for Option One, but the Fire Department determined that Option Two for $ 41,813.00 better fulfilled their requirements as detailed in the bid specifications. Bids were also received from Steve Baldo ($ 45,039.80 and $ 42,096.80 for Option One and Option Two respectively,) and from West Herr ($ 40,651.00 for Option Two but for an alternate vehicle [a Ford F-450] that did not satisfy the needs of the Fire Department.)

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

Will the Council so approve?

Bid #2014-27 Fire Department Service Truck

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: BANDSTAND RENTAL FEES, WAIVER, 2014-59
BY: ALL COUNCIL MEMBERS

Agenda Item #9

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

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive bandstand rental, nunc pro tunca, fees for the 107th Airlift Wing, in support of their annual Family Day Picnic on Saturday, August 9, 2014 from 11:30 AM – 2:30 PM.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: HYDE PARK OASIS RENTAL FEES, WAIVER, 2014-60
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #10

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls does hereby waive the fee for rental of the Oasis at Hyde Park for the August 19, 2014 Willing Workers Picnic.

Council Member Choolokian moved to amend the Resolution by changing the date of the event to August 19, 2014.

Yeas	5
Nays	0
	ADOPTED

CONTRACT: WESTON AVENUE RECONSTRUCTION PROJECT, MARK CERRONE, INC.

Agenda Item #11

The following is the result of bids received on August 11, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls NY 14305	$542,833.00
Yarussi Construction, Inc.	$564,401.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder,Mark Cerrone, Inc. in the amount of $542,833.00. Funding is available in code H0812.2008.0812.0449.599.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: 3721 HIGHLAND AVE. ASBESTOS ABATEMENT, APOLLO DISMANTLING SERVICES, LLC

Agenda Item #12

The following bids were received and opened on July 29, 2014 for asbestos abatement at the 3721 Highland Avenue former fire station:

CONTRACTOR	BID AMOUNT
Apollo Dismantling Services, LLC	$146,624.00
Empire Dismantlement Corp.	187,000.00
Mark Cerrone, Inc.	288,888.00

It is our recommendation that a contract be awarded to the low bidder, Apollo Dismantling Services, Inc., at their bid amount of $146,6244.00. Funds are available for this expense from a grant received from Empire State Development Corporation and funds approved in the 2014 municipal budget.

Will the Council vote to award the contract for 3721 asbestos abatement to Apollo Dismantling Services, LLC and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: PROZERALIK, JOHN, 90TH BIRTHDAY,HONORING, 2014-61
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, Mr. John Prozeralik, a native of Pennsylvania whose career as an entrepreneur and restaurateur in the city of Niagara Falls has forever imprinted the character of this great city, will be celebrating his 90th birthday at the Como Restaurant on August 27, 2014, and

WHEREAS, Mr. Prozeralik operated a number of iconic local establishments, perhaps most notably John’s Flaming Hearth restaurant on Military Road, and

WHEREAS, Mr. Prozeralik became a part of American and world history when Alexei Kosygin, then-chairman of the Soviet Council of Ministers, dined in his restaurant during the historic Glassboro Summit, and

WHEREAS, his entrepreneurial spirit and commitment to the improvement of the tourism industry in Niagara Falls led him to found Air Niagara, an airline that kept jet travel alive at the Niagara Falls International Airport in the early 1980’s, and

WHEREAS, Mr. Prozeralik owned and operated a number of hotels in Niagara Falls, including Hotel Niagara, an integral feature of the city’s skyline since the 1920s, and

WHEREAS, few have ever matched either Mr. Prozeralik’s vision for the future of the city of Niagara Falls, or his willingness to put forth the effort required to see that vision realized, and

WHEREAS, the story of our city is inextricably linked to the work that Mr. Prozeralik has done to promote economic development and to improve Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby honors Mr. John Prozeralik on the occasion of his 90th birthday, and thanks him for his contributions to the city of Niagara Falls, and to the history of our region.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 4:20 PM.

Carol A. Antonucci
City Clerk

SEPTEMBER 2, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the September 2, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the Special City Council Meeting Public Hearing of July 17, 2014, Council Meeting of July 21, 2014 and Special Meeting of August 14, 2014.

Yeas	5
Nays	0
	APROVED

Gillian Conde, VP of DePaul Properties, spoke on their proposal to develop the former 39th Street School Property. She said the Project is only in the beginning stages, and will be a $12M investment in the City; the Project will give preference to Veterans, but applications will not be denied to any applicants, and full background checks will be conducted for all who apply; there will be 24 hour management and security on the site; and financial assistance from various entities would be used for the Project. Council Member Grandinetti said that the neighborhood residents had issues with the Project, and asked that they be addressed. Council Member Touma said that the Project would focus on Niagara County Veterans, and a Housing Specialist would be on site. Council Member Anderson said that Veterans have unique needs, and should be housed separately. Council Member Choolokian said that he was glad to see a crowd present for the Meeting, and the City needs Projects that are done using private funding.

In the Administrative Update:

1. Mayor Paul Dyster said that all the garbage/recycling totes had been distributed in August; recycling increased in August of 2014 by 46.7% over August 2013, and waste had decreased 8.9% for the same time period.

2. City Administrator Donna Owens added that carts had been delivered to all residents, and carts were now being delivered to businesses, rental properties and previously unoccupied residences that have since become occupied; the Standard Operating Procedures for the Program are being worked on; and she had met with representatives of the Landlords Association to discuss the Program.

Council Member Choolokian asked if an identifying chip was installed in the totes, and the City Administrator responded that it was. Council Member Touma applauded City residents for participating in the Program. Chairman Walker questioned how the garbage/recycling pickups were being handled while the City was working on the new Ordinance, and City Administrator Owens answered his questions.

Council Member Anderson asked how the rat problem in the LaSalle Area was being addressed, and City Administrator Owens said that the City was working with the Niagara County Health Department to set baits and distribute rat poison to residents.

Corporation Counsel Craig Johnson distributed copies of a Resolution relative to the Standard Work Day and Reporting.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #22.

Council Member Choolokian moved to amend Agenda Item #19 relative to Commissioner of Deeds appointments by adding an additional name.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

Council Member Choolokian questioned if additional funding was necessary at this time for asbestos removal, and Community Development Director Seth Piccirillo responded that in order for his Department to move forward with demolitions. The Council Member suggested that the City look into an in-house program for asbestos removal.

This Session ended at 5:50 PM

Chairman Walker reconvened the Meeting at 6:05 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Henry Krawczyk	Concerns about Modern Contract; availability of Agenda Items
Ken Hamilton	Agenda Items #4, #20
Nicholas Karbowski	39th St. School Project
Mike Winters	39th St. School Project
Norma Higgs	Neighborhoods with low income housing
Bob Pascoal	Low income housing in City
Henry Krawczyk	39th St. School Project; rat problem in City
Dennis Winchell	39th St. School Project
Ron Ketch	39th St. School Project
Ron Anderluh	Trash/Recycling Ordinance; One Niagara Settlement; 39th St. School Project
Paul Gromosiak	39th St. School Project; good things happening in the City
Mary Jo Iorfida	39th St. School Project
Ken Hamilton	39th St. School Project

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF JULY 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JUNE 2014

Agenda Item #2
THIS ITEM WAS RECEIVED AND FILED

CITY CLERK'S REPORT FOR THE MONTH OF JULY 2014

Agenda Item #3
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

COMMUNITY DEVELOPMENT: EMERGENCY SOLUTIONS GRANT, REALLOCATION OF FUNDING

Agenda Item #4

The City has been advised that the YMCA has not been accepting new tenants into its single room occupancy facility in Niagara Falls. The facility eventually will be closed. The YMCA will not be using the $21,735.00 of 2014 Emergency Solutions Grant ("ESG") funds that the City allocated to them in the 2014 CDBG budget for the facility.

Accordingly, Community Development needs to re-budget $21,735.00 of ESG funds. These funds were to be used by the YMCA for essential services related to emergency shelter and street outreach. Community Missions, YWCA of Niagara (Carolyn's House) and Family and Children's Service receive ESG funds from the City for these types of services. It is proposed that the ESG grant allocated to YMCA be divided equally among Family and Children's Service, YWCA and Community Missions, with each agency receiving an additional $7,245.00.

Will the Council vote to approve the reallocation of the $21,735.00 YMCA 2014 ESG grant among Family and Children's Service, YWCA of Niagara and Community Missions as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

COMMUNITY DEVELOPMENT: NFMMC GRANT, REVISE

Agenda Item #5

The 2013 CDBG budget contained a $50,000.00 grant to Niagara Falls Memorial Medical Center for the Hodge Building elevator replacement, The elevator was to be replaced in connection with the construction of a permanent vestibule at the ground floor entrance and other foyer improvements. The elevator replacement portion of the project is not financially feasible at this time.

As requested by NFMMC, it is proposed that the $50.000.00 CDBG grant be used for a portion of the costs of the permanent vestibule construction and other foyer improvements. This entrance is the access for thousands of frail, elderly patients, and for many maternity, diabetic and stroke patients. The permanent vestibule will provide a sheltered entrance and a sheltered area for patients waiting for transportation. As you know, NFMMC provides health services for low and moderate income patients.

Will the Council vote to amend the 2013 NFMMC grant to allow its use for permanent vestibule improvements at the Hodge Building as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Anderson, Choolokian, Grandinetti, Touma	
Nays	0
Abstain	1
Chairman Walker	

APPROVED

CONTRACT: ASBESTOS REMOVAL, STOHL ENVIRONMENTAL,ADDITIONAL FUNDING

Agenda Item #6

The City contracted with Stohl Environmental, LLC to provide asbestos services for 2013 and 2014 in connection with City demolitions. The services include preparation of asbestos surveys, sampling and analysis, and monitoring of demolitions. The contract provides unit prices for each service. The contract includes an upset amount of $299,100.00. The contract runs through the end of this year.

Community Development is preparing a new demolition contract. The City is approaching the upset amount of the 2013-14 asbestos services contract. It is anticipated that the cost of additional asbestos surveys, sample analysis and air monitoring needed this year will exceed the upset figure of the 2013-14 contract. It is proposed to increase the upset figure for the 2013-2014 contract by $100,000.00 of CDBG funds to cover additional services this year. This increase of the upset amount does not necessarily mean the entire sum will be paid. Only services used will be paid for at the unit prices in the existing contract.

In addition, Inspections has been using this contract for asbestos work related to emergency demolitions, expending about $25,000.00 per year. It is proposed to add $50,000.00 to the upset figure to cover the Inspections Department usage through 2014.

RFP’s for a new 2015-2016 asbestos services contract will be solicited this year, with the contract awarded for January 1, 2015 through December 31, 2016.

Funds are available to pay for this additional cost from budget line CD.8666.0000.0450.500, project CDR-106. Funds are available in the demolitions budget line to cover the Inspections Department asbestos services.

Will the Council vote to approve an increase of up to $150,000.00 for the 2013-2014 asbestos services contract as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: SCHOOL DISTRICT, TAX COLLECTION

Agenda Item #7

Over the years, the Niagara Falls School District (“NFSD”) has contracted with the City of Niagara Falls to perform necessary services each year to bill and collect property taxes levied by the NFSD. The NFSD wishes to continue this agreement for the 2014-2015 fiscal year. The fee the NFSD pays the City for this service is $60,660.73, increased by the Regional Northeast CPI for calendar year 2014, when it has been determined. This includes the cost of postage.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: NIAGARA COUNTY OFFICE FOR THE AGING, ADDENDUM

Agenda Item #8

The Niagara County Office for the Aging has forwarded an Addendum to the City for execution and attachment to the existing Agreement with them. This Addendum calls for the City to adhere to certain statutes and regulations and to the maximum extent feasible, provide services to unserved and underserved older adults. The Director of the John Duke Senior Center advises that the City is able to comply with what is contained in this Addendum.

Will the Council so approve and authorize the Mayor to execute the Addendum provided the same is acceptable to Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

PUBLIC WORKS: CLEAN NEIGHBORHOODS, ADDITIONAL FUNDING

Agenda Item #9

The Director of Department of Public Works ("DPW") is requesting the additional amount of $1,724 be made available to his department budget line for Clean Neighborhoods in order to make more money available for grass cutting. That budget line is A.8510.0000.0449.080. Funding is available from Tourism Fund Balance.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CODE ENFORCEMENT: FILE CABINETS, FUNDING

Agenda Item #10

The Acting Director of the Department of Code Enforcement is requesting that the sum of $1100 be made available to his department for the purchase of four (4) file cabinets. Funding is available from casino interests.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	3
Anderson, Choolokian, Walker	
Nays	2
Grandinetti, Touma	
	APPROVED

CULINARY INSTITUTE: ENCROACHMENTS/PROPERTY LINE MODIFICATIONS/EASEMENTS

Agenda Item #11

The construction of the Niagara Falls Culinary Institute (the "Institute") is now complete and it is appropriate to now finalize an outstanding issue pertaining to the north boundary line of the Institute premises conveyed by the City to Niagara County for use by the Institute and also to finalize certain encroachments in the City rights-of-way surrounding the Institute premises on the south, west and east.

Attached (on file in the City Clerk's Office) hereto is a copy of a recommendation to approve these items from the Planning Board based upon a Planning Board meeting held on July 23, 2014. During that meeting, Michael D. Dombrowski, Vice President of Operations of Niagara County Community College, made a presentation to the Planning Board outlining and detailing the requests made with respect to various encroachments on City rights-of-way as well as a finalization of the northern boundary line issue. The items requested by the Institute are as follows:

1. Approve the conveyance of an additional five inches of City-owned Rainbow Mall real estate to the County for use by the Institute. The original deed of conveyance to the County fixed the northerly boundary line but it was not discovered until well after the preparation and recording of the deed of conveyance that the north boundary line had to be moved 5" to the north due to the presence of an expansion joint along column line "Q". This 5" relocation allowed for the installation of a party wall separating the Institute premises from the City premises. The 5" relocation avoids a conflict with that expansion joint and assures, quality, long term construction. At the time, a temporary encroachment over this 5" was approved but now that construction is complete it is appropriate to amend the legal description and record an amended deed.
2. The Institute previously requested an easement to utilize an outdoor area adjacent to the northwest corner of the Institute premises to place electrical/mechanical/utility equipment and waste receptacles. This area is underneath an existing overhang created by the upper floors of the building, sitting inside a ground level alcove. This was previously approved by the Planning Board and approved by the City Council at its meeting on December 13, 2011 and is included in this narrative for information and background.
3. The Planning Board and the City Council previously approved encroachments into the southerly City right-of-way on Old Falls Street for "entry piers" that extended into the City right-of-way by 18". These were for the purpose of accentuating a doorway. The Institute is now proposing to substitute four (4) new pilasters which extend off the building thereby encroaching into the City right-of-way, which accentuate the primary doors. These are essentially vertical masses attached to the building that visually appear as columns. The dimensions are as follows:
   2'-2" from the original line of exterior X 4'-8" wide
   2'-2" from the original line of exterior X 2'-9" wide
   2'-2" from the original line of exterior X 2'-9" wide
   2"-2" from the original line of exterior X 4"-3" wide

4. The Institute previously requested the installation of 2" of insulation on the face of the building's facade that causes an encroachment of up to 2" into the City right-of-way on the west, south and east sides of the building. This was previously approved by the Planning Board and approved by the City Council during its meeting on December 13, 2011 and is included in this narrative for information and background.
5. The Institute has proposed the installation of a cast stone concrete base at the bottom of nearly all exterior walls. This stone base creates a "curb" around the project, protecting it from traffic and wear. It extends up to six (6) inches further out into the City rights-of-way on the west, south and east than the original building line.
6. The Institute is proposing a series of modifications to the south building facade that encroach into the City right-of-way along Old Falls Street. The design will include two (2) exterior entries in the south facade creating independent street access to the existing Old Falls Street Deli and the Pastry Shop. The scope of the project includes six new signage elements, a series of decorative lit and non-lit panels, one (1) new awning, and the re-cladding of the other existing awnings. The primary building signage elements are mechanically fastened to the base of the building along with two that are fixed within structural steel frames. The new awning is set on a galvanized steel frame and extends 5'-6" from the existing building face. The vertical supports for this canopy are intended to be permanent and are set in the sidewalk, 4'5" from the building facade. Due to existing sidewalk elevations in relationship to the finish floor elevation of level one, excavation of the City-owned sidewalk is required to provide access to the new Pastry Shop door. This excavation is limited to a pathway that runs along the building exterior and descends down to the Pastry Shop entryway. The sidewalk removal will extend 4'-7" from the building exterior and run for a length of 34'-8", beginning from the new Pastry Shop door and continuing toward First Street. The overall depth will be 16"-18". The Institute will be solely responsible to maintain the new area created by this excavation and keep it free of ice and snow. In addition, should the entryway to the Pastry Shop be discontinued at any time, the Institute agrees to restore the sidewalk to its condition prior to any excavation.

Attached (on file in the City Clerk's Office) hereto are various diagrams and renderings reflecting these modifications and encroachments, together with narratives from the project architect.

Will the Council approve the recommendation of the Planning Board with the conditions imposed, require the Institute to maintain the new area created by its excavation of the City right-of-way and keep it free of ice and snow and also require that the Institute agree to restore the sidewalk to its condition prior to excavation should the new entryway to the Pastry Shop be discontinued and authorize the Mayor to execute any deeds, easements and ancillary documents that may be required, subject to the approval of the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: CAYUGA GAMBLERS TRAVEL SOFTBALL LEAGUE, USE OF LASALLE FACILITY

Agenda Item #12

The City has once again been requested by the Cayuga Gamblers Travel Softball League to use the LaSalle facility for its fall, winter and spring season 2014-15. Utilization would be for full days on Saturdays and Sundays as the League has done during the past ten years. Attached (on file in the City Clerk's Office) is a copy of correspondence containing this request.

Will the City allow the League to utilize the LaSalle facility as requested in exchange for a fee of $100.00 to apply to administrative expenses?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: HOUSING AUTHORITY PROPERTY, INSTALLATION COMMUNICATION EQUIPMENT

Agenda Item #13

The Superintendent of Police advises that it is necessary to install an antenna array in an elevated location in the City in order to aid Police and Fire communications. The Superintendent of Police has determined that 720 10th Street, Niagara Falls, New York is an appropriate location for this antenna array and has had discussions with the Executive Director of the Niagara Falls Housing Authority ("NFHA") in this regard. NFHA will allow the Niagara Falls Police Department to locate City equipment on the outside wall of a building on the rooftop of that building for an "Initial Term" of five (5) years with four (4) renewal terms at no cost to the City.

Will the Council so approve and authorize the Mayor to execute an Antenna Site Agreement in form and content satisfactory to the Corporation Counsel.

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: FREEDOM TRAIL FESTIVAL, FUNDING

Agenda Item #14

The Committee for the Freedom Trail Festival has requested a contribution from the City to put toward the expenses incurred in organizing and carrying out the Annual Freedom Trail Festival. This Festival is an "all age affair" that attracts local residents as well as visitors from out of town. The Festival is due to take place on September 20, 2014. The sum of $2,500.00 is available from Tourism Fund Balance.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: ACTUARIAL EQUIVALENCE TESTING, MILLIMAN, INC.

Agenda Item #15

The City Controller is recommending that the City retain the services of Milliman, Inc. ("Milliman") to perform actuarial equivalence testing in connection with the retiree drug subsidy. Milliman has much experience in this area and has worked in the past with Blue Cross and Blue Shield. The reports Milliman generates will likely result in the City receiving subsidy payments from the federal government. The cost of these actuarial services is $5,000.00 for calendar year 2015. Funding is available from the City Controller's budget line number A.1315.0000.0451.000.

Will the Council so approve and authorize the City Controller to execute an engagement agreement in form satisfactory to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: LAUNDRY/RENTAL SERVICES, MORGAN SERVICES, INC.

Agenda Item #16

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

TO: Morgan Services, Inc.
325 Louisiana Street
Buffalo, NY 14204

FOR: Item #'s 1 through 31 as per the attached tally sheet (on file in the City Clerk's Office).

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 eight (8) vendors. Three (3) bids were received. Morgan Services submitted the most complete bid which meets the needs of the City as described in the specifications.

Funds for this expenditure are available in various Departments, Laundry and Cleaning code .0465.000.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: UTILITY WORK MACHINE, BOBCAT OF BUFFALO

Agenda Item #17

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

TO: Bobcat of Buffalo
6511 S. Transit Road
Lockport, NY 14094

FOR: One (1) new and unused, 4 X 4 Utility Work Machine with Snowblower
Less Trade-In of 2008 Bobcat and SB200 60" Snowblower
$ 40,984.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to four (4) vendors. Bobcat of Buffalo was the only bid the City received.

Funds for this expenditure were approved in the 2013 Capital Budget for the Department of Public Works, Vehicles and Equipment.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

IN REM AUCTION BIDS, APPROVAL

Agenda Item #18

At your July 21, 2014 meeting, you voted to reject the following bids and forfeit the deposits: Serial Nos. 72, 130, 133, 326, 330, 456, 662, 788 and 846. This was due to issues regarding unpaid City taxes on other properties. These unpaid tax issues have now been resolved, and it is recommended that you approve the bids on these properties.

Also at that time, it was recommended that no action be taken on Serial Nos. 8, 9, 10, 11, 98, 161, 378, 379, 446 and 612. We now recommend that the Council vote to approve the bid for Serial No. 161 and reject the other bids and return the deposits and auctioneer's fees to the bidder.

Will the Council so approve and authorize the Mayor to execute deeds to the successful bidders in accordance with the Terms of Sale?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

COMMISSIONER OF DEEDS, APPOINTMENTS, APPROVAL

Agenda Item #19

The following have requested City Council approval for Commissioner of Deeds for a term from October 1, 2014 to September 30, 2016.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Joseph Paul	NFPD
Lori Parsnick	City Clerk's Office
Kari Pokoj	City Clerk's Office
Linda Boxer	921 Vanderbilt Ave., NF NY 14305
Maryann DeMartin	1339 James Ave., NF NY 14305
Virgil Fiorentini	2236 Grand Ave, NF NY 14301
Anna Iannarelli	461 21st St., NF NY 14303
Terry Manning	576 78th St., NF NY 14304
Jemelie E. Raybon	1716 Ferry Ave., NF NY 14301

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: FIREFLIES PARADE, CELEBRATING, 2014-62
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #20

WHEREAS, 24 Below, a locally-owned and operated business in the city of Niagara Falls, will be celebrating the magic of summer on August 22, 2014 with its first annual "Dance of the Fireflies" parade, and

WHEREAS, the Niagara Falls City Council wishes to extend its support and well-wishes to family-friendly events and entertainment in our city's tourism district, and

WHEREAS, the Niagara Falls City Council wishes to promote creativity and the entrepreneurship of ideas in the city of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls hereby joins with 24 Below and all those participating in the first-ever "Dance of the Fireflies" parade in celebrating the magic of summer.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: BUTLER-MCINTYRE, CYNTHIA, HONORING, 2014-63
BY: ALL COUNCIL MEMBERS

Agenda Item #21

WHEREAS, Cynthia Butler-McIntyre has inspired thousands of people through her motivational, educational, and religious speeches across the country, and

WHEREAS, Ms. Butler-McIntyre has impacted countless young minds as a teacher, assistant principal, summer school principal, and personnel administrator in the Jefferson Parish Public School System in Harvey, Louisiana, and as assistant coordinator of field experiences and College of Education supervisor for early childhood student teaching experiences for the University of New Orleans, and

WHEREAS, Ms. Butler-McIntyre has served her community as the Board Commissioner of the Ernest N. Morial Convention Center in New Orleans, as a member of the MLK Task Force and the Delta Research and Development Foundation, as a National Board Member of the National Council of Negro Women, as a past National Board Member of the National Alliance of Black School Educators, as the State Secretary of the Louisiana Association of School Personnel Administrators, as the Founding President of Algiers-Gretna Branch of the National Association for the Advancement of Colored People, and

WHEREAS, Cynthia Butler-McIntyre was appointed to the Board of Trustees of the Christopher Columbus Fellowship Foundation by President Barack Obama in 2011, and

WHEREAS, Ms. Butler-McIntyre currently serves as the national president of Delta Sigma Theta Sorority, Inc., leading the organization’s 50,000 active members in the organization’s mission to provide services worldwide in the areas of economic and educational development, international charity and outreach, physical and mental health, and political awareness and involvement, and

WHEREAS, Ms. Butler-McIntyre will be a guest in the city of Niagara Falls in September 2014, when Delta Sigma Theta Sorority, Inc., will be holding a number of events in Western New York,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls hereby welcomes Cynthia Butler-McIntyre, “A Leader with a Servant’s Heart,” to Niagara Falls, NY on behalf of the citizens of our great city, and recognizes her for her leadership and commitment to the service of others.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: STANDARD WORK DAY/REPORTING, 2014-64
BY: ALL COUNCIL MEMBERS

Agenda Item #22

WHEREAS, The City of Niagara Falls, New York hereby establishes the following as standard work days for an elected official and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body;

Title	Name	Standard Work Day (Hrs/ day)	Term Begins/Ends	Participates in Employer's Time keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Official					
Council Member	Glenn Choolokian	6	01/01/12-12/31/15	N	6.3
Council Member	Andrew P. Touma	6	01/01/14 – 12/31/17	N	7.6
Appointed Official					
Assessor	Jim Bird	7	05/11/11-12/31/17	Y	NA
Legal Counsel	Richard Zucco	7	11/14/79-12/31/15	Y	NA
City Administrator	Donna Owens	7	07/07/08-12/31/15	Y	NA

WHEREAS, the clerk of this governing body of the State of New York does hereby certify that he/she has compared the foregoing with the original resolution passed by this governing body as part of the minutes of such meeting and that same is a true copy thereof and the whole of such original; and

WHEREAS, the clerk certifies that such members were present as such meeting and the council members voted in favor of the above resolution.

THEREFORE BE IT RESOLVED, that the above is adopted by the Niagara Falls City Council and that the information be submitted to the New York State Comptroller and the clerk of the governing body to be maintained for at least 10 years.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

The first session of the September 15, 2014 Niagara Falls City Council Meeting was called to order at 5:05 P.M. in the Council Chambers.

Present: Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.
Absent: Council Chairman Charles Walker

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian made a motion to designate Council Member Touma as Acting Chairman at the Meeting. His motion was unanimously approved.

Council Member Choolokian moved to approve the Minutes from the City Council Meeting of September 2, 2014.

Yeas	4
Nays	0
	APPROVED

Community Development Director Seth Piccirillo spoke on the Highland Avenue Fire Hall Project. He said that the Isaiah 61 Project currently has 4 classes training that are working on 4 houses, and these classes provide valuable job training and employment opportunities for those who complete the classes. Acting Council Chairman Touma asked why this Fire Hall was uniquely appropriate, and Mr. Piccirillo explained that this would put an historic building on the Tax Rolls that was currently vacant and in need of extensive repairs; Isaiah 61 will do some of the work on the building; and use of this building will provide Isaiah 61 with a local facility for training, classes and a re-use store.

In the Administrative Update, Mayor Paul Dyster reported that:

1. City Administrator Donna Owens and Council Chairman Charles Walker were attending a conference on how to get a more healthy community, and Niagara Falls was one of five cities chosen to participate in this initiative.
2. Paving contractor is moving very rapidly in the LaSalle Area of the City, and use of the Zipper Machine, crack filling and pothole repairs will be done as the weather permits.

Council Member Choolokian asked about the Macklem Avenue road repair project, and said that the work being done by the City and the Water Board is not coordinated. Mayor Dyster responded that water and sewer lines are being replaced as needed, the project is scheduled to be completed during this construction season; catch basins are being replaced; and he will have a report for the Council at the next Meeting.

Council Member Anderson asked if the Water Board had been contacted to resolve the issue of freezing water lines in the area of 72nd Street, and Mayor Dyster said that as far as he knew, the residents would again be allowed to have a faucet "drip" during the winter season without incurring extra charges.

Acting Chairman Touma asked for an update on the Hamister Project, and Mayor Dyster said that the project was scheduled to be put before the Planning Board in October or November, and groundbreaking for the Project would be in April/May/June.

Acting Chairman Touma asked Superintendent of Police Bryan Dalporto (who is Acting as City Administrator)for an update on crime statistics in the downtown area now that the Ranger Program is in place. The report will be presented at the next Council Meeting.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #9, relative to allocation of funding for the Highland Avenue Fire Hall Project, and an Item to be added to the Agenda relative to the Mooradian Drive Reconstruction Project. Mayor Dyster explained that this Item was presented at this time because the construction season was coming to an end, and the expansion of the Fashion Outlets was creating an increase in traffic in the area and safety concerns, so this Project would address these concerns. He thanked the Engineering Department for their work on this Project.

1. Council Member Grandinetti moved to amend Agenda Item #9 to add a more detailed list of parameters of funding sources for the Project.

Yeas	4
Nays	0

MOTION TO AMEND APPROVED

2. Council Member Grandinetti moved to add the communication relative to the Mooradian Drive Reconstruction Project to the Agenda.

Yeas	4
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #15.

This Session ended at 5:40 PM

Acting Chairman Touma reconvened the Meeting at 6:03 P.M. in the Council Chambers with all Council Members with the exception of Chairman Walker present. The Prayer was said by Council Member Choolokian and the Acting Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Edward Battaglia	Agenda Item #9
Henry Krawczyk	Agenda Item #2
David Pavan	Macklem Ave. issues
Edward Battaglia	Globe Industries emissions
Paul Gromosiak	Build Niagara Experience Center for visitors
Henry Krawczyk	Selective enforcement by City Officials
Diane Tattersall	City Engineer needed

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF AUGUST 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: AUCTIONEER SERVICES, AUCTIONS INTERNATIONAL, RENEWAL

Agenda Item #2

We respectfully request you authorize the Mayor to execute the attached (on file in the City Clerk's Office) agreement for auctioneer services for the sale of city surplus items with Auctions International, 11167 Big Tree Road, East Aurora, NY 14052. The current agreement has expired and the City wishes to renew their services for two (2) more years.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: VENDING SERVICES, CITY HALL, AVI FOOD SYSTEMS

Agenda Item #3

As we have received no response to the RFP for operation of the snack stand, we respectfully request your approval to allow AVI Food Systems, 80 French Road, Cheektowaga, NY 14227 to place vending machines on the ground floor of 745 Main Street as a convenience to the employees and building visitors and at no cost and no commitment to the City.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: JOHN DUKE CENTER/SAL MAGLIE STADIUM, RESURFACING PROJECT, LOUIS DELPRINCE & SONS

Agenda Item #4

The following were the result of bids received on August 20, 2014 for the above referenced project:

CONTRACTOR	BASE BID
Louis DelPrince & Sons, Inc. 580 Cayuga Drive Cheektowaga NY 14225	$240,805.00
Yarussi Construction, Inc.	$254,530.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Louis DelPrince & Sons, Inc. at their total bid of $240,805.00. Funding will be made from available by a combination of a Community Capital Assistance Program Grant in the amount of $150,000.00 and code H1312.2013.1312.0449.599 in the amount of $90,805.00.

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

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0
APPROVED

CONTRACT: POLICE DEPT., RECORDING SYSTEM, 911 CALLS, FM COMMUNICATIONS, INC., FUNDING

Agenda Item #5

The Superintendent of Police is requesting that the sum of $13,456 be made available for the purpose of acquiring and installing equipment necessary for the recording of e911 phone calls for Police and Fire. Attached (on file in the City Clerk's Office) is the price quotation from FM Communications, Inc.

Funding is available from casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

PUBLIC WORKS: TEMPORARY HELP, FUNDING

Agenda Item #6

The Director of DPW is requesting that the sum of $36,600 (inclusive of FICA) be made available to the department for temporary help to staff the City's parking lots and the parking ramp for the remainder of calendar year 2014. This amount is allocated as $34,000 for wages and $2,600 for FICA.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

Council Member Grandinetti said she would like to see DPW increase their budget for this line for next year.

FIRE DEPT.: FIREHOUSE #8, BUILDING REPAIRS/UPGRADES, FUNDING

Agenda Item #7

The Fire Chief is recommending that certain building repairs and renovations be made to Firehouse #8. In order to accomplish these repairs and renovations, he is requesting that the sum of $26,400 be made available for this purpose. Attached (on file in the City Clerk's Office) hereto is a detail regarding this request.

Funding is available from Casino revenues.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0
	APPROVED

PUBLIC WORKS: EARL W. BRYDGES LIBRARY, CLEANING OF COOLING TOWER SYSTEM, FUNDING

Agenda Item #8

The Director of the Department of Public Works and the Executive Director of the Niagara Falls Public Library advise that the chiller at the Earl W. Brydges Library is in need of cleaning and this is not a task that can be accomplished in house. It is requested that M.I.S. of America, Inc. be hired to accomplish this cleaning pursuant to the attached (on file in the City Clerk's Office) quote which totals $2,950.00. Funding is available from Casino revenue interest.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4

Nays 0

APPROVED

ISAIAH 61 PROJECT: FIRE HOUSE RECONSTRUCTION, 3721 HIGHLAND AVE., FUNDING

Agenda Item #9

At your April 28, 2014 meeting you approved a communication regarding the transfer of the above referenced property to the Isaiah 61 Project, Inc. Also included in that item was reference to an Empire State Development Western New York Regional Council Grant. A copy of that agenda item is attached (on file in the City Clerk's Office) hereto, together with a copy of the grant agreement.

The agenda item did not indicate the total project cost of $666,000.00 anticipated by the grant. A copy of the grant award is attached hereto which sets forth in full the terms and conditions on the eventual potential reimbursement of funds pursuant to the grant. It is requested the Council vote to appropriate $500,000.00 of 2012 Casino revenue for this project.

At your August 14, 2014 meeting, you voted to award an asbestos abatement contract for this building to Apollo Dismantling Services, LLC in the amount of $146,624.00.

The item indicated that funds were coming from the grant and from funds approved in the 2014 Municipal budget. It is requested that the Council vote to appropriate $146,624.00 (from the above referenced $500,000.00 of casino funds) to fund this contract.

The completed fire house will be home to the Isaiah 61 Project, Inc. ("I61") headquarters and reuse store. This site will host free O/N BOCES certified trades training classes for unemployed and underemployed city residents. This is the classroom component of the I61 Project's ongoing effort to renovate once City-owned properties to code compliance, return houses to the municipal tax roll and train people an important life/work skill in the process.

To date, the I61 has graduated 100 students, with 70 percent already finding job placement. For the first time in recent memory, A Niagara Falls based trades training program is connecting residents to real living wage jobs. The I61 currently owns three houses that were formerly owned by the City of Niagara Falls, and two that were donated to I61 by private owners. The Niagara Falls Planning Board has recommended sale of three additional houses. Absent the I61, City's maintenance (including tax) and demolition costs for these eight houses would exceed $240,000.00. Instead, these properties are being renovated, maintained and generating new tax revenue.

I61 will pay the full city, county and school district taxes on the fire house, as it does with all of its other properties. Currently, the property generates zero tax and the City is responsible for paying county and school district taxes. Demolition of this building would exceed $100,000.00, including the same level of asbestos abatement that is included in this renovation. Community Development presents that renovation of this building is more cost effective than continued vacancy and demolition.

As part of your action on April 28, 2014, you approved the sale of the premises to I61 after the completion of the renovations. It is requested that the Council rescind this approval and instead authorize the Mayor to negotiate a lease agreement with I61 for the property.

Will the Council vote to:

1. Approve the grant as attached hereto and authorize the Mayor to execute any agreements or other documentation.

2. Appropriate $500,000.00 of 2012 casino funds to this project.

3. Appropriate $146,624.00 of those casino funds to the asbestos abatement contract as set forth above.

4. Rescind the approval of the sale of the above referenced property and authorize the Mayor to negotiate a lease agreement with I61.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	3
Anderson, Grandinetti, Touma	
Nays	1
Choolokian	

APPROVED

Amendment is to more fully explain parameters of funding sources.
Council Member Choolokian said he supports Isaiah 61 but not draining the City's share of Casino Funds and suggested the State contribute from their share of Casino Funds
Council Member Touma said we have to look at the return of the investment; this Project provides job skills and puts people to work and also makes use of an historic and vacant building.

CLAIM: BODENSTEIN, CHRISTOPHER D.

Agenda Item #10

Date Claim Filed:	May 14, 2014
Date Action Commenced:	N/A
Date of Occurrence:	April 14, 2014
Location:	Parking lot of Firehouse 4, 740 Tenth Street
Nature of Claim:	Damage to vehicle at Firehouse 4 while claimant was on duty with Niagara Falls Fire Department.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City, contractual obligation with Uniformed Firefighters Association, Local 714
Amount to be Paid:	$500.00
Make Check Payable to:	Christopher D. Bodenstein
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

CLAIM: HORSESHOE LANE PROPERTIES LLC

Agenda Item #11

Date Claim Filed:	February 13, 2014
Date Action Commenced:	N/A
Date of Occurrence:	January 28, 2014
Location:	1871 North Avenue, Niagara Falls, NY
Nature of Claim:	Damage to real property due to falling tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$150.00
Make Check Payable to:	Horseshoe Lane Properties LLC
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

CLAIM: SISNEY, NANCY V.

Agenda Item #12

Date Claim Filed: July 25, 2013	
Date Action Commenced:	N/A
Date of Occurrence:	July 19, 2013
Location:	2224 Woodlawn Avenue, Niagara Falls, NY
Nature of Claim:	Damage to fence due to falling tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$518.40
Make Check Payable to:	Nancy V. Sisney
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

CLAIM: LONGBOAT, ROBERT AND JANICE

Agenda Item #13

Date Claim Filed:	May 22, 2014
Date Action Commenced:	N/A
Date of Occurrence:	May 8, 2014
Location:	1125 Haeberle Avenue, Niagara Falls, NY
Nature of Claim:	Damage to fence by NFPD while pursuing suspect.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$390.00
Make Check Payable to:	Robert Longboat and Janice Longboat
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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 4
Nays 0

APPROVED

RESOLUTION: SCOTT, JESSE J., HONORING, 2014-65
BY: ALL COUNCIL MEMBERS

Agenda Item #14

WHEREAS, Pastor Jesse J. Scott, Sr. will be celebrating his ordination to the office of bishop on September 20, 2014, and

WHEREAS, Pastor Scott's position as a pillar of the Niagara Falls community has been cemented by his founding and leadership of Word of Life Ministries, currently housed on the corner of Hyde Park Boulevard and Porter Road, and

WHEREAS, Pastor Scott has long overseen a ministry that provides outreach and support services to those who are often otherwise marginalized, including those with addictions and those in prison, and

WHEREAS, Pastor Scott's ordination as a bishop follows an illustrious career in ministry, during which he served as a deacon, minister, and in various other leadership positions for twenty-two years before his ordination as pastor in 1983, and

WHEREAS, his ordination to the office of bishop is a milestone worthy of celebration and acknowledgement by city leaders and our community, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York hereby honors Pastor Scott on the occasion of his ordination to the office of bishop on September 20, 2014, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York thanks Pastor Scott and Word of Life Ministries for all of the good work that they have done in the city of Niagara Falls, and wishes them a bright future and much success in their efforts to improve the lives of people in our community

Yeas 4
Nays 0

ADOPTED

CONTRACT: MOORADIAN DRIVE, RECONSTRUCTION, YARUSSI

Agenda Item #15

The following is the result of bids received on September 12, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Yarussi Construction, Inc. 5650 Simmons Ave. Niagara Falls NY 14304	$468,431.00
Accadia Site Construction, Inc.	$539,461.00

Additionally, via this same proposal, the City solicited item prices on an "Add Alternate" basis for the installation of new sidewalks within the project area and wishes to add this work to the project at this time. This will add an additional $40,200.00 to the upset award amount.

Therefore, it is the recommendation of the undersigned that this contract be awarded to the low bidder, Yarussi Construction, Inc. in the amount of $508,631.00. Funding is available in Casino funds portion 99h restricted portion for road improvement projects.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	4
Nays	0

APPROVED

There being no further business to come before the Council, Acting Chairman Touma adjourned the Meeting at 6:45 P.M.

Carol A. Antonucci
City Clerk

The first session of the September 29, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of September 15, 2014.

Yeas	5
Nays	0
	APPROVED

Community Development Director Seth Piccirillo spoke on the positive impact of the Niagara City Lofts Project on providing housing for working families and economic growth for the area. He said the Project will help to stabilize the neighborhood, and he also spoke on other development projects and the economic impact on the City.

Ben Upshaw spoke on the Niagara City Lofts Project, and said that, as a sign of good faith, the developer has been maintaining the building and grounds of the former South Junior High School.

Superintendent of Police, Bryan DalPorto, spoke on the Ranger Program, and said that there has been a decrease in crime in the downtown area during the period from Memorial Day to Labor Day, which he feels is a result of the presence of the Rangers in the area. Superintendent DalPorto also addressed the numerous complaints received from residents of the DeVeaux area concerning parties held by college students. He said his Department is working closely with Niagara University's Administration and Campus Security to proactively approach the situation.

Paul Gromosiak gave a Presentation on developing Historical Tours of the area.

Council Member Grandinetti asked about the reconstruction of Macklem Avenue that was supposed to resume, and the Mayor said that he would check with the Engineering Department on the progress of the project.

Chairman Walker asked about the rat problem in the LaSalle area, and the Mayor responded that the DPW Clean Team was going door to door in the area with information for residents; the Niagara County Health Department was also working with the residents, and the City had taken care of City owned properties in the area in an effort to alleviate the problem.

Chairman Walker asked what was being done to address crime prevention since the SNUG Program Grant was no longer being received. Mayor Dyster responded that Community Development funding was available for economic development/crime prevention.

Council Member Anderson noted that there was no rat problem in the LaSalle Area before Covanta or the Buffalo Avenue Reconstruction, and now there was also a skunk problem in the area. He also suggested using the tax dollars received from the South Junior Project to reduce property taxes in the City.

Corporation Counsel Craig Johnson distributed copies of an amendment to Agenda Item #11, relative to Second Hand Dealers Licenses, and a communication to be added the Agenda.

1. An amendment to Agenda Item #11, relative to adding an additional business to be licensed.

Council Member Touma moved to amend the Item.

Yeas	5
Nays	0

MOTION TO AMEND APPROVED

2. A communication relative to awarding the contract for partial removal and wall reconstruction at the Old Falls Street Promenade. Council Member Choolokian asked for an explanation, and Mr. Johnson said that this was necessary for a private development to go forward.

Council Member Choolokian moved to add the communication to the Agenda.

Yeas	5
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #16.

Council Member Choolokian asked about the progress of repairs at the Ice Rink (Agenda Item #2). Mayor Dyster said that the City was looking to advance the reconstruction of the second rink so that both rinks can be competitively used next year. The Mayor added that there will also be additional work to be done at the rinks, including lighting, landscaping and the parking lot. Chairman Walker asked that the lighting be addressed sooner rather than later.

Council Member Choolokian asked about the use of the $10,000 that was being requested by United Way for the Festival of Lights. Carol Houwaart-Diez, President of the United Way of Greater Niagara, said that the funding would be used for materials to refurbish the displays, provide carriage rides, and the opening ceremony, and this would be a recurring request.

This Session ended at 6:05 PM.

Chairman Walker reconvened the Meeting at 6:17 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Expand the Ranger Program to add additional security in the City Parks
Candice Corsaro	Agenda Item #4
Edward Battaglia	Agenda Item #4
Diane Tattersall	Agenda Item #4
Ken Hamilton	Agenda Items #2, #4, #5
Ron Anderluh	Dangerous intersection at Buffalo Ave. & 4Th St.
Robert Dusher	Macklem Ave. construction issues
Vicki Peterson	Issues with Parole Officers
Ethel Flynn	Issues in area of 18th St. & Michigan Ave.
Bob Pascoal	Landlord Association made video for tenants regarding garbage/recycling; South Junior Project; tenant issues

Deborah Hicks	Violence in the Community
Victor Johnson	No response from City regarding his suggestion for Youth Programs
Ken Hamilton	Norlock Park traffic issues; Macklem Ave. Project; Mental illness effecting citizens; Police issues
Ronald Cunningham	Violence/safety in the City

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF AUGUST 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: ICE RINKS LOCKER ROOMS, RENOVATION, DIDONATO ASSOCIATES

Agenda Item #2

A contract for the above reference project was awarded to DiDonato Associates, P.E. of Buffalo, New York on February 19, 2014 for professional services and design related tasks in the amount of $94,500, and was extended in April 28, 2014 to cover full time Construction Inspection obligations at an additional cost of $58,560, bring the current contract total to $153,060.

While this contract is still in effect, the City is receiving value engineering proposals for requested upgrades of the concession area. Any new work must be designed and engineered by a New York State license professional in order to obtain the necessary permits and provide a detail scope of work for complete pricing. This new work involves additional design services for HVAC, Plumbing and Electrical work not presently cover under the existing contract.

It is the recommendation of the undersigned that Change Order #2 in the amount of **$4,200** be approved, bring the new contract total to $157,260.

Funding is available through a combination of Casino Revenue and in code H0819.2008.0819.0449.599.

Will the Council vote to so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: GRIFFON PARK BOAT LAUNCH, PARKING LOT, LOUIS DELPRINCE & SONS

Agenda Item #3

A contract for the above referenced project was awarded to Louis Del Prince & Sons, Inc. on March 31, 2014 in the Amount of $332,700.00.

During the course of work, it was deemed necessary to add additional asphalt pavement and sub-grade beyond the original bid quantities and install new curbing to prevent ground erosion. These changes to the scope of work add $12,618.65 to the original bid for a new total cost of $345,318.65.

It is the recommendation of the undersigned that Change Order #1 in the amount $12,618.65 be approved. Sufficient funds presently exist in Code H1213.2012.1213.0449.599.

Will the council vote to so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: NIAGARA CITY LOFTS, TAX PRODUCTION AGREEMENT, CB EMANUEL REALTY (CBE)

Agenda Item #4

The administration presents an agreement that will allow positive city, school district, and county tax production on long vacant, government owned property. Ownership and occupancy will also prevent a city funded demolition, estimated at $1.2 million, and help stabilize the surrounding neighborhood.

CBE proposes rehabilitation and adaptive reuse of the vacant and National Register-eligible former South Junior High School, creating 61 mixed-income workforce rental apartments and commercial space. Total development costs are approximately $24.1 million dollars, representing a $3 million reduction from the original 2013 project budget. Public and private financing will include: New York State Homes and Community Renewal (HCR) tax credits, federal and state historic tax credits, investor equity through the purchase of the tax credits, a $ 5 million NY RESTORE grant awarded to the City of Niagara Falls specifically for renovation of 561 Portage Road, deferred fee, and a commercial construction loan.

CBE is not requesting any general fund, community development block grant, or casino funding to complete the project. The Niagara City Lofts project ensures use of the $5 million NY RESTORE grant awarded to the city for this specific property over six years ago. Assuming the project is awarded tax credits in HCR's Early Award Round; the project can begin construction in Spring 2015 and will complete construction in the summer of 2016. The project has received site plan approval from the Niagara Falls Planning Board as well.

561 Portage Road is owned by the Niagara Falls City School District and is currently 100 percent tax exempt. The parcel has not generated any city, county or school district taxes in generations. Property sale to CBE was negotiated by the school district, and property purchase was overwhelmingly approved by the public in a December 2013 referendum vote (Over a six to one margin in favor). CBE will officially take ownership upon construction loan closing, anticipated later this year. Upon closing, CBE will be contractually responsible for the demolition of the former school building if the proposed renovation is not completed within two years. That assurance shows the developer's commitment to project completion. CBE has also already completed temporary roof repairs at 561 Portage Road in order to better protect the structure from further water damage.

For the City Council's consideration, CBE presents an agreement to the Niagara Falls City Council to pay 6 percent of net rents received through the Niagara City Lofts Agreement at 561 Portage Road. The proposed 15 year tax payment plan is based on net rents accelerates year over year, subject to allowable and scheduled rent increases. A total of $21,808 will be collected in year one. In year 15, a total of $28,775 will be collected, representing a 31 percent increase. Over the 15 year term, a total of $377,132 in new city, county and school district tax revenue will be generated, with $195,785 directly received by the city. A detailed spreadsheet is included on page two of this agenda item.

Will the Council approve the proposed tax schedule?

Proposed PILOT Schedule for Niagara City Lofts
Property Address: 561 Portage Road, Niagara Falls, NY 14301

The Company proposes to make annual PILOT Payments for 15 years, pursuant to the city's authority to grant a PILOT under Article XI of the NYS Private Housing Finance Law, in a sum equal to 6% of the property's actual shelter rent, which is projected as follows:

Year	Total Payment[3]	Distribution			
		County	City	School	Composite
		8.61	30.11	19.28	58.00
Construction Year	0	0	0	0	0
1[4]	21,808	3,237	11,321	7,249	21,808
2	22,244	3,302	11,548	7,394	22,244
3	22,689	3,368	11,779	7,542	22,689
4	23,143	3,435	12,014	7,693	23,143
5	23,605	3,504	12,254	7,847	23,605
6	24,078	3,574	12,500	8,004	24,078
7	24,559	3,646	12,750	8,164	24,559
8	25,050	3,719	13,005	8,327	25,050
9	25,551	3,793	13,265	8,494	25,551
10	26,062	3,869	13,530	8,663	26,062
11	26,584	3,946	13,801	8,837	26,584
12	27,115	4,025	14,077	9,013	27,115
13	27,658	4,106	14,358	9,194	27,658
14	28,211	4,188	14,645	9,378	28,211
15	28,775	4,272	14,938	9,565	28,775

Notes: (1) The tax rates utilized are per City of Niagara Assessor's office 9-10-2014; (2) this is a mixed use building therefore this schedule only applies to the residential portion of the property; (3) 2% annual increases projected; (4) Payments begin upon Project Completion.

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Choolokian said he does not support this Project. Council Member Touma said this Project will generate tax revenue, remove blight & stabilize the neighborhood.

CONTRACT: USA NIAGARA DEVELOPMENT CORP., FUNDING

Agenda Item #5

Until December 31, 2012, the City and USAN had in place a Memorandum of Understanding ("MOU") which, among other things, called for USAN to operate and manage the Convention and Conference Center as well as the activities that took place along Old Falls Street from Third Street to Prospect Street ("USAN activities"). There were prior MOU's in place with USAN for similar activities, at least as far back as 2006. The sum of money the City paid USAN during each of the years the MOU was in place was approximately 3.1 million dollars. During some years, a portion of this money was earmarked for economic development projects.

Because of the dispute between the State of New York (the "State") and the Seneca Nation of Indians (the "Senecas"), which resulted in no payment of casino revenues to the City from 2009 through 2013, the City was not in a financial position to fund USAN's activities and therefore the MOU was not renewed in 2013. USAN, nonetheless, continued to conduct its activities during calendar year 2013 and has continued to do so to date in calendar year 2014.

Now that the State and the Senecas have resolved the dispute over the compact and the City has been paid the amount of money it was owed for the years the dispute continued, and is being paid dollars presently due in a timely fashion, USAN is requesting that a new MOU be entered into to provide for the City's contribution to USAN's expenses in conducting its activities. Commencing immediately and for a five (5) year term expiring December 31, 2018, USAN is requesting an annual payment of 1.5 million dollars each year during the term of the MOU for this purpose. It should be pointed out that in prior MOU's, the City's contribution to USAN to conduct these activities was approximately 3.1 million dollars per year.

Funding is available from Casino revenues.

Will the Council so approve and authorize the Mayor to execute a Memorandum of Understanding in form acceptable to the Corporation Counsel.

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Choolokian said we need to make better use of Casino Funds.
Council Member Touma said the City will receive a significant return on the investment.
Chairman Walker said USA Niagara is in partnership with Empire State Development & this partnership will make things happen for the City.

UNITED WAY, FESTIVAL OF LIGHTS EXPENSES, FUNDING

Agenda Item #6

The City has been asked to contribute the sum of $10,000 to the United Way to be utilized for the expenses incurred in undertaking, promoting and carrying out its Festival of Lights event during the holiday season. Funding is available from Tourism Fund Balance.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson Choolokian Grandinetti, Chairman Walker
Nays 0
Abstain 1
Touma

APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CITY PROPERTY: 446 MEMORIAL PARKWAY, SALE

Agenda Item #7

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $510.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CITY PROPERTY: 1311 MICHIGAN AVENUE, SALE

Agenda Item #8

The City has received a request from the adjoining property owner to purchase the above referenced City-owned property for the sum of $500.00. This property was approved for sale by the Planning Board. Attached (on file in the City Clerk's Office) hereto is a copy the Planning Board's approval.

Will the Council approve the sale of this premises for this price in an "as is" condition and with the requirement to combine the properties, with the closing to be performed within 30 days, and with the standard pre-condition that the purchaser is not delinquent with any tax or water bill.

Will the Council further authorize the Mayor to execute any deeds or other documents necessary to effectuate this transaction?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: CAPONE, RONALD M.

Agenda Item #9

Date Claim Filed:	April 23, 2014
Date Action Commenced:	N/A
Date of Occurrence:	April 15, 2014
Location:	4230 Lewiston Road, Niagara Falls, NY
Nature of Claim:	Property damage from City-owned tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$1,249.00
Make Check Payable to:	Ronald M. Capone
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: FIRST STREET GROUP, LLC

Agenda Item #10

Date Claim Filed:	September 12, 2013
Action Commenced:	July 16, 2014
Date of Occurrence:	August 29, 2013
Location:	222 First Street, Niagara Falls, NY
Nature of Claim:	Property damage sustained in an accident with City vehicle.
City Driver:	Matthew Nevins
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$1,746.20
Make Check Payable to:	Paladino Cavan Quinlivan & Pierce, as attorneys
Conditions:	Stipulation of Discontinuance and 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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

SECOND HAND DEALERS, LICENSES

Agenda Item #11

Chapter 338 of the Codified Ordinances states: "338.03..City Council may grant a license to carry on the business of Second Hand Dealer within the City…"

The following have submitted applications for Second Hand Dealer Licenses. These applications have been approved by the Niagara Falls Police Department.

Mike's Buy and Sell
2101 Pine Avenue

Niagara Coins & Collectibles
509 Third Street

Niagara Metals LLC
4861 Packard Road

Will Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: PLANNING BOARD, APPOINTMENT, 2014-66
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #12

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Planning Board effective immediately to fill the remaining term of Mr. Todd Stopa who has resigned from the Board.

APPOINTMENT	TERM EXPIRES:
Mr. Robert Kazeangin 3009 Macklem Avenue Niagara Falls, NY 14305	12/31/14

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BAKERY RESTAURANT/LOUNGE, RECOGNIZING, 45TH ANNIVERSARY, 2014-67
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, the Bakery Restaurant and Lounge, located at 3004 Niagara Street in Niagara Falls, NY, was established in its earliest form in the summer of 1969 by Kevin and Valerie Young, and

WHEREAS, the Young family honored the heritage of the Niagara Street neighborhood by converting a building which once housed a Polish bakery into an iconic Niagara Falls eatery and lounge, adding historic artifacts from our city's history over time, including a chandelier from the Piccadilly on Niagara Falls Boulevard, the bar from the Club on Falls Street, church pews and stained glass from the Cleveland Avenue church where the Little Theater once operated, ceiling fans from Kresges on Falls Street, and an ice box from the Wonder Bar, and

WHEREAS, the Young family and their friends continue to operate the Bakery, with David and Kevin Jr. overseeing the operation, as Valerie maintains high standards of food quality in the kitchen, Chef Glenn Fraccica, formerly of the famed Buffalo Chop House, is head chef, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York hereby recognizes the owners and staff of the Bakery Restaurant and Lounge on the occasion of their 45th anniversary, congratulating them on decades of success and devotion to promoting commerce and neighborhood vitality in the city of Niagara Falls, most especially in the Niagara Street business district.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: RAINBOW PARKING RAMP, WAIVER OF EVENT RELATED PARKING FEES, 2014-68
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #14

WHEREAS, the Buffalo Bills, Erie County Medical Center, the Erie County Medical Center Lifeline Foundation, American Cancer Society, Canadian Cancer Society, Hard Rock Café Niagara Falls, USA, and KISS 98.5 will hold their annual International Pinktober Living Ribbon/Billieve Breast Cancer Awareness event on Friday, October 10 on O'Laughlin Drive in downtown Niagara Falls, and

WHEREAS, the Niagara Falls State Park has historically provided parking for this event, but is unable to do so this year due to reconstruction of its parking lots, and

WHEREAS, the Niagara Falls State Park has requested that the City step in to assist in supporting this important event,

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 for 200 spots in the Rainbow parking ramp, for persons attending the Pinktober event, scheduled for Friday, October 10 at 5 PM.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: NIAGARA CITY LOFTS, SUPPORT, 2014-69
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #15

WHEREAS, the Niagara City Lofts project is the $24 million rehabilitation of the former South Junior High School located at 561 Portage Road by Niagara County and New York City-based state-certified Minority Business Enterprise developer, CB- Emmanuel Realty, LLC, and

WHEREAS, the rehabilitation will provide 61 loft apartments and 23,000 square feet of commercial space to downtown Niagara Falls and restore a National Register-eligible historic property, and

WHEREAS, development of the former South Junior building will eliminate neighborhood blight and vacancy while preventing a costly government funded demolition, and

WHEREAS, new ownership and development of the former South Junior building will produce actual tax revenue at the site for the first time in its history, and

WHEREAS, the sale of the former South Junior building generated new revenue for the Niagara Falls City School District and was overwhelmingly supported by a December 2013 public referendum vote, and

WHEREAS, the project is located on historic Portage Road in the Memorial Parkway Neighborhood, which is in the heart of the city and adjacent to the Niagara Falls Memorial Medical Center, the Niagara Arts & Cultural Center, Schoellkopf Park, Haberle Plaza and close to the downtown commercial district, and

WHEREAS, the project is specifically identified as a priority project and/or directly supports the recommendations found in the following reports: Comprehensive Plan of the City of Niagara Falls and the City of Niagara Falls Strategic Plan as presented to United States Department of Housing and Urban Development, and

WHEREAS, the project will increase the tax base create approximately 100 local construction jobs and create new commercial space in the city's core neighborhood, and

WHEREAS, the renovation of the former South Junior building was awarded a $5 million RESTORE NY grant by Governor David Paterson in 2009, illustrating the state's commitment to the site, and

WHEREAS, this project will provide needed workforce housing that is accessible by public transit and is in close proximity to major employment centers, and

WHEREAS, the developer has worked with the Niagara Falls Memorial Medical Center, the Niagara Arts and Cultural Center, the Niagara Falls City School District, and various community organizations to move this project forward, and

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby lends its support to the Niagara City Lofts project and hereby requests an allocation of housing tax credits by New York State Homes and Community Renewal for this critical affordable housing and economic development project and that certified copies of this Resolution shall be sent to Governor Andrew Cuomo, HCR Commissioner Darryl C. Towns and members of the Western New York Assembly and Senate State Delegation.

Yeas 5
Nays 0
ADOPTED

CONTRACT: OLD FALLS STREET PROMENADE, WALL REMOVAL/RECONSTRUCTION, WALTER S. JOHNSON BLDG.

Agenda Item #16

The following is the result of bids received on September 25, 2014, for the above referenced project:

CONTRACTOR	BASE BID
Walter S. Johnson Building Co, Inc. 6638 Mooradian Dr. Niagara Falls NY 14304	$98,138.70
Sicoli Construction Services, Inc.	$119,000.00

It is the recommendation of the undersigned that this contract be awarded to the low bidder, Walter S. Johnson Building Co. Inc. in the amount of $98,138.70. Funding is available in code H1013.2010.1013.0449.599.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:20 P.M.

Carol A. Antonucci
City Clerk

OCTOBER 14 , 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the October 14, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:10 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of September 29, 2014.

Yeas	5
Nays	0
	APPROVED

Council Chairman Charles Walker said that Agenda Item #5 was being pulled.

A Resolution honoring Andrew Pyska for attaining the rank of Eagle Scout was read and then presented to him by Council Member Glenn Choolokian.

There was no Administrative Update.

Chairman Charles Walker asked Mayor Paul Dyster the status of the 2015 Budget. Mayor Dyster responded that he and his staff were working very diligently on this. He is reaching out to the Council Members since the City is facing major challenges in Structural Budget problems, and they are looking into funding some portion of the deficit through the Fund Balance. Meetings are being held with affected entities and everything on the revenue and expense sides is being looked at. The Mayor is trying to present the Council with a balanced budget and he has no date when it will be ready for presentation to the Council. A discussion between the Council and the Mayor concerning the Budget followed.

Council Member Andrew Touma talked about the concern expressed by residents on Macklem Avenue that they cannot reach Mr. Drof from the Water Board. Mayor Dyster said the Water Board is working on the Project, the Engineering Department is overseeing the Project and the Project is on schedule. Council Member Touma asked if the Water Board has given the City an update, and the Mayor stated that they had not but the Engineering Department is on the scene every day. Council Member Glenn Choolokian asked for an update on the Project from the Engineering Department at the next Meeting. Chairman Walker stated that the residents of Macklem Avenue can't go months without talking to the Water Board.

Council Member Robert Anderson asked if there was any update about the freezing water lines issue of the 72nd Street residents. The Mayor responded that he had contacted the Water Board about the leak and was told that the matter is on their list.

Corporation Counsel Craig Johnson distributed copies of a Communication regarding an agreement between United Court System and the City of Niagara Falls for Court Cleaning and minor repairs. Council Member Touma moved to add the Item to the Agenda.

Yeas 5
Nays 0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as Item #14.

Council Member Choolokian moved to amend Agenda Item #6 concerning the transfer of funds from Community Development by reducing the amount to be transferred.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Council Member Choolokian moved to amend Agenda Item #12 relative to thanking all involved with the Greenpac-Norampac Fire by recognizing additional Fire Companies who helped.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Council Member Touma moved to amend Agenda Item #13 relative to supporting Project Labor Agreements when it is legally possible.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Council Member Touma asked City Controller Maria Brown about Agenda Item #7 concerning payment to the Water Board for Hydrant Services. A discussion followed concerning Water Board payments.

This session ended at 6:03 PM.

Chairman Walker reconvened the Meeting at 6:15 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

Fire Chief Colangelo read Agenda Item #12, a Resolution thanking all those who responded to the Greenpac-Norampac Fire in September 2014.

Council Chairman Charles Walker and Council Member Glenn Choolokian handed out the awards to all those involved.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Item #6
Charletta Tyson	Agenda Item #6
Howie Ewing	Agenda Item #5
Ken Hamilton	Agenda Item #14; buying new equipment, reducing Maintenance
David Pavan	Macklem Ave. Project; read his letter that is being sent to the Council; sewers
Robert Dusher	Macklem Ave. Project
Ron Anderluh	Annual dinner sponsored by the Niagara St. Business Association; Carol Antonucci, City Clerk, being honored
Erin Schwenkbeck	Macklem Ave. Project
Paul Gromosiak	Progress report on Board of Trustees of Tesla Niagara

Brooke Nigro	Macklem Ave. Project
Paul Parise	Macklem Ave. Project
Pastor Timothy Brown	Niag. Falls Community Center; not being able to utilize the Center
Charletta Tyson	Two sink holes on Garden Ave., no one taking responsibility; training program at Isaiah 61; Community Development 2015 Budget
Robert Ventry	Macklem Ave. Project; DPW doing good job on Paving roads; Casino money well spent on roads; no more sex offenders
Ken Hamilton	Home owners are responsible for sewer repairs per Water Board; City needs to take a bigger role; need National Structural Board to come here

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF SEPTEMBER 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: PLANNING DEPT., BLINDS/CARPETING REPLACEMENT, PERSONAL TOUCH/MOORADIAN RUG CO.

Agenda Item #2

The City's Planner advises that the deteriorated condition of the window blinds and carpeting in the Planning Department office necessitates the replacement of both. Attached (on file in the City Clerk's Office) hereto are estimates to accomplish this which total $6,175.00.

Funding is available from Casino interest.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Grandinetti said one of the rugs is a safety hazard.
Council Member Touma said the rug is a safety hazard.

PURCHASE: PUBLIC WORKS, EQUIPMENT REPLACEMENT, FUNDING

Agenda Item #3

The Director of DPW has requested the sum of $144,000.00 be made available for the replacement of a clam bucket, a one-man packer truck and a crew cab stake body with lift gate and dump through. Attached (on file in the City Clerk's Office) is a spread sheet showing the cost of each piece of equipment, the justification for the purchase and the ramification if the purchase is not made.

Funding is available with Casino revenues.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 2
Anderson, Choolokian
Nays 3
Grandinetti, Touma, Chairman Walker

DEFEATED

Council Member Grandinetti said that this is a high amount of money and with the current budget, voted no.
Council Member Touma said the $144,000 should be put towards the Macklem Ave. Project and voted no.

CONTRACT: YOUTH BOARD RECREATION PROGRAM, NIAGARA COUNTY

Agenda Item #4

It is recommended that the City undertake and carry out the Niagara Falls Youth Board Recreation Program on behalf of the Niagara County Department of Social Services and the Niagara County Youth Bureau (the "County"). The City will be undertaking certain recreational activities for City youth on behalf of the County. In consideration for the City undertaking and carrying out these recreational programs, the County will pay the City an amount not to exceed $24,850.00. The term of this agreement will be from January 1, 2014 through December 31, 2014.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: SAL MAGLIE STADIUM, MANAGE/OPERATE, WARD FOOD SERVICE LLC
Agenda Item #5
THIS ITEM WAS PULLED FROM THE AGENDA
THERE WAS NO ACTION TAKEN ON THIS ITEM

COMMUNITY DEVELOPMENT: BLOCK GRANT FUNDS, TRANSFER

Agenda Item #6

Both Neighborhood Housing Services, Inc. (NHS) and Highland Community Revitalization Committee, Inc. (HCRC) are funded by the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program on an annual basis. Each allocation is approved by the Niagara Falls City Council as a component of the annual action plan.

The Niagara Falls Community Development Department requests council approval of the transfer of $115,000 of CDBG funds from NHS to HCRC. This allocation will retain the same permitted use of housing renovation.

NHS has unspent CDBG funds available from prior year funding. Per HUD guidelines, Niagara Falls Community Development is dedicated to the expenditure of HUD funds within two years of allocation. NHS has been consulted about this transfer, and the action does not jeopardize or delay any NHS housing renovation projects.

Will the Council approve this funding transfer?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

This was amended to reduce the amount to be transferred from $115,000 to $75,000.

WATER BOARD: HYDRANT SERVICES, PAYMENT

Agenda Item #7

The City has been invoiced by NFWB for services rendered for 2,088 fire hydrants throughout the City. In 2011, the fee per hydrant was increased by Water Board Regulation from $25 dollars per hydrant to $103 dollars per hydrant. The City Controller's office investigated this and found that the Regulation was enacted by Water Board Regulation in 2011 and became effective January 1, 2012. The result to the City is that commencing in 2012, the City's obligation to the NFWB increased from $57,175 annually to $215,064 annually. In 2012 the City paid the NFWB $57,175; therefore, the City owes the NFWB $157,889 for 2012 and $215,064 for 2013 for a total balance due the NFWB of $372,953. The City resisted paying this amount until it was certain that it was owed. This has now been verified. Attached (on file in the City Clerk's Office) hereto is a copy of the most recent invoice from the NFWB.

The NFWB is also including penalties in its invoice totaling $32,407.17. The City does not believe it is appropriate for the NFWB to impose this penalty because the City has been attempting to work with NFWB representatives to resolve several aspects of this matter since the rates were increased such as the authority and process followed to raise the rate and the actual number of hydrants in service as well as billing clarifications. For this reason, it is requested that the City Council approve only a payment to the NFWB of $372,953 at this time while the City attempts to resolve the penalty issue with the NFWB.

Funding is available from Fund balance.

Will the Council approve the payment of this $372,953 obligation to the NFWB?

Council Member Grandinetti moved to Table the communication.

Yeas	5
Nays	0

TABLED

Council Member Grandinetti asked that Mr. Drof, from the Water Board, be officially invited to the next meeting to address the Council.

CONTRACT: LUTHER JAYNE PARK IMPROVEMENTS, SCOTT LAWN YARD, INC.

Agenda Item #8

The following were the result of bids received on October 7, 2014 for the above referenced project:

CONTRACTOR	BASEBID
Scott Lawn Yard, Inc. 5552 Townline Rd. Sanborn NY 14132	$269,115.00
Hydrolawn of Buffalo, Inc.	$279,801.25
Yarussi Construction, Inc.	$290,000.00
Titan Development, Inc.	$293,855.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Scott Lawn Yard, Inc. at their total bid of $269,115.00. Funding will be made available through a combination of a grant with the Environmental Protection Fund (EPF) and General City Fund Balance code H0612.2006.0612.0449.599.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 2
Anderson Choolokian

APPROVED

Council Member Anderson said that 90% of the residents of the Island said that they just want the grass cut.
Council Member Choolokian said that the residents do not want anything done.
Council Member Grandinetti said that this is a Public Park and if we don't use the money, we'll loose it.
Council Member Touma said that at a Public Meeting the majority in attendance were for this Project, and that this Project will create a Handicap Accessible Path.
Council Chairman Walker said that grants should be used and we should ask the community what they want before we seek the funds. This is more in line with what the residents want.

CLAIM: STANEK, KIMBERLY

Agenda Item #9

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Cardamone Chiropractic	9/22/2014	$ 35.52
Cardamone Chiropractic	9/24/2014	35.52
		$ 71.04

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Grandinetti noted that the accident was three years ago, and asked Corporation Counsel Craig Johnson how long must payments be made. Mr. Johnson said it will go on until the case is resolved.

CLAIM: CARTER, EILEEN

Agenda Item #10

Date Claim Filed:	July 23, 2012
Date Action Commenced:	N/A
Date of Occurrence:	July 13, 2012
Location:	172 81st Street, Niagara Falls, New York
Nature of Claim:	Property damage due to falling tree limb.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$500.00
Make Check Payable to:	Eileen Carter
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: PYSKA, ANDREW, EAGLE SCOUT, HONORING, 2014-70
BY: COUNCIL MEMBER GLENN CHOOLOKIAN

Agenda Item #11

WHEREAS, the rank of Eagle Scout is the highest rank attainable in the boy scouting program of the Boy Scouts of America, and

WHEREAS, those who are awarded the rank of Eagle Scout have demonstrated good citizenship, well-developed character, and personal fitness, and

WHEREAS, city residents who possess these qualities help to make Niagara Falls a stronger, safer, and healthier community, and

WHEREAS, Mr. Andrew Pyska of Troop 849 in Niagara Falls has successfully advanced through the ranks of tiger, bobcat, wolf, bear, and webelos, and

WHEREAS, Mr. Pyska has shown dedication to community service and to improving himself through scouting, having earned 32 merit badges, including the Arrow of Light, Light of Christ, and Parvuli Dei Catholic Awards, and

WHEREAS, Mr. Pyska has now attained the rank of Eagle Scout, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby recognizes Mr. Andrew Pyska of Troop 849, Niagara Falls, for his attainment of the rank of Eagle Scout, and

BE IT FURTHER RESOLVED, that the City Council of the City of Niagara Falls wishes Mr. Pyska the best of luck in his future endeavors, with confidence in his ability to achieve the goals he sets for himself.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: GREENPAC-NORAMPAC FIRE, THANKING ALL INVOLVED, 2014-71
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, on the afternoon of Saturday, September 20, 2014, a fire broke out at the Greenpac mill in Niagara Falls, NY, and burned for several days, and

WHEREAS, the Niagara Falls Fire Department, led by Fire Chief Thomas Colangelo, was tasked with controlling and extinguishing the blaze while keeping city residents safe from harm, and

WHEREAS, the Niagara Falls Fire Department was supported by the Niagara Falls Police Department, as well as numerous partners from around Western New York, including the Niagara Falls Air Reserve Station, Upper Mountain Volunteer Fire Company, Frontier Volunteer Fire Company, Niagara Active Volunteer Fire Company, Bergholz Volunteer Fire Company, Sanborn Volunteer Fire Company, Lewiston #2 Volunteer Fire Company, Lewiston #1 Volunteer Fire Company, St. Johnsburg Volunteer Fire Company, Wright's Corners Volunteer Fire Company, Barker Volunteer Fire Company, Cambria Volunteer Fire Company, Pekin Volunteer Fire Company, Terry's Corners Volunteer Fire Company, Wolcottsville Volunteer Fire Company, Akron Volunteer Fire Company, Alabama Volunteer Fire Company, Newstead Volunteer Fire Company, Shelby Volunteer Fire Company, Crittenden Volunteer Fire Company, Oakfield Volunteer Fire Company, Youngstown Volunteer Fire Company, Shawnee Volunteer Fire Company, Tri-Community Ambulance Services, Ransomville Volunteer Fire Company, and the Niagara Falls Department of Public Works, and

WHEREAS, these brave firefighters and their community partners stepped up to the challenge before them and performed admirably in the face of danger, successfully containing and extinguishing the fire at Greenpac mill while protecting the people of Niagara Falls, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York hereby recognizes the courage, selflessness, and professionalism of the city's first responders, as well as all those who supported their efforts, whether through personnel, equipment, or supplies, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York extends a sincere and heartfelt "thank you" on behalf of the citizens of Niagara Falls to the above-named organizations and expresses its admiration for our region and its people, who have demonstrated the strength of our commitment to one another's well-being in the face of crisis.

Yeas	5
Nays	0
	ADOPTED

Amended to be more encompassing in terms of expressing thanks.

RESOLUTION: PROJECT LABOR AGREEMENTS, 2014-72
BY: COUNCIL MEMBERS GLEN CHOOLOKIAN, KRISTEN GRANDINETTI, ANDREW TOUMA, CHAIRMAN CHARLES WALKER

Agenda Item #13

WHEREAS, there are a number of construction projects presently in progress in the City which are having a positive impact on the local economy; and

WHEREAS, there are construction projects in the planning stages which will also benefit local economy; and

WHEREAS, the City's recent Way to Wellville grant award also has the potential to have a positive impact on the local economy; and

WHEREAS, this City Council believes it is imperative that the City do all it can to make sure that economic development projects in the City benefit City residents; and

WHEREAS, this City Council believes that one way for City residents to benefit from these construction and economic development projects is with the use of Project Labor Agreements ("PLA"); and

WHEREAS, this City Council believes that PLAs are a useful tool to benefit the local work force because of the skill and diligence and quality provided by the local work force as well as the scheduling flexibility and labor peace that exists during a construction project for the use of a PLA.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that the City of Niagara Falls encourages the use of PLAs in construction and economic development projects whenever it is possible and feasible to utilize a PLA.

Yeas 5
Nays 0

ADOPTED

Corporation Counsel Craig Johnson stated this was amended to clarify Project Labor Agreements that should be used whenever legally possible. Council Member Choolokian said this is a great Resolution and it should have been done years ago. He complimented Chairman Walker on this.

CONTRACT: COURT CLEANING/MINOR REPAIRS, UCS & CITY OF NIAGARA FALLS

Agenda Item #14

The current Court Cleaning and Minor Repairs Contract between the Unified Court System and the City of Niagara Falls is effective for a 5-year term running from April 1, 2013 through March 31, 2018 and is divided into annual 1-year periods.

Under Section 1 of the Contract, we are entering into a Renewal Contract for a 1-year period commencing on April 1, 2014 and terminating on March 31, 2015.

The maximum compensation for this Renewal Contract period shall be $308,985.

Will the Council so approve and authorize the Mayor to execute any required documentation to effectuate same?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 7:30 P.M.

Carol A. Antonucci
City Clerk

The first session of the October 27, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:05 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Chairman Charles Walker asked Mayor Paul Dyster the status of the 2015 Budget for presentation to the Council. The Mayor responded that final decisions have to be made on the components of the Budget before it can be completed, those involved are working very diligently on the Budget, and he would be concerned if the work was not completed by the end of the week. Council Member Touma asked if measures have been put into place to avoid the delayed presentation of the Budget next year, and the Mayor responded that the Budget problems didn't occur overnight, and they cannot be solved overnight, or even in one year; positive economic development to grow the tax base is happening, but it will take time to fully affect the Budget. Council Member Touma also asked if the Department Heads were given the responsibility to make cuts in their own Departments, and the Mayor said that they were. Chairman Walker asked if Union contract negotiations included any savings, and the Mayor responded that pay increases were included due to binding arbitration.

Mayor Dyster gave an update on paving Projects: the I-190 interchange should be done by the end of the week, weather permitting, and work on the Robert Moses South detours will then be started. Council Member Grandinetti asked how much work could be done during the winter, and Mayor Dyster responded that as much work as possible would be done before the tourist season begins. Work on Macklem Avenue would continue this week, weather permitting, and Weston Avenue would be done next.

Council Member Touma asked about progress at Jayne Park, and Mayor Dyster said that regulatory issues had to be addressed first, and the Project was close to ground breaking. Council Member Grandinetti noted that a request had been made for the Engineering Department to have a staff member present at the Meeting to answer questions from the Council Members on various Projects, but there was no one present. Council Member Choolokian asked that an Engineering Department staff member attend the next Council Meeting.

Deputy Corporation Counsel Thomas O'Donnell informed the Council Members that the contractor who was to be awarded the bid for the Hyde Park Golf Course Cart Path installation had made a request to withdraw the bid (Agenda Item #3); however, since the request did not comply with regulations, the award of the bid would stand. A discussion followed on how the City would proceed if the contractor did not honor the bid. Council Member Grandinetti inquired if the Project could wait until next year, due to the Budget issues facing the City, and the Mayor responded that it could not wait. Mayor Dyster said that Casino revenue would be used for the Project, and that, when completed, the Project would bring in additional revenue for the City. Council Member Anderson asked about the involvement of the Purchasing Department, and Mr. O'Donnell added that a Bid Bond was included as part of the contract.

Council Member Grandinetti asked the status of street name changes that had been requested, and Mayor Dyster said that he would look into the matter.

Council Member Touma asked when and where trees will be planted (Agenda Item #5), and Mayor Dyster said that the planting will take place in the fall and early spring, and he would provide a list of locations. The Council Member added that trees should be planted every year around the City.

Council Member Touma commented on the number of change orders in the contract for the Ice Pavilion Project (Agenda Items #4 & 6), and asked who is overseeing the Project, due to the lack of a City Engineer. Mayor Dyster responded that the Engineering Department is overseeing the Project, and is very happy with the progress of the Project. City Controller Maria Brown spoke on the number of changes orders that are requested by a certain small number of contractors.

This Session ended at 5:35 PM

Chairman Walker reconvened the Meeting at 6:01 P.M. in the Council Chambers with all Council Members present. The Chairman said the Prayer and led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Ron Anderluh	Agenda Items #4, #6; asked about the status on hiring of Engineer
Ken Hamilton	Agenda Item #12
Paul Gromosiak	Designation of Oakwood Cemetery on National Historic Registry; need for Niagara Experience Center
Tony Gara	Don't raise taxes
Joan Johnson	Tesla Museum Project group
Jim Hufnagel	Transfer of Tesla Statue to the City
Ron Anderluh	Increase Parking revenues
Lewis Buttery	Support for Tesla Statue in the City & NACC
Vince Anello	Issues concerning late budget
Ken Hamilton	Formation of Council committees; use of Financial Restructuring Board; impact on Budget of adopted resolutions; Tesla statue in the City

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF SEPTEMBER 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DEMOLITION OF 23 PROPERTIES, REGIONAL ENVIRONMENTAL DEMOLITIONS, INC.

Agenda Item #2

The following bids were opened by the Department of Community Development on February 6, 2014 for the demolition of twenty-three (23) structures identified on the attached list (on file in the City Clerk's Office).

CONTRACTOR	BID AMOUNT
Regional Environmental Demolitions, Inc.	$544,222.00
Empire Dismantling, Inc.	578,000.00
Mark Cerrone, Inc.	671,633.00
Metro Contracting, Inc.	689,000.00

It is our recommendation that a contract be awarded to the low bidder, Regional Environmental Demolitions, at their base bid amount of $544,222.00. Funding is available in the Community Development budget code CD1.8666.0000.0450.500 (CDR699) ($135,000.00) and in the City Casino Revenue budget code H.0910.2009.0910.0449.599 (Code Enforcement/ Demolitions) ($409,222.00).

Will the Council vote to award contract CD2014-2 to Regional Environmental Demolitions, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: GOLF COURSE, CART PATH INSTALLATION, AMERICAN PAVING & EXCAVATING

Agenda Item #3
The following were the result of bids received on October 15, 2014 for the above referenced project:

CONTRACTOR	BASE BID
American Paving & Excavating 5880 Thompson Road Clarence Center NY 14032	$309,499.00
Yarussi Construction, Inc.	$548,500.00
Hydrolawn of Buffalo	$586,320.00
Scott Lawn Yard Inc.	$629,600.00
Northeast Diversification	$696,755.00
Louis DelPrince & Sons, Inc.	$758,000.00

It is the recommendation of the undersigned that this project be awarded to the low bidder American Paving & Excavating, Inc. at their total bid of $309,499.00. Funding will be made from available from casino funds transfer to H1314.2013.1314.0449.599.

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

Council Member Choolokian moved to table the communication.

Yeas 5
Nays 0
TABLED

Council Member Choolokian said that this would generate revenue but with the Budget crisis, this is the wrong time.

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATIONS, (ELECTRICAL CONTRACT), CIR ELECTRICAL CORP.

Agenda Item #4

A contract for the above referenced project was awarded to Sicoli Construction Services Incorporated, 4800 Hyde Park Blvd. Niagara Falls, NY on April 28, 2014 in an amount of $408,600.00.

During the course of work the project required various revisions for unanticipated and necessary work that was required beyond the original scope. Three items (temporary locker rooms, bleacher modifications and CMU infill) are an addition to the contract and one (Rubber flooring) was for a credit. The total cost of the additional work is $8,381.00 bring the contract total to $416,981.00

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $6,098.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599 and in casino funds.

Will the council vote to so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: TREE PLANTING, J.F. KRANTZ NURSERY LLC

Agenda Item #5

The following were the result of bids received on October 17, 2014 for the above referenced project:

CONTRACTOR	BASE BID
J.F. Krantz Nursery LLC 9950 County Road Clarence Center NY 14032	$29,123.00
Hydrolawn of Buffalo, Inc.	$37,000.00
Titan Development Inc.	$37,585.00
Cardinal Lawn & Landscape, Inc.	$39,460.00
Scott Lawn Yard	$45,490.00
Wayside Nursery, Inc.	$49,800.00
Beau Enterprises Inc.	$52,020.00
Gardenville Landscaping & Nursery	$53,135.00

It is the recommendation of the undersigned that this project be awarded to the low bidder J.F. Krantz Nursery LLC at their total bid of $29,123.00. Funding will be made from available from code A.8560.0000.0449.599.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION, LOCKER ROOM RENOVATIONS, (GENERAL CONTRACT), SICOLI CONSTRUCTION SERVICES INC.

Agenda Item #6

A contract for the above referenced project was awarded to CIR Electrical Corp., 400 Ingham Avenue, Buffalo, NY on April 4, 2011 in an amount of $61,900.00.

Subsequent to the completion of the above referenced project, a new light fixture in the original specification was in conflict with new duct work. A different light fixture was needed at a cost of $395.00. Additionally, upon installation of the temporary locker rooms, a second connection and disconnection by a licensed electrician was required at a cost of $750.00. The total cost for all additional electrical work is $1,145.00 bringing the contract total to $63,045.00.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $1,145.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599 and Casino revenue.

Will the council vote to so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 2
Anderson, Touma
Nays 3
Choolokian, Grandinetti, Chairman Walker

DEFEATED

Council Member Choolokian said there have been too many Change Orders on this Project.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: COLAVECCHIA, CHARLES

Agenda Item #7

Date Claim Filed:	N/A
Date Action Commenced:	July 15, 2014
Date of Occurrence:	June 1, 2014
Location:	1667 Linwood Avenue, Niagara Falls, NY
Nature of Claim:	Property damage and rental income at police substation.
Status of Action:	Post judgment.
Recommendation/Reason:	Best interests of City to pay judgment.
Amount to be Paid:	$1,924.00
Make Check Payable to:	Charles Colavecchia
Conditions:	Satisfaction of Judgment and General Release to City, approved by Corporation Counsel.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: STANEK, KIMBERLY

Agenda Item #8

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

Provider	Date of Service	Amount
Cardamone Chiropractic	9/26/2014	$35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CLAIM: LITTERE, JR., DANIEL D., & LITTERE, CHRISTINE

Agenda Item #9

Date Claim Filed:	February 11, 2014
Date Action Commenced:	N/A
Date of Occurrence:	November 23, 2013
Location:	626 34th Street, Niagara Falls, NY
Nature of Claim:	Personal injuries sustained in fall on uneven ground.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$5,952.24
Make Check Payable to:	Daniel D. Littere, Jr. and Christine Littere
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: CLYDE, JESSE & CLYDE, JENNIFER

Agenda Item #10

Date Claim Filed:	July 22, 2013
Date Action Commenced:	N/A
Date of Occurrence:	July 19, 2013
Location:	4205 McKoon Avenue, Niagara Falls, NY
Nature of Claim:	Property damage sustained from falling City tree.
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay.
Amount to be Paid:	$7,701.71
Make Check Payable to:	Jesse Clyde and Jennifer Clyde
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

RESOLUTION: TOURISM ADVISORY BOARD, APPOINTMENT, 2014-73
BY: COUNCIL MEMBER KRISTEN GRANDINETTI

Agenda Item #11

WHEREAS, there are currently three vacant seats on the Niagara Falls Tourism Advisory Board, due to resignations of Mr. Frank Strangio, Ms. Allison Appoloney, and Mr. John Briglio, now

THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Tourism Advisory Board effective October 28, 2014 for a term concluding at the expiration date which appears opposite his name:

APPOINTMENT	TERM:
Ron Droegmyer 300 3rd Street Niagara Falls, New York 14303	12/31/2014

Yeas 3
Anderson, Choolokian, Grandinetti
Nays 2
Touma, Chairman Walker

ADOPTED

Council Member Touma and Chairman Walker said that they did not have any information on the appointee.

RESOLUTION: RAYBON, GLEN, PASTOR, HONORING, 2014-74
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #12

WHEREAS, the Rev. Glen Raybon has presided over Trinity Baptist Church as its pastor since 1958, and

WHEREAS, Pastor Raybon has served his community in a number of capacities, including as a member of the NAACP, the Niagara Coalition, and as a member of the board of directors of the Niagara Ministerial Council, and of Niagara Falls Memorial Medical Center, and

WHEREAS, Pastor Raybon's work extends beyond the city limits of Niagara Falls, NY, as he served as president of the Great Lakes Baptist Association's Congress of Christian Education for 23 years, and served as co-host of the 112th Annual Empire State National Missionary Baptist Church Convention, the largest African-American Baptist Church Union Convention in the State of New York, and

WHEREAS, Pastor Raybon was instrumental in the local civil rights movement, organizing boycotts and demonstrations to improve the economic and social position of African Americans in the city of Niagara Falls, and

WHEREAS, through his work as pastor of Trinity Baptist Church, Pastor Raybon has become an integral part of the community surrounding Gluck Park in the City of Niagara Falls, shown on the map attached hereto, which is located just across 15th Street from Trinity Baptist Church, and

WHEREAS, Pastor Raybon was instrumental in the organization of the Niagara Falls Great Lakes Christian Basketball Program, and always has encouraging words for youth in the park, now

THEREFORE, BE IT RESOLVED, that the basketball court at Gluck Park be named "Raybon's Court," and

BE IT FURTHER RESOLVED, that a sign be placed in this area of the park honoring Pastor Glen Raybon for his humanitarianism, dedication, and commitment to the City of Niagara Falls and its people, and for his contributions to our city's history.

Yeas 5
Nays 0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:45 P.M.

Carol A. Antonucci
City Clerk

November 7, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Friday, November 7, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Presentation of the Mayor's Proposed 2015 Budget.
2. Adoption of Resolution calling for a Public Hearing on the proposed 2015 Budget.

Respectfully submitted,

_____
CHARLES WALKER
Council Chairperson

The November 7, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma.

Mayor Paul A. Dyster presented his Proposed 2015 Executive Budget. During his Presentation, he made the following comments:

Today I present to you the recommended Municipal Budget for the City of Niagara Falls for the 2015 fiscal year. As you know, the budget is being presented late. I apologize for that; I have a proposal for how to address that going forward that I will bring forward when this year's process is complete. Now, I want to get to the crux of the issues as quickly as possible.

Word that leaked out in the days preceding the October 1st presentation date about a massive gap of as much as $9 million—implying the inevitability of massive layoffs, huge double-digit tax increases or perhaps both—have set the City as a whole, and in particular the City work force, on edge. So I want to start with the big picture, because I think that hearing where we ended up after weeks of extremely hard work and making a lot of difficult decisions is going to help put many people at ease and put things into perspective.

Our goals in the 2015 budget are the same ones that have driven every budget in my administration. First, protect our ability to deliver vital City services to our residents while making whatever cuts we can that don't cripple our ability to perform. Second, try to protect the jobs of our City employees, who faithfully serve the public. And third, seek to minimize taxes for the residents and businesses who foot the bill. We fully concur with Governor Andrew Cuomo's assessment that "New York has no future as the tax capital of the nation," and we have worked to chart a course designed to provide the best possible services while creating conditions for future economic growth. Meanwhile, we have made certain to keep making the investments needed in infrastructure and economic development to ensure future job creation and business formation.

It isn't an easy task for any Western New York municipality. One doesn't have to look far to find cities grappling simultaneously with double-digit tax increases and dozens of layoffs, including in public safety. I think it is feared that this is what I am going to announce here today for Niagara Falls—but that is not the case. There is hardship in this budget—that is inevitable—but our strong cash position gives us the enviable option to buy time to address our structural problems before we hit the proverbial wall.

So, the main points: First, we have protected our ability to deliver essential City services. There are no cuts, in this budget, of uniformed public safety personnel—policemen or firefighters. Moreover, our ability to deliver essential public works services like snow plowing, street repair and road reconstruction remains unimpaired.

Second, we have minimized the impact of necessary cuts in the cost of City services on the City workforce. As I have noted many times before, roughly 80% of our costs are in the area of personnel, and many costs--like pay increases mandated by binding arbitration--are beyond our control. Simply put, the overall size of the City workforce has tended to stay the same year-to-year while the cost per employee has increased. If the tax base isn't growing fast enough to keep pace with these increased costs, then the City will face a growing imbalance between income and expenses—a structural deficit. If double-digit tax increases are not the answer, then only one option remains. The size of the City workforce has to shrink over time. But because we value the service and dedication of our City employees, we want to shrink the workforce in a way that does the least harm to their interests.

Yesterday, we announced that we are offering a retirement incentive for our employees, excluding public safety officers. The incentive of $20,000, payable over a period of 5 years starting in January of 2015, will be offered to employees who meet City and State retirement requirements. This offer is intended to get City employees who are near retirement, but have not yet made the decision to retire, to consider leaving now rather than waiting a year or two more. This can help us reduce future personnel costs, since we would have the option to either eliminate the position being vacated, or fill it with someone more junior at lower cost to the taxpayer. It also helps minimize the number of employees who may be negatively impacted by cuts in the proposed 2015 budget. Provisions are being made to assist employees who may be eligible for this incentive to evaluate their options in the coming weeks.

The least painful way to reduce overall personnel costs is through attrition—essentially, trying to avoid filling vacant positions as people retire and restructuring to ensure essential work still gets done. Where positions have recently gone vacant or where the occupant is eligible to retire, we have in most cases eliminated those positions in the 2015 budget. The latter circumstance, it is true, tends to "push people out the door"—if someone was thinking of retiring already, it may help make up their mind for them. This is in no way a reflection on people's performance on the job. But it helps us retain people who might otherwise face layoffs without any retirement option to turn to.

At the end of the day, although about 17 positions are suggested for elimination, if enough eligible people take the opportunity to retire, only a handful of people may actually be laid off. Even these few would be on a preferred list to be rehired if and as future vacancies occur.

Our third priority each budget year is to keep taxes down. Over the long haul, we have been very successful in doing this. Over the last eight years, the City of Niagara Falls has consistently been among the most fiscally-disciplined municipalities in the State when it comes to keeping the tax levy down. Our 2006 levy—the total amount of property taxes collected from both residential and business taxpayers—was $28,080,951. The 2014 tax levy—the total amount of property taxes we collected to run the government this year—is $28,057,069. Yes, that's right, $23,882 LESS than what was collected to run the City government eight years ago, when total expenses were only $67,207,152—over $15 million less than the 2014 adopted budget of $82,884,936. For the entire period of my first term in office, from 2008 to 2012, the levy increased only about 1/2% per year – far less than the rate of inflation, and a quarter of what would have been allowed even under a 2% tax cap. But while we were fighting to keep taxes down, everything else was going up.

What cost increases are driving this year's budget? As I noted earlier, personnel costs are about 80% of our budget. So you would expect personnel costs—wages, benefits and pension costs—to be driving cost increases, and you'd be right.

Start with wages. I am proud to say that we are reasonably current with most of our City bargaining units. All but the Police Club are current through the end of 2013. Using numbers derived through the process of binding arbitration, we gave modest annual cost-of-living increases to our workers for each of the years they were out of contract. Though we were glad to get the cost-of-living number down below the customary 3%--a number we knew we couldn't afford—even the more modest increases arrived at through arbitration resulted in hefty retroactive pay: almost $4 million for public safety alone paid in 2013 and 2014 for years 2009 to 2013. We had the money to settle these years, but it was not an easy thing for the City to do even with a relatively large fund balance at the start of the process. We hope and believe that the good faith we showed will encourage cooperative work on areas of common interest like reducing health care costs in the future—more on that later.

The settlement of some of these union contracts, unfortunately, came after the 2014 budget was finalized, so that we did not have the opportunity to incorporate the new pay numbers into calculations for biweekly pay, overtime or fringe benefits. This has created issues, for example, for overtime budgets in police and especially fire. Overall, mandated contractual pay increases resulted in a projected $1.8 million increase in total personnel costs from 2014 to 2015, compounding some significant increases in previous budget years (Our contractual obligation increased by over $1.5 million from 2010 to 2011, by over $1.7 million from 2011 to 2012, went down about $700,000 from 2012 to 2013, but increased again by another $1.1 million from 2013 to 2014).

Despite a variety of measures undertaken in recent years to hold costs down, our projected health care costs increased by $2.2 million from 2014 to 2015, with $1.8 million of that coming from the cost of retiree benefits, which are essentially fixed costs. We have to cut that number. We have been engaged in a lengthly negotiation with our City unions through the Health Care Committee to try to find ways to reduce costs while preserving the top-notch coverage our employees receive. There are areas we think show great promise for savings, e.g. co-pays for doctor and hospital visits and greater use of generic prescription drugs. This is the year we need to finalize agreements on those changes, to help cut costs and protect the viability of the program for everyone.

State Comptroller Tom DiNapoli's office has worked hard to successfully keep down costs in the State pension fund in which we participate, but the total cost to us depends on how many people are retired or retiring and what their level of compensation is. In our case, the total cost went up—from approximately $5.24 million to about $5.87 million for Police and Fire alone.

As a result of these and other increases in the cost to do business as a City government, we simply must raise additional revenues. The best way for that to happen is through organic growth in the tax base. We all know and can see the economic development taking place today in our community, from restaurant and retail development in the Route 62/Military Road corridor to hotel development downtown. If you've been following the string of development announcements in recent months, you know there is much more to come. In the long term, this development will help us address our current structural problems. But although I am more confident than ever before that we are trending toward substantial growth in the future tax base, I also have to report that, for a variety of reasons, that growth in the tax base is not happening fast enough in the short term to keep up with our increasing, largely-contractual expenses. What's the history? We added $22.7 million of new business properties to the tax rolls in 2010, saw slight drops for 2011 and 2012, an $18.5 million increase in 2013, and $41.3 million in 2014 partly as a result of the opening of the Greenpac Mill.

This year, unfortunately, our non-homestead valuation fell by about $4.27 million from 2014 to 2015. How can that be? A quick driving tour of the City shows there is lots of development going on. Why isn't the tax base going up faster?

Consider some factors which influence the taxable value of homestead properties:

- Properties are assessed at their value at the time of state tax value date, which is March 1st of the prior year. Properties that are complete now but were still being built on March 1st will not be fully taxed until the next year.
- Property Tax Abatement programs (485a and 485b) offered by the city authorize a declining 8-12 year partial exemption for commercial, business and industrial properties. This is a sliding scale exemption with the tax liability of the property increasing 5% to 10% each year. Depending on the exemption, the property will become fully taxed within 8-10 years. This is the program utilized by the Benderson LaSalle Center, Sam's Club, L.A. Fitness, WalMart, Popeye's Chicken, Kentucky Fried Chicken, etc. Most municipalities offer these abatements, so they are not unique to Niagara Falls, but we have a lot of new developments just at the beginning of the program.
- Yearly reduction of Special Franchise properties is also a factor. These are the utility properties located in the public right of way, including National Fuel Gas, National Grid, Verizon New York, Inc., Sprint, Time Warner Cable, etc. The annual assessment of these special franchise values is the responsibility of the New York State Office of Real Property Tax Service (ORPTS) Valuation Service Bureau. As a result of State policy, the special franchise properties within the city were lowered $1.3 Million for 2014.
- Many of the Industrial Properties within the city, both new and expanded facilities, are not included in the taxable value for Non-Homestead properties due to the PILOT payments which they make through the Niagara County IDA. All of the new hotels which are currently under construction or proposed are also lease/leaseback properties with the IDA and make PILOT payments. As with 485 abatements offered by the city, these are sliding scale payment schedules and every year the city will see an increase in payment due to us. But it takes time.
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- Other factors which may influence the reduction of the Non-Homestead taxable value include demolition of industrial properties (older deteriorating buildings at Oxy, Dupont, Washington Mills, etc.), lowering of property values through Board of Assessment Review grievance proceedings in May, and of course we also have to take into account the substantial reduction of the assessment at One Niagara in downtown as part of a court-brokered tax settlement.

One piece of good news is that there was an increase of $2.7 million in our Homestead valuation; that follows an increase the previous year of $4.9 million. This is unique for a city with older residential neighborhoods such as Niagara Falls. This was a result, mainly, of city-owned properties, both vacant and improved, being sold to individuals and thus put back on the tax rolls. Thanks to all who helped make this possible. It is a lot better than 2012, when we lost about $1.6 million in homestead valuation to the wrecking ball.

The picture overall is clear: we have a bright future ahead of us as economic development causes the tax base to increase, but it will take us several years to get there. For now, expenses are rising faster than income in the general fund, so we have a gap. How do we close it? Can we do it all with cash from our fund balance?

I noted earlier that the City entered 2014 in a strong cash position, with roughly $18 million in cash reserves. These reserves are there because, through the course of this administration, we have exercised sound fiscal management and self-imposed discipline. I will not recount the austerity measures we began as early as late spring of 2008 to deal with the "Great Recession," or the incredible creativity and self-discipline required to weather four-and-a-half years of not receiving our revenues from the Seneca Niagara casino, a story I have told in some detail in past budget addresses. Suffice it to say that throughout several years of my administration, we were able to control or even reduce spending in the ongoing budget year, generating fund balance to be re-appropriated for subsequent budgets. We've had spending freezes, we've cut non-essential spending and have tried to hold the line on upgrades and raises even when we knew they were well-deserved.

As a result, we had roughly $20 million at the start of 2011, which enabled us to pay debt service or bills for ongoing projects in order to keep these expenses off the backs of taxpayers during the casino impasse. In spite of dire predictions, we did not "hit the wall," miss payments or otherwise succumb to the negative effects of this classic "cash flow crunch." When the dispute was settled, we replenished our cash reserves, as I noted in last year's budget address. But heed this warning: given the situation I have described earlier in this address, it is virtually impossible for us to generate surpluses like those again for at least the next few years. So we have a strong fund balance today, but we need to use it wisely, because many of those funds are spoken for already, and we are almost certain not to be able to regenerate them any time soon once depleted.

In past years, there were other sources of funds that we could use to help offset revenue shortfalls in the General Fund. In 2011 and 2012, we had fund balance left over from Debt Service in the 'V' Fund, $2.5 million and $1.5 million respectively. We scoured our capital accounts for unused funds and used $3.9 million of these funds in 2012. In 2013, we used $2 million of Special Projects Fund Balance and $2.9 million of these left-over capital funds to help supplement revenues, for a total of $4.9 million of so-called "one time" revenues. In 2014, we used a total of $4.4 million of our recently-replenished Special Projects Fund Balance in the General Fund.

As a matter of policy, we don't have an issue with using funds that we have on hand to avoid having to take more money in taxes. We're not happy about having to do it, and as you will see it does not entirely close the gap, but we propose using $4.9 million in fund balance to help balance the 2015 budget. Factoring in other anticipated uses of fund balance in the coming year, we project that this will still leave us with an adequate "rainy day" fund at the end of 2015. But mark my words: there will not be substantial additional funds available to make a similar-sized contribution to plugging gaps in the 2016 budget. That's why we need to explore every measure, from retirement incentives to attrition of the workforce to cutting health care costs, to drive our future costs down as quickly as possible. 2015—in fact, the rest of 2014 as soon as we finish with the budget process—will be a critical year in this regard.

I noted earlier that we are running the City government while collecting less in total taxes than we did in 2006, despite hefty increases in the cost of doing business. I have explained where those increases came from, and how we have used various revenues available to us in the past to plug gaps in past tax years. But the unfortunate truth is that even the best magician does not have an unlimited number of rabbits in his hat. At some point, our duty to protect the future financial stability of the City and to deliver essential services including public safety requires that we raise additional revenues.

I am fully supportive, as I have noted, of the overall thrust and philosophy of the New York State Tax Cap. In effect, as I have noted, we had our own self-imposed "tax cap" in place here in Niagara Falls from long before the State took its own initiative. But please note that even the State cap does not hold revenues totally flat. Rather, recognizing that the cost of everything goes up at least a little bit each year, it allows municipalities to raise taxes just a little bit each year if necessary to balance rising expenses. Unfortunately, we have not been doing that, or we would have much less of a structural deficit problem than we face today. So we need to get back on track with where we would be if we had been taking what we were allowed under the tax cap in past years. It is the only responsible thing to do.

Based on the tax cap formula, we have a total of $701,545 of additional revenues that we can raise under the cap. This amount, by the way, is smaller than what we would be allowed, had we been taking what we were allowed under the cap in past years—a factor to be considered going forward. In order to make up for revenues we have not raised in the past—even though our expenses, as we have seen, were going up—we propose overriding the tax cap to raise an additional $600,000 in revenues in 2015. This would bring the total tax levy to $29,358,614, an overall increase of about 4.5%.

At the proposed 10% rate of equalization designed to gradually reduce the disparity in our two-tiered tax system between homestead and non-homestead taxes, this will result in an increase in non-homestead (commercial) taxes of about 7.7%, and an increase in homestead (residential) taxes of about 2.7%. These are not happy numbers, but neither are we looking at the double-digit tax increase that many people feared and that other jurisdictions may have no choice but to impose.

Please take a moment to look at the big picture. Going back to 2006, and assuming that the proposed tax increase is approved in the final budget, the total taxes raised in the City of Niagara Falls would have increased by only about ½% per year over a period of eight years. As we all know, the average increase in the cost of living over that time period has significantly exceeded ½% per year. The Bureau of Labor Statistics, in spite of a one-year decrease of .4% in recession year 2009, reports an average annual increase in consumer prices over that eight year period of 2.2%. Against that average, I think our performance has been outstanding. But there comes a time when the piper must be paid. For us, that time is now. It is the fiscally responsible thing to do, and I am a fiscally responsible mayor. I ask you to be a fiscally responsible City Council.

We will continue our efforts to reorganize and modernize service delivery so that we get the most bang for the buck, and bring our long-term recurring expenses in line with our future recurring revenues, while we grow our tax base through economic development until the expense and income lines finally cross. Although several new properties are subject to IDA PILOTs that postpone the collection of full taxes into future years, this is still a very robust picture of growth.

Luckily, sales tax revenues come on line almost immediately as new properties open. We have reviewed historical figures for hotel and restaurant taxes (HRU), looked at Niagara County sales tax in light of ongoing development like that surrounding the Fashion Outlet Mall, and have raised our projection of sales tax revenues to what we believe is a prudent but forward-leaning estimate. We continue to believe that implementing a rationale system of parking control in the immediate downtown area will increase revenues substantially, and we are working to implement a new system by the start of the 2015 tourism season. As I said last year, the principal purpose of a parking enforcement system is not to generate revenue. But that doesn't mean we should leave money on the table when jobs and tax increases are at stake.

In 2011, we established the Business Tax Relief for Economic Development Fund to help compensate all commercial property owners, not just those able to qualify for City grants or loans, for the extra burden they have carried since properties were taken off the tax rolls for the Seneca casino. Basically, the Fund buys down the total amount to be raised by the property tax. We used $455,000 of casino revenues to create the Fund in 2011, $449,000 in 2012, $454,000 in 2013, and $448,000 in 2014; the number is derived from the non-homestead base proportion. We thus propose $457,579 for 2015.

We will continue in 2015 to use casino revenues to cover the debt service for the public safety building, to fund a share of public safety services, and to compensate the levy for the loss of revenues from properties removed from the assessment roles when the Compact land was created.

Last year, delivering the budget shortly after the resolution of the casino dispute, I warned everyone that the City's replenished reserves were a lifeline, not a windfall. Wise use of casino revenues to rebuild roads and other infrastructure, improve vital services, and facilitate economic development is our lifeline to a brighter future.

In spite of the recession and Seneca casino dispute, we have consistently improved on City services, kept taxes down, and improved our reputation for stability and sound fiscal planning. This year, we are proposing an increase in the tax levy that would bring us to roughly ½% per year increase since 2006. We have balanced the budget with the fewest possible layoffs, and offered a retirement incentive to help minimize the impact to our City workers. We have maintained vital City services. This accomplishment requires the use of some of the City's precious reserves, but we will leave an adequate undesignated fund balance that we will keep as the City's "rainy day" fund.

We face many challenges. Despite our current strong cash position at the start of 2014, we must address the current imbalance between recurring revenues and expenses that I highlighted earlier. Once again, in the near future (I think for the third time), I will ask the City Council to approve a resolution authorizing us to join the State's Financial Restructuring Assistance Program. Hopefully the Board's non-binding recommendations will help us find the path to increased fiscal stability and economic prosperity.

We face many difficult choices, but, as I noted last year, the legacy of past good decisions will at least put some tools in our tool box to help address the legacy of some of our past decisions that were not as good. We have surmounted serious challenges before by working together for the common good; we can do it again.

As we look around, we see examples of where municipalities have sunk to the point where they are no longer able to take effective action to correct their situations using their own resources. Last year I warned that while we found ourselves well-supplied with short-term cash, we faced the prospect that our reserves could be "continuously and relentlessly drained in the next few years in a futile effort to plug holes in future budgets *unless* we muster the courage and wisdom to take corrective action while there is still time (and money) to solve the problems." That is still the fundamental challenge that faces us. I promise that, as your mayor, I will continue to recommend the course of action that best protects the City's interests, and will seek to advance it regardless of politics and even when the right path to travel is a difficult one. If we make the right decisions, we will get through these tough times, and reach the brighter future that lies ahead for all of us.

Thanks to our City Administrator, our City Controller and her staff, and all the Department heads and other staff who have helped make this budget possible. I look forward to working with the City Council, whose members were invited to have input in the process from the very beginning, to finalize the 2015 budget. God bless you, and keep working for a better tomorrow.

RESOLUTION: BUDGET, PROPOSED 2015 EXECUTIVE, NOTICE OF SUBMISSION AND PUBLIC HEARING, 2014-75
BY: ALL COUNCIL MEMBERS

Agenda Item #1

WHEREAS, on November 7, 2014, the Mayor of the City of Niagara Falls duly submitted to the City Council the proposed 2015 Executive Budget for the City of Niagara Falls; and

WHEREAS, pursuant to Section 5.6a of the Niagara Falls City Charter, this Council shall cause public notice of submission of said Executive Budget to be published together with a copy of a summary of said budget, and notice of the time and place of a public hearing thereon.

NOW THEREFORE BE IT RESOLVED, by the City Council of Niagara Falls, New York, NOTICE IS HEREBY GIVEN that on November 7, 2014 the proposed 2015 Executive Budget, a summary of which is attached hereto and made a part hereof, was duly submitted to this Council; and

BE IT FURTHER RESOLVED, that a public hearing be held on November 19, 2014 at 4:00 p.m. Eastern Standard Time in the Council Chambers of the City of Niagara Falls, New York pertaining to the adoption of the Proposed 2015 Executive Budget, at which time the Mayor, Administrator and Controller shall be present, at which time any person may be heard for or against the proposed budget; and

BE IT FURTHER RESOLVED, that a copy of this resolution calling for a hearing, together with the budget summary, be published in the Niagara Gazette at least one week prior to the date of said hearing; and

BE IT FURTHER RESOLVED, that copies of said proposed budget be made available for inspection in the office of the City Clerk.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 4:40 PM.

Carol A. Antonucci
City Clerk

November 10, 2014

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

November 7, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, November 10,, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. Adoption of Resolution relative to calling for a Public Hearing to adopt a Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law Section 3-c.

Respectfully submitted,

_____
CHARLES WALKER
Council Chairperson

The November 10, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 5:05 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma.

RESOLUTION: TAX CAP, PUBLIC HEARING, 2014-76
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #1

RESOLVED, that Local Law No. _____ for the year 2014 be introduced, and that a public hearing by held on such Local Law on the 19th Day of November, 2014 at 4:30 p.m. Eastern Standard Time, in the Council Chambers of the City of Niagara Falls, New York and that three (3) days notice of said hearing be published in the Niagara Gazette preceding said hearing relative to adopting a local law authorizing a property tax levy in excess of the limit established in General Municipal Section 3-c.

Yeas	5
Nays	0
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:08 PM.

Carol A. Antonucci
City Clerk

NOVEMBER 10 , 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the November 10, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:10 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meetings of October 14 and October 27, 2014.

Yeas 5
Nays 0
APPROVED

Council Member Andrew Touma read Agenda Item #14, a Resolution honoring John J. Maroon, Sr., and, along with the other Council Members and Chairman Walker, presented a copy of the Resolution to Mr. Maroon's family members who were present.

Community Development Director Seth Piccirillo gave a Presentation on his Department's 2015 Action Plan and 2015-2019 Five Year Strategic Plan. He spoke on public input for the Plans, and the focus on job training programs, youth activities, park improvements and community policing as long term goals.

In the Administrative Update, Mayor Paul Dyster reported that the John Maroon Path at Jayne Park is under construction, and will be completed within this year. He added that Macklem Avenue is scheduled to be paved this week, and the parking lot at the Duke Center is near completion.

Council Member Anderson asked about implementing an immediate spending freeze due to the City's financial concerns. Mayor Dyster responded that this had already been done, and City Administrator Donna Owens and City Controller Maria Brown also spoke on the matter.

Corporation Counsel Craig Johnson distributed copies of a Resolution to be added to the Agenda relative to the 2015 Budget Meeting Schedule.

Council Member Touma moved to add the Resolution to the Agenda.

Yeas 5
Nays 0
MOTION TO ADD RESOLUTION TO AGENDA APPROVED

The Resolution was added to the Agenda as #15.

This Session ended at 5:35 PM

Chairman Walker reconvened the Meeting at 6:02 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Anderson and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Paul Gromosiak	Cuts in Library Budget; Old Stone Chimney to be moved in the Spring; Niagara Experience Museum; Tesla Museum
Ken Hamilton	Library funding cut
Gerald Skrlin	Seagull issues; Budget

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIM REPORT FOR THE MONTH OF OCTOBER 2014

Agenda Item #1
THIS ITEM HAS BEEN RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: SECURITY GUARD SERVICES, RENEWAL OF BID #33-12, G4S SECURE SOLUTIONS USA

Agenda Item #2

At its meeting of December 23, 2013, the City Council approved the extension of Bid #33-12 Security Guard Services to G4S Secure Solutions USA, Inc. until December 31, 2014 (see attached copy of Council letter, on file in the City Clerk's Office.) If mutually agreeable, these services may be extended for a third term under the same terms, conditions, and specifications until December 31, 2015. G4S Secure Solutions USA, Inc. has agreed to this extension.

We recommend the Council approve extension of this agreement for one more year.

Funds for this expenditure are included in the Public Works Department budget, Special Security major and minor code 0449.004 under Administration A.1490.0001, Buildings Rainbow Mall A.1620.2340, and Parking Ramp II CR.1720.2570.

Will the Council so approve?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

ICE PAVILION: STONE COMFORT STATION/ICE RINK REPAIRS, GRANT

Agenda Item #3

The City received $125,000 in fiscal year 2010-11 and $125,000 in fiscal year 2011-12 Environmental Protection Fund grants for the repairs and renovations at the stone building comfort station and the ice rink.

There is no City match required for these grants. The grants do require the City to execute a Preservation Covenant related to public access and future preservation of the historic property.

Will the Council authorize acceptance of the grants and authorize the Mayor to execute any documentation related to the grants including the Preservation Covenant that are in a form acceptable to the Corporation Counsel?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said that since there is no City match, he will vote for this.

COMMUNITY DEVELOPMENT BUDGET, 2015

Agenda Item #4

Niagara Falls Community Development (CD) proposes the DRAFT 2015 Niagara Falls Community Development Department (CD) Action Plan for City Council review and approval. The proposed budget is the key component of the CD's 2015 Annual Plan and Strategy, a United States Department of Housing and Urban Development (HUD) mandated planning document that assesses community needs, identifies how the City will address those needs and allocated federal funds.

The 2015 Action Plan is the end result of a 22 week, well advertised citizen participation process that included:

- Four neighborhood based meetings throughout the city in May 2014
- A public application period from May 12 to June 30, 2014
- Public release of the draft action plan on August 12, 2014
- A public hearing on August 21, 2014
- A written comment period from August 22 to September 21, 2014

Since August 12, the 2015 Action Plan has been available for public review in paper form at both the Carnegie Building, the Main Street and LaSalle Public Library branches, and electronically at www.nf-cd.org. All public meetings were advertised in the *Niagara Gazette*.

CD will directly administer the federal grant programs listed below. This is a draft budget, still subject to HUD approval, based on projected revenues for 2015 that may change once U.S. Congressional funding appropriations are announced at a date to be determined. Project implementation is also dependent on the date that federal funds are allocated to HUD. The 2015 action plan is comprised of the following HUD programs and funding estimates:

Community Development Block Grant (CDBG)	$2,234,848
HOME Investment Participation Program (HOME)	$359,489
Emergency Shelter Grant (ESG)	$180,862
Section 8 Leased Housing Program	$3,100,000
PROJECTED FEDERAL REVENUE	$5,875,199

The CDBG, HOME and ESG programs also leverage $1,776,000 in additional private and public investment as matches to individual projects and program. The draft action plan, including the proposed budgets, must be adopted by the City Council prior to submission to HUD. It must be reviewed and approved in order to establish CD's letter of credit with the United States Treasury. Therefore, Council's approval at this time will represent the officially adopted CDBG, HOME, and ESG budgets for FY 2014. The Section 8 Leased Housing is renewed automatically by HUD but must still be adopted at this time by the City Council.

Will the City Council vote to so approve the 2015 Annual Plan and Budget and authorize the Mayor to implement all activities specifically identified in the plan?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 4
Anderson, Grandinetti, Touma, Chairman Walker
Nays 1
Choolokian

APPROVED

Council Member Anderson said no added City funds are required.
Council Member Choolokian said there are many good things in this package, but the City needs to get creative with funding and get other sources of funding so that the taxpayers and City workers don't get hurt.
Council Member Touma said he appreciates imput from the Public on this Plan.

COMMUNITY DEVELOPMENT PLAN, 2015-2019

Agenda Item #5

Niagara Falls Community Development (CD) proposes the DRAFT 2015 – 2019 Niagara Falls Community Development Department Five Year Strategic Plan for City Council review and approval.

The City of Niagara Falls prepares a five year strategic plan in order to efficiently implement federal programs that fund housing, community development and neighborhood based services within the City. Public participation is essential to this process. The end result of the process: a consolidated plan and annual applications for the use of federal entitlement funds available through the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program and Emergency Solutions Grant (ESG) Program. The City of Niagara Falls submits this five year strategic plan to the United States Department of Housing and Urban Development (HUD) for approval.

The 2015 – 2019 Five Year Strategic Plan is the end result of a 12 week, well advertised citizen participation process that included:

- Four separate stakeholder meetings in September 2014 on Housing, Neighborhood Services, Youth/Public Services and Homelessness Prevention
- A September 11, 2014 public session on Housing, Neighborhood Services, Youth/Public Services and Homelessness Prevention
- An October 2, 2014 public hearing on the draft plan
- 30 day public comment period

Since October 2, 2014 the 2015 plan has been available for public review in paper form at the Carnegie Building, the Main Street and LaSalle Public Library branches, and electronically at www.nf-cd.org. All public meetings were advertised in the *Niagara Gazette*.

Will the City Council vote to so approve the 2015 - 2019 Community Development Strategic Plan and authorize the Mayor to implement all activities specifically identified in the plan?

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

Council Member Choolokian said he's voting Yes to the 5-Year Plan hoping that things will get a little bit better each year.

CONTRACT: ICE PAVILION LOCKER TOOM RENOVATIONS, PHASE III (PLUMBING CONTRACT), MOLLENBERG BETZ, INC.

Agenda Item #6

A contract for the above referenced project was awarded to Mollenberg Betz, Inc., 300 Scott Street, Buffalo, N.Y., on April 28, 2014 in an amount of $108,000.00.

The project required various revisions in scope for unanticipated and necessary work. This work was intended to be added to the contract, but we choose to expose and video inspect the original sewers in order to field determine what actually was needed to be replaced, rather than just replacing pipe under the alternate that may still be serviceable. The video inspection saved $15,100.00 from the contractors alternate bid price.

Furthermore, during the course work, piping hidden within an existing wall needed to be relocated, insulated and additional unanticipated sewer drain vent piping was added to meet the New York State Plumbing Code.

The total cost of all the additional work is $10,609.00 bringing the contract total to $118,609.00.

Therefore, it is the recommendation of the undersigned that Change Order #1 in the amount of $10,609.00 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599 and in casino funds.

Will the council vote to so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ICE PAVILION LOCKER ROOM RENOVATIONS, PHASE III, (GENERAL CONTRACT), SICOLI CONSTRUCTION

Agenda Item #7

A contract for the above referenced project was awarded to Sicoli Construction Services Incorporated, 4800 Hyde Park Blvd., Niagara Falls, NY on April 28, 2014 in an amount of $408,600.00.

During the course of work, the project required various unanticipated work and to provide substitute locker rooms, while construction was still underway. Specifically three items (temporary locker rooms, bleacher modifications and CMU infill) are an addition to the contract and one (rubber flooring) was for a credit.

The main cost was to provide temporary locker rooms to meet the requirements of the City's contract with Niagara Sports Tournaments Inc., the rink operators. That cost is based on a minimum three-month rental and delivery fee, which total $19,117.85.

The total cost of all the additional work is $16,629.78 bringing the contract total to $425,229.78.00

Therefore, it is the recommendation of the undersigned that **Change Order #1** in the amount of $16,629.78 be approved. Sufficient funds presently exist in Code H0819.2008.0819.0449.599 and in casino funds.

Will the council vote to so approve?

Council Member moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Choolokian said he voted against this before because he is tired of Change Orders but his research showed that the Change Orders were at the City's request.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CORPORATION COUNSEL

CLAIM: NORTON, JAMES

Agenda Item #8

Date Claim Filed:	April 17, 2013
Date Action Commenced:	February 3, 2014
Date of Occurrence:	February 8, 2013
Location:	2760 Grand Avenue, Niagara Falls, NY
Nature of Claim:	Property damage sustained in an accident with City vehicle.
City Driver:	John Rosino
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,627.91
Make Check Payable to:	Stuart D. Markowitz, Esq., as attorney
Conditions:	Stipulation of Discontinuance and 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?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: HOLSTROM, ROBERT D.

Agenda Item #9

Date Claim Filed:	September 3, 2013
Date Action Commenced:	N/A
Date of Occurrence:	July 29, 2013
Location:	457 Tenth Street, Niagara Falls, NY
Nature of Claim:	Property damage sustained in accident with City vehicle.
City Driver:	Gregg Guerin
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$107.00
Make Check Payable to:	Robert D. Holstrom
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?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CLAIM: DIGIOVANNI-VOGEL, ANNA

Agenda Item #10

Date Claim Filed:	May 14, 2012
Date Action Commenced:	December 20, 2012
Date of Occurrence:	February 24, 2012
Location:	Intersection of Rainbow Boulevard and Niagara Street, Niagara Falls, NY
Nature of Claim:	Automobile damage sustained while crossing intersection as directed by police officer.
Status of Action:	Pretrial state.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$2,161.82
Make Check Payable to:	Allstate Insurance Company
Conditions:	Stipulation of Discontinuance and 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?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: ASSESSMENT REVIEW BOARD, REAPPOINTMENT, 2014-77
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #11

BE IT RESOLVED, that the following individual is hereby reappointed to the City of Niagara Falls Board of Assessment Review, effective immediately, for a term concluding at the expiration date which appears opposite her name:

APPOINTMENT	TERM EXPIRES:
Ms. Candace Corsaro 1826 North Avenue Niagara Falls, NY 14305	9/30/2019

Yeas 4
Anderson, Choolokian, Grandinetti, Chairman Walker
Nays 1
Touma

ADOPTED

RESOLUTION: ELKS LODGE #346, NATION'S VETERANS, HONORING, 2014-78
BY: ALL COUNCIL MEMBERS

Agenda Item #12

WHEREAS, Niagara Falls Elks Lodge #346 will be hosting its annual Veterans Appreciation Day Luncheon on November 9, 2014, and

WHEREAS, Lodge #346 provides transportation to this event for disabled veterans from the Veteran's Day Treatment Center in Buffalo, NY, and

WHEREAS, Lodge #346 honors our missing and unaccounted-for veterans with an POW/MIA ceremony, and

WHEREAS, the City Council of the City of Niagara Falls wishes to offer its full support and appreciation for those who hold the cause and memory of our nation's veterans in the highest regard, now

THEREFORE, BE IT RESOLVED, that the City Council of Niagara Falls, New York hereby recognizes the Niagara Falls Elks Lodge #346 on the occasion of its 2014 Veterans Appreciation Day Luncheon, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York thanks Lodge #346 on behalf of the citizens of Niagara Falls for their commitment to honoring the memory of our fallen veterans while respecting the immense sacrifice of those veterans who are still with us.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: SMALL BUSINESS WEEK, DECLARING, 2014-79
BY: ALL COUNCIL MEMBERS

Agenda Item #13

WHEREAS, "Small Business Saturday," a holiday wherein shoppers are encouraged to patronize small, local, brick and mortar businesses, will fall on November 29 in 2014, and

WHEREAS, "Small Business Saturday" has grown into a nationally recognized event in recent years, drawing attention to the importance of small businesses to the local and national economy, and

WHEREAS, the Niagara Falls Department of Community Development is a designated "Small Business Saturday Neighborhood Champion," and

WHEREAS, a number of the city's business associations are coordinating with one another to hold events and rallies that spotlight local small businesses, and

WHEREAS, the City Council of the City of Niagara Falls wishes to promote the vitality of small businesses in the Cataract City, now

THEREFORE, BE IT RESOLVED, that the City Council of the City of Niagara Falls, New York hereby declares Saturday, November 29, 2014 to December 6, 2014, to be "Small Business Week" in Niagara Falls, New York, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York wishes to recognize the hardworking men and women that operate small businesses in the city, and encourages the citizens of Niagara Falls to participate in Small Business Week by patronizing small businesses and by participating in events and rallies that highlight their contributions to our city.

Yeas 5
Nays 0
ADOPTED

RESOLUTION: MAROON, SR., JOHN J., HONORING, 2014-80
BY: COUNCIL MEMBER ANDREW TOUMA

Agenda Item #14

WHEREAS, Mr. John J. Maroon, a native of Niagara Falls, New York, and the last surviving World War II P.O. W. from Western New York, passed away on May 7, 2014, and

WHEREAS, Mr. Maroon served during campaigns in Italy and France as a member of the Army's 36th Infantry Division, and

WHEREAS, Mr. Maroon, along with 12 other members of his unit, was taken prisoner on November 22, 1944 and interned in Stalag VII-A, Germany's largest prisoner-of-war camp during World War II, and was then moved to a farm north of Munich, Germany, before being liberated by American troops on April 29, 1945, and

WHEREAS, Numerous military honors have been bestowed upon Mr. Maroon, including the Bronze Star, the P.O.W. medal, the World War II Victory Medal, induction into the new York State Senate Veterans Hall of Fame, and the New York State Conspicuous Service Cross, and

WHEREAS, John was an all-star athlete, having been on track to pursue a career in professional baseball prior to his entry into the second World War, having pitched three no-hitters as a pitcher in the Double I League at Hyde Park in the city of Niagara Falls, as well as winning the 1942 championship as a member of the Niagara Falls High School basketball team, and

WHEREAS, John's love of sport prompted him to found the CP Recreation Group, an organization that offers people with physical disabilities the opportunity to participate in sports, and

WHEREAS, Mr. Maroon's community service work earned him a number of awards, including induction into the Niagara Falls Old Timers Hall of Fame, the Top Hat award from Tops Market, the Youth Award from the Niagara Falls Teachers Association, the Sertoma Club Service to Mankind Award, and the Caritas Medal from Niagara University, and

WHEREAS, the City of Niagara Falls has endeavored to make each of its parks and green spaces accessible to people that utilize wheelchairs or other mobility devices, and

WHEREAS, a wheelchair-accessible path will be installed in Jayne Park, in the City of Niagara Falls, shown on the map attached hereto, in 2015, and

WHEREAS, the City Council of the City of Niagara Falls wishes to honor John Maroon, Sr., for his contributions to our region, country, and world, and finds it fitting to name the new path after a Niagara Falls native who devoted much of his life to the well-being of people with physical disabilities, now

THEREFORE, BE IT RESOLVED, that the pathway at Jayne Park, which is to be constructed in 2015, be named "John Maroon Path," and

BE IT FURTHER RESOLVED, that a sign be placed along this path, honoring John J. Maroon, Sr., and the legacy of service and selflessness that he has left to the people of Niagara Falls New York.

Yeas	5
Nays	0
	ADOPTED

RESOLUTION: BUDGET MEETING SCHEDULE, 2014-81
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #15

BE IT RESOLVED, by the City Council of Niagara Falls, New York, that it hereby schedules budget meetings to commence at 4:00 PM in the City Council Chambers on:

November 12, 13, 14, 17, and 18, 2014, and

BE IT FURTHER RESOLVED, that the City Council of Niagara Falls, New York, that it hereby schedules budget amendment meetings to commence at 4:00 PM in the City Council Chambers on:

November 20, 21, 24, and 25, and December 1, 2014.

Yeas	5
Nays	0

ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:25 P.M.

Carol A. Antonucci
City Clerk

The November 12, 2014 Budget Work Session of the Niagara Falls City Council was called to order at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Glenn Choolokian, Kristen Grandinetti, Andrew Touma.
Council Member Robert Anderson was absent.
Council Member Glenn Choolokian left at 5:15 PM.
Also present: City Controller Maria Brown.

City Controller Maria Brown spoke on the Budget for her Department. She noted that her Office has been working more with the IRS, and the IRS has not had any findings against the City; the City has shared financial services agreements with the Water Board and the School District; hotels are audited by her Department for compliance with bed tax regulations; and credit card payments will be implemented this year, starting with payments from walk-in customers. She also added that overtime is needed for her Department during budget time and year end reconciliations.

Principal Purchasing Clerk Shirley Bernat noted that there were no increases in the Budget for the Purchasing and Records Management Departments.

City Assessor James Bird said that there was one retirement and one position eliminated in his Department; there was a lot of development going on within the City; the Town of Wilson reimburses the City for the stipend that Mr. Bird receives as part of the shared services agreement, but the Town does not reimburse the City for mileage costs. Council Member Choolokian asked that Mr. Bird's costs be reimbursed to the City by the Town. Chairman Walker noted that a re-assessment had not been done in the City for many years, and Mr. Bird responded that the process takes a few years, as one part of the City is done at a time.

City Clerk Carol Antonucci said that a position and the temporary line in the Clerk's Office had been cut. She spoke on the need to keep both intact to maintain customer service and a consistent revenue stream.

Corporation Counsel Craig Johnson spoke on the responsibilities of the Law Department, and noted that specialized outside Counsel was needed for certain matters; he and his staff try to take advantage of low/no cost seminars to save on travel and training costs and use available online information instead of incurring the costs for books and magazines. Deputy Corporation Counsel Thomas O'Donnell spoke on the work done by the Workers Compensation Law Aide, whose position was eliminated. He also spoke on the decline in the number of long term compensation cases.

Human Resources Director Ruby Pulliam said that there were four employees in her Department that were eligible for the Retirement Incentive; there was no temporary payroll line in the Department; the overtime payroll line was for exam monitoring; an employee in her Department was being paid through a Grant; each year, electronic components were replacing the paper work for her Department; and there has been a positive response to the Retirement Incentive. In response to Council Member Touma's question, she said that the Retirement Incentive is a one time only offering. Council Member Choolokian asked for a list of every position that was eliminated in the 2015 Budget that had a person currently in the position, and a list of all who were offered the Retirement Incentive, as well as all who had accepted the Incentive.

MIS Director John Cahill said that two of the four current positions in his Department had been eliminated in the 2015 Budget, and each person has specific duties and different functions.

Fire Chief Thomas Colangelo said that he anticipates 8 retirements in his Department in 2015; and, the payroll line is overspent due to salary increases and retroactive pay. Council Member Touma asked if there was a way to reduce the overtime line, and Chief Colangelo responded that that would be impossible, due to the stipulations of the Union Contract. He noted that the number of calls the Department has received has increased, and there is a corresponding increase in the number of injuries in the Department. The Department also responds to EMT service calls.

There being no further business to come before the Council, Chairman Walker adjourned the meeting at 5:50 p.m.

Carol A. Antonucci
City Clerk

November 13, 2014

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 13, 2014 Budget Work Session of the Niagara Falls City Council was called to order at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Andrew Touma.
Absent: Council Members Robert Anderson, Glenn Choolokian
Also present: City Controller Maria Brown.

Civil Engineer III Robert Buzzelli and Senior Project Designer Michael DeSantis spoke on the Budget for the Engineering Department. They spoke on the impact on the Department with the elimination of positions. Council Member Touma said that the City needs to look into hiring a City Engineer. Chairman Walker said that there should be three Budgets: one each for the General Fund, Casino funds and Tourism funds, including a contingency line.

There being no further business to come before the Council, Chairman Walker adjourned the meeting at 4:30 p.m.

Carol A. Antonucci
City Clerk

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November 14, 2014

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 14, 2014 Budget Work Session of the Niagara Falls City Council was called to order at 4:07 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Andrew Touma.
Absent: Council Members Robert Anderson, Glenn Choolokian.
Also present: City Controller Maria Brown.

Senior Planner Thomas DeSantis spoke on the Budgets for the Planning and Economic Development Departments. He noted that there was an overall 25% decrease in staffing in the Department. He said that the Department needs a point person, a true Economic Development Director, to report to; he suggested funding the Department using Casino funds; a position that the employee is retiring from will not be filled, but he spoke on the need for filling the position of Business Development Director. Council Member Grandinetti questioned why the Ranger Program was not funded out of the Tourism line, and Mr. DeSantis responded that the Mayor wanted to save the Tourism funds for Public Works Department Projects that were eligible. Chairman Walker requested a 2015 Plan showing individual rolls and job duties for the Department.

Library Director Michelle Petrazzoulo requested that the Council restore the $75,000 that was cut from the Library's Budget. City Controller Maria Brown explained that the Budget shows only a total amount of funding provided to the Library, and the Library's Board of Trustees allocates the funding to the individual spending lines. The Library Director said that, even if the $75,000 is restored, there may still be job cuts and shortened hours at both Libraries, and she will forward a detailed budget for the Council Members. Mrs. Brown added that the Retirement Incentive was offered to Library employees.

There being no further business to come before the Council, Chairman Walker adjourned the meeting at 4:50 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 17, 2014

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 17, 2014 Budget Work Session of the Niagara Falls City Council was called to order at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Glenn Choolokian, Kristen Grandinetti, Andrew Touma
Absent: Robert Anderson
Also present: City Controller Maria Brown.

Public Works Director David Kinney and Deputy Director John Caso spoke on the Budget for the Department. Chairman Walker asked if, when sidewalk cuts are being done, if the entire block is checked to see if sidewalk repairs are needed at the same time. Mr. Kinney responded that a Grant was received for ADA Compliance that only paid for the sidewalk cuts. Council Member Choolokian asked if a private contractor was doing the sidewalk replacements, and the response was that the work was being done by a contractor using City funds. The Council Member then asked if it wouldn't be cheaper to do the work in-house, and Mr. Kinney replied that overtime would need to be used to do the work in-house. The Council Member then asked Mr. Kinney to prepare a cost report to do the sidewalk repairs in-house using overtime. Mr. Kinney stated that 5 jobs had been cut from the Department, and requested that position at the John Duke Senior Center and the Clean Neighborhood Inspector position be re-instated. Mr. Kinney also reported that the Department will go to a 3-shift schedule on December 7; the Arborist position was eliminated; the overtime line in the Trades Division was needed for call-ins for emergencies; and two of the three compressors at the Ice Pavilion are not working and are in need of repairs. Council Member Touma asked about the increase in fuel consumption costs, and Mr. Kinney responded that the Department had additional vehicles in use, and City crews were making trips to Lockport to the asphalt plant to pick up the material for the contractor doing the work.

Acting Building Commissioner Dennis Virtuoso said that in the Budget for his Department, the Landlord /Property Owner Registration Clerk position had been eliminated, and replaced with the position of Code Enforcement/Property Owner Registration Clerk to allow the person holding the position to perform additional job duties; the line for safety shoes had been eliminated, and should be restored due to contractual obligations; one of the two positions of Chief Plumbing Inspector had been eliminated and both positions were needed; more Inspectors are needed for the Department; and the revenue generated by the Department is far greater that the costs to run the Department. Council Member Choolokian suggested that the Director's position should be restored in the Department, and the overtime and stipend be eliminated. Council Member Grandinetti asked Mr. Virtuoso to provide the Council with his scenario for positions within his Department, and an adjusted list of revenue generating fees.

There being no further business to come before the Council, Chairman Walker adjourned the meeting at 5:35 p.m.

Carol A. Antonucci
City Clerk

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NOVEMBER 18, 2014

BUDGET WORK SESSION **NIAGARA FALLS, NEW YORK**

The November 18, 2014 Budget Work Session of the Niagara Falls City Council was called to order at 4:02 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Andrew Touma
Absent: Robert Anderson, Glenn Choolokian
Also present: City Controller Maria Brown.

Police Superintendent Bryan DalPorto spoke on the Budget for his Department. He said that he was holding off on filling the Communications Technician position to save money, and upgrading the Senior Communications Position as well as adding additional duties for the position; he requested a stipend for the Police Dispatcher in Charge in order for the person in the position to provide training to others; and the Special Funds line in the Administrative line is for the Narcotics Officers to use as buy/reward money. Council Member Grandinetti asked the Chief to explain Asset Forfeiture funds, and the Chief responded. The Chief noted that he had transferred Officers from other Divisions in his Department to create an Office of Professional Standards. Chairman Walker asked about the Officers that were no longer in the Youth Aid Division, and the Chief said that they were transferred into the Criminal Investigation Unit. Council Member Touma asked about the endpoint for the Consent Decree, and the Chief replied that the endpoint was November of 2015, and his Department had worked very hard to come into compliance, and Corporation Counsel Craig Johnson added that the City's Monitor for the Decree had praised the Chief for the progress his Department had made. Chairman Walker suggesting requesting an end to the Monitor at this time instead of waiting until November 15 in order to save the City money, and Mr. Johnson said that he would discuss that with the Council at another time. Council Member Touma asked about consolidation with the E911 system, and the Chief explained that that was a Plan that would take at least 5 years to implement, and, in the end, may not wind up saving the City money. The Chief also said that he is almost ready to present his Plan to the Administration and Council for "booting" cars for unpaid parking tickets; and he has had no response from the Seneca Nation on his proposal for reimbursement to the City for Police services at the Casino. Chairman Walker asked to be provided with a copy of the proposal. Council Member Touma asked how overtime costs could be cut, and the Chief said that overtime for the Police Brass was contractual, and the Police Club had not yet settled their contract; and, in the long run, overtime would be cheaper that hiring additional Officers. The Chief also added that he was looking into an online reporting system for non-emergencies that would cut down on the need for an Officer to respond to every situation.

There being no further business to come before the Council, Chairman Walker adjourned the meeting at 5:50 p.m.

Carol A. Antonucci
City Clerk

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November 19, 2014

PUBLIC HEARING **NIAGARA FALLS, NEW YORK**

The November 19, 2014 Public Hearing of the Mayor's Proposed 2015 Budget was called to order by Council Chairman Charles Walker at 4:08 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma.
City Controller Maria Brown was also present for the Public Hearing.

Chairman Walker asked if there were any speakers relative thereto. The following spoke:

Ron Anderluh	Department Heads should have had more input/notice before Budget was presented; business taxes too high; no cuts for Youth activities or Library; Citizen Committee for monthly meetings with Administration and Council regarding Budget; Casino Funds Spending Committee; increase parking revenues and double rates in summer; increase dog licensing revenue; Grant Writer doing excellent job; need to fill Economic Development Director position; do re-assessment of City properties; against any tax increase, and this Budget as presented
Russ Petrozzi	Against this Budget as presented and any tax increase; revenues from PILOT'S should NOT be deposited in General Fund
Joe Casale	Against any tax increase for residents and businesses
Norma Higgs	Very important to neighborhoods to put position of Clean Neighborhood Inspector back into Budget
Don King	Against cut in funding to Library Budget
Ken Hamilton	Against cut in funding to Library Budget; dog shelter should be funded by County; against City maintaining Housing Authority properties; Financial Restructuring Board could help City; make Budget Performance Reports available online

Jim Szwedo	Against cut in funding to Library Budget; no transparency between Administration and Council, and they should work together to prepare the Budget; against business tax increase

There being no further business to come before the Council, Chairman Walker closed the Public Hearing at 4:48 PM.

Carol A. Antonucci
City Clerk

November 19, 2014

PUBLIC HEARING **NIAGARA FALLS, NEW YORK**

The November 19, 2014 Public Hearing relative to adopting a Local Law authorizing a Property Tax Levy in excess of the limit established in General Municipal Section 3-c was called to order by Council Chairman Charles Walker at 4:50 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma.
City Controller Maria Brown was also present for the Public Hearing.

Chairman Walker asked if there were any speakers relative thereto.

Ken Hamilton spoke against raising taxes.

Chairman Walker announced that the Budget Amendment Meeting scheduled for November 20 had been cancelled

There being no further business to come before the Council, Chairman Walker closed the Public Hearing at 4:52 PM.

Carol A. Antonucci
City Clerk

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NOVEMBER 24, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the November 24, 2014 Niagara Falls City Council Meeting was called to order by Acting Council Chairman Andrew Touma at 5:04 P.M. in the Council Chambers.

Present: Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.
Absent: Council Chairman Charles Walker

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Choolokian moved to approve the Minutes from the Special Council Meetings of November 7 and November 10, 2014 and the Council Meeting of November 10, 2014.

Representatives of Uniland Development gave a Presentation on the development of the former Rainbow Mall into a family oriented destination to include a hotel, water park and other activities, restaurants and shops. Council Member Touma asked that the developer give preference to using local laborers for the Project, and Corporation Counsel Craig Johnson responded to Council Member Choolokian that the Council would be voting today only on selecting the developer, and not approving the final Project (Agenda Item #3).

In the Administrative Update, City Administrator Donna Owens reported that:

1. Modern would hold an informational session on refuse and recycling on December 1 from 5 – 7 PM at the Library.
2. The City Hall Tree Lighting Ceremony would be held on December 2 from 5 – 7 PM.
3. The Holly Trolley would travel throughout the City on December 5 from 5 – 8 PM.

Council Member Touma added that the Festival of Lights at Hyde Park would open on November 26. Council Member Grandinetti said that Modern had conducted a very good Program for students at Abate School.

Mayor Paul Dyster noted that:

1. The groundbreaking for the Double Tree Project on Buffalo Avenue was held today.
2. He expected the Uniland Project to be approved at the USA Niagara Board Meeting.
3. The contractor for the Macklem Avenue Project would be back today to continue paving.
4. The Weston Avenue Project was complete.
5. He also spoke on the ongoing work on Mooradian Drive, the Railroad Station, the Fairfield and LaQuinta Hotels.
6. Patching with hotpatch is ongoing with material left over from other Projects, and the Council Members were asked to refer any requests from residents to the Administration.

Council Member Touma asked about the progress at Jayne Park and Civil Engineer III Robert Buzzelli responded that it was too wet to do the paving work, but other work was progressing. Mayor Dyster added that dead trees are being removed, and additional trees will be planted.

Council Member Choolokian asked about the deadline for the Employee Retirement Incentive, and Human Resources Director Ruby Pulliam said that the deadline was the end of the business day on November 26.

Council Member Touma said that residents are unsure of a schedule for leaf pickup, and Deputy Director of Parks and Public Works John Caso said that next year, a schedule would be set to do one area of the City at a time, and outside of that scheduled time, residents could bag the leaves for pickup with the trash collection.

Mayor Dyster said that it is critical to take action on increasing parking revenues, City Administrator Owens added that Desman Associates had proposed a draft RFP, and would be meeting with the City tomorrow. Council Member Touma would like to have the plan in place for next year's tourist season.

Council Member Touma suggested planning for the 2016 Budget starting immediately.

Mr. Johnson distributed copies of an amendment to Agenda Item #2, relative to a demolition contract for 17 properties, and a communication relative to a Change Order to the contract for repairs at the Carnegie Building.

1. Council Member Grandinetti moved to amend Agenda Item #2 by adding an additional signature to the Item.

Yeas	4
Nays	0

AMENDMENT APPROVED

2. Council Member Choolokian moved to add the communication to the Agenda.

Yeas	4
Nays	0

MOTION TO ADD COMMUNICATION TO AGENDA APPROVED

The communication was added to the Agenda as #5

This Session ended at 5:40 PM

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Choolokian and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Henry Krawczyk	City residents don't benefit from windfall of Casino money
Jim Briggs, USW Representative	Critical of Budget as presented
Jennifer Abbott	Council website not updated; will Analyze budget on behalf of citizens
Diane Tattersall	Tax payers expected to fix City Budget issues; City needs improved management; transparent Casino spending plan needed; redefine job descriptions; In Rem auction procedures
Paul Gromosiak	Library budget funding cut; War of 1812

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF OCTOBER 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: DEMOLITION OF 17 PROPERTIES, UTILITY ABANDONMENT, ASBESTOS ABATEMENT, MARK CERRONE, INC.

Agenda Item #2

The following bids were opened by the Department of Community Development on November 18, 2014 for the demolition of seventeen (17) structures identified on the attached list (on file in the City Clerk's Office).

CONTRACTOR	BID AMOUNT
Mark Cerrone, Inc.	$333,888.00
Regional Environmental Demolitions, Inc.	342,222.00
Empire Dismantling, Inc.	375,500.00
Niagara Environmental and Wrecking	462,800.00

It is our recommendation that a contract be awarded to the low bidder, Mark Cerrone, Inc., at its base bid amount of $333,888.00. Funding is available in the City Casino Revenue budget code H.0910.2009.0910.0449.599 (Code Enforcement/ Demolitions).

Will the Council vote to award contract CNF2014-1 to Mark Cerrone, Inc. and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

Council Member Touma said that demolitions seem to be cheaper when done in the Winter so the City should be looking to do more demolitions in the Winter that Summer.

RAINBOW CENTRE MALL: UNILAND DEVELOPMENT COMPANY, PREFERRED DEVELOPER

Agenda Item #3

In November of 2011, USA Niagara Development Corporation ("USAN"), the City of Niagara Falls (the "City") and Niagara County Community College ("NCCC") entered into a development agreement which transformed one third of the former Rainbow Centre Mall (the "Rainbow Centre") into the Niagara Falls Culinary Institute operated by NCCC. As part of that agreement, USAN acquired the rights to develop the remaining two-thirds space (~200,000 square feet) of the Rainbow Centre.

In order to select a preferred developer to undertake an adaptive reuse and redevelopment of the Mall, a two-step competitive selection process was conducted. USAN issued a request for qualifications ("RFQ"). Eighteen firms/organizations expressed interest in the RFQ and/or attended a Pre-Proposal meeting on April 18, 2013 and two qualified respondents were then shortlisted in August 2013: Intertrust Development Inc. ("Intertrust"), one of the largest hospitality business owners and developers in Western New York and Niagara Falls, Ontario; and Uniland Development Company ("Uniland"), a leading builder, developer and manager of commercial real estate in Western New York.

Following the RFQ process, Intertrust and Uniland were invited to respond to a detailed request for proposals ("RFP"). Responses to the RFP were received on January 31, 2014 and interviews were held on February 11, 2014.

A Selection Committee consisting of five (5) USAN, ESD and City staff members reviewed the responses to the RFP against evaluation criteria measuring various aspects of each proposal including, but not limited to, the extent the proposal met the objectives of the RFP (e.g. facilitating a creative adaptive reuse that contributes to a lively, urbane setting); the extent the proposal yields the highest level of public benefits (e.g. create new jobs, taxable investment, highest return on the land) with the least amount of public investment; and the overall quality of the development plan and financial plan.

The committee determined that Uniland's proposal would best meet the evaluation criteria as stated in the RFP. Uniland proposes to transform the former mall into the "Wonder Falls" Resort, a new complex featuring a hotel tower with world-class amenities, restaurants and entertainment facilities including a waterpark, and various other retail and food and beverage venues. The project will create more than 300 permanent jobs and more than 1,500 jobs during construction. Preliminary estimates indicate that the Wonder Falls project will involve a total investment of approximately $150 million and it is anticipated that the project will receive funding under the "Buffalo Billion" initiative. The level of public investment will be a determined as part of a subsequent approval of a development agreement for the project.

Uniland is an award-winning, full-service developer that offers design, construction, leasing and property management services. Over the past 40 years it has been responsible for creating more than 12 million square feet in new development, becoming the largest developer of office and industrial parks in the Buffalo-Rochester corridor. Uniland has more than one hundred operating properties. Uniland's partners on the project are Cannon Design, an award-winning, full service architecture, engineering and interior design firm with projects in more than 20 countries, and Delaware North Companies Parks & Resorts, which is headquartered in Buffalo and is a leader in the hospitality sector with a portfolio that includes world-renowned hotels and cultural attractions.

Following the designation of Preferred Developer, USAN, the City and Uniland will promptly negotiate the principal terms and conditions that will subsequently lead to a Development Agreement. No such binding agreement shall be entered into until further approval is received by the Board of USAN and the City Council detailing the terms of the project including any proposed public commitment of funding.

It is requested that the City Council designate Uniland Development Company as the preferred developer for the adaptive re-use of the former Rainbow Centre Mall and authorize the Mayor to negotiate a development agreement with USAN and Uniland which will contain the terms and conditions of the adaptive re-use of the former Rainbow Centre Mall. Any such development agreement must then be approved by the City Council

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CONTRACT: WORKER'S COMPENSATION CLAIMS, NORTHEAST ASSOCIATION MANAGEMENT, INC.

Agenda Item #4

At your March 31, 2014 meeting, you authorized the Mayor to execute an agreement with Northeast Association Management, Inc. ("NEAMI") to handle the City's pre-2005 Worker's Compensation claims (copy attached)(on file in the City Clerk's Office).

Since the City arrangements with both NEAMI and Public Employees Risk Management Association ("PERMA") reflect a September to September term, it is requested that the Council authorize the Mayor to execute a renewal agreement on the same terms, and in form acceptable to the Corporation Counsel, with NEAMI to continue handling the pre-2005 claims.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: CARNEGIE BUILDING, NEW ROOF, MASONRY REPAIRS AND HVAC ADJUSTMENTS, JOSEPH SANDERS & SONS

Agenda Item #5

A contract for the above referenced project was awarded to Joseph Sanders & Sons, Inc. on July 7, 2014 in the Amount of $ 659,810.00.

During the removal of the existing roof and flashing materials, it was discovered that the back-up brick parapet wall bricks had deteriorated to the point that new flashing and roofing could not be installed. Additional masonry work to rebuild said walls was discovered only after the removals and the extent and scope could not have been foreseen until fully exposed. The subsequent work for this extra masonry work including labor, materials and overhead & profit is $4,204.00 for a new total contract amount of $664,014.00.

It is the recommendation of the undersigned that Change Order #1 in the amount of $4,204.00 be approved. Sufficient funds exist in Code H0827.2008.0827.0449.599.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:25 P.M.

Carol A. Antonucci
City Clerk

NOVEMBER 24, 2014

BUDGET WORK SESSION NIAGARA FALLS, NEW YORK

The November 24, 2014 Budget Work Session was called to order by Acting Council Chairman Andrew Touma at 4:05 P.M. in the Council Chambers.

Present: Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.
Absent: Chairman Charles Walker

Also present: City Controller Maria Brown.

The Niagara Falls City Council adopted four (4) Budget Amendment Resolutions.

There being no further business to come before the Council, Council Member Andrew Touma adjourned the Meeting at 4:08 P.M.

Carol A. Antonucci
City Clerk

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NOVEMBER 25, 2014

BUDGET WORK SESSION NIAGARA FALLS, NEW YORK

The November 25, 2014 Budget Work Session was called to order by Council Chairman Charles Walker at 4:17 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Glenn Choolokian, Kristen Grandinetti and Andrew Touma.
Absent: Council Member Robert Anderson

Also present: City Controller Maria Brown.

The Niagara Falls City Council Adopted seven (7) Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Walker recessed the Budget Session at 4:45 P.M. until 4:00 P.M. on Friday, November 28, 2014.

Carol A. Antonucci
City Clerk

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NOVEMBER 28, 2014

BUDGET WORK SESSION NIAGARA FALLS, NEW YORK

The November 28, 2014 Budget Work Session was called to order by Council Chairman Charles Walker at 4:04 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: City Controller Maria Brown.

The Niagara Falls City Council adopted fifty-eight (58) Budget Amendment Resolutions and defeated seventeen (17() Budget Amendment Resolutions.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:15 P.M.

Carol A. Antonucci
City Clerk

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DECEMBER 1, 2014

BUDGET WORK SESSION NIAGARA FALLS, NEW YORK

The December 1, 2014 Budget Work Session was called to order by Council Chairman Charles Walker at 4:12 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

The Council adopted thirteen (13) Budget Amendment Resolutions and defeated three (3) Budget Amendment Resolutions.

Prior to the Council's adoption of the Resolution adopted the 2015 Budget, Deputy Corporation Counsel Thomas O'Donnell provided the Council Members with a detailed explanation of the Resolution and the process once the Resolution and Budget Amendment Resolutions are presented to the Mayor.

RESOLUTION: BUDGET, 2015, ADOPTING, 2014-82
BY: COUNCIL MEMBERS GRANDINETTI, TOUMA, CHAIRMAN WALKER

WHEREAS, on November 7, 2014, the Mayor duly presented this Council with the Proposed Executive Budget for 2015, including a Capital Plan; and

WHEREAS, the required Public Hearing on said proposed Executive Budget was held on November 19, 2014, at which the Council, and the City Controller were present, notice of which was published on November 12, 2014; and

WHEREAS, this Council thereafter met and considered the said Proposed Executive Budget and after due deliberation amended the same; and

WHEREAS, Section 5.6 (d) of the Niagara Falls City Charter requires the Council to transmit the Executive Budget to the Mayor with any amendments on or before December 1, 2014;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Niagara Falls, New York, that the Proposed Executive Budget for 2015 is hereby adopted as amended, which amendments, identified as Budget Resolutions numbers 1 through 82 inclusive, numbers 1, 7, 61, 66 and 74 requiring no action by the Mayor, are attached hereto and made a part hereof; Resolutions 25, 36, 37, 38, 42, 43, 53, 54, 59 and 65 being revenue additions that the Mayor did not agree to and are therefore ineffective pursuant to the City Charter; and be it further

RESOLVED, that the Clerk of this Council is directed to immediately transmit a copy of this Resolution, together with the aforesaid amendments, to the Office of the Mayor on or before the end of December 1, 2014; and be it further

RESOLVED, that in the event that the Mayor shall approve all of the aforesaid amendments to the Executive Budget, the Executive Budget as amended and heretofore adopted shall become operative without further action by this Council, and the Mayor is thereupon directed to spread the sum amounting to Twenty-Eight Million, Six Hundred Fifty-Six Thousand, Five Hundred Ninety-Eight Dollars($28,656,598), upon all taxable property within the City at such rates as will be sufficient to raise said sum, which sum shall be certified to him by the City Clerk, together with such amounts of unpaid local assessments, water, sewer, sidewalk charges and other charges provided by law, as may be certified by the Controller and the Director of Public Works and the Niagara Falls Water Board upon the assessment rolls of the City of Niagara Falls as prescribed by law; and be it further

RESOLVED, that upon reconsideration and action by this Council on any of the aforesaid amendments which the Mayor may have vetoed, the executive budget as amended and heretofore adopted shall become operative without further action by this Council, but in the event any veto is not overridden, the amounts thereof shall be adjusted by the Controller, by adding or subtracting, as the case may be, from the foregoing sum directed to be levied, without further action by this Council, which sum as adjusted shall be certified by the City Clerk to the Mayor, and the Mayor is thereupon directed to spread said sum as adjusted upon the taxable property within the City at such rates as will be sufficient to raise the sum required.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:25 P.M.

Carol A. Antonucci
City Clerk

The first session of the December 8, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:03 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Grandinetti moved to approve the Minutes from the City Council Budget Work Sessions of November 12, November 13, November 14, November 17, November 18, 2014, Public Hearings of November 19, 2014, Council Meeting of November 24, 2014, Budget Work Sessions, Amendments of November 24, November 25, November 28, December 1, 2014.

Yeas 5
Nays 0
APPROVED

County Legislator Owen Steed, Pastor Craig Pridgen and Superintendent of Police Bryan DalPorto spoke on the "Pastors and Politicians on Patrol" Program and how they are using the program to address violence.

In the Administrative Update, Mayor Paul Dyster reported that Macklem Avenue had been topped, and he had participated in a conference call with the Great Lakes/St. Lawrence Cities Initiative regarding bacteria in drinking water. The Mayor thanked John Percy from Niagara Tourism and Convention Center and Senior Planner Thomas DeSantis for their help in bringing the organization's 2015 conference to Niagara Falls.

Corporation Counsel Craig Johnson distributed copies of amendments to Agenda Items and Items to be added to the Agenda:

1. Correction of an error in the address on Agenda Item #5 to change the number from 3265 to 3625 Highland Avenue.
   Council Member Grandinetti moved to amend the Item.
   Yeas 5
   Nays 0
   MOTION TO AMEND COMMUNICATION APPROVED

2. An amendment to Agenda Item #6 to change the contract Renewal with the SPCA from one year to on a month to month basis.
   Council Member Touma moved to amend the Item.
   Yeas 5
   Nays 0
   MOTION TO AMEND COMMUNICATION APPROVED

3. An amendment to Agenda Item #24 to change the September 7 meeting date to September 8.
   Council Member Touma moved to amend the Resolution.
   Yeas 5
   Nays 0
   MOTION TO AMEND RESOLUTION APPROVED

4. A Resolution to be added to the Agenda relative to clerical changes to Budget Amendment Resolutions and related items.
Council Member Touma moved to add the Resolution to the Agenda.
Yeas 5
Nays 0
MOTION TO ADD RESOLUTION TO AGENDA APPROVED
The Resolution was added to the Agenda as #25.

5. A communication to be added to the Agenda relative to funding for City Employee Retirement Incentive Program.
Council Member Touma moved to add the communication to the Agenda.
Yeas 5
Nays 0
MOTION TO ADD COMMUNICATION TO AGENDA APPROVED
The communication was added to the Agenda as #26.

This Session ended at 5:20 PM

Chairman Walker reconvened the Meeting at 6:05 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Grandinetti and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Rick Williams	Agenda Items #7, #13, #14, #15, #16, #17, #18
Henry Krawczyk	Agenda Item #17
Joanne Gialloreto	Concerns about speed limit on NF Blvd. by Airport; penalties included in Recycling Ordinance
Diane Tattersall	Refuse/Recycling Ordinance not being properly followed; December 3 In Rem conducted very professionally
Paul Gromosiak	Enjoyed Winter Fest at Library
Henry Krawczyk	Issues with bacteria in water & water bills; Concerns about speed limit on NF Blvd. by Airport

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

CLAIMS FOR THE MONTH OF NOVEMBER 2014

Agenda Item #1
THIS ITEM WAS RECIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

PURCHASE: CONCRETE, UNITED MATERIALS LLC

Agenda Item #2

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 two (2) companies. Two (2) bids were received. After reviewing each bid, it was determined that United Materials LLC was the lowest overall bid as shown on the attached tally sheet (on file in the City Clerk’s Office).

Funds for this expenditure are included in the DPW Construction and Repair account code A.5110.0200.0419.006.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

HARD ROCK CAFÉ, NEW YEAR'S EVE GUITAR DROP, CONTRIBUTION

Agenda Item #3

THIS ITEM WAS PULLED FROM THE AGENDA
THERE WAS NO ACTION TAKEN ON THIS ITEM

CONTRACT: CREDIT CARD PAYMENTS, PROPERTY TAX/WATER BILLS, VALUE PAYMENT SYSTEMS

Agenda Item #4

I am advised by the City Controller that there have been numerous requests from taxpayers coming to the Billing & Collection Department to have the opportunity to pay their real property tax bills and water bills with a credit card. The City Controller looked into this method of payment as an option to offer to taxpayers and found that it is possible to offer this option to taxpayers at no cost to the City. However, the taxpayer, as a customer, will be charged a "convenience fee" which is estimated to be approximately 2.45 percent of the amount of the transaction.

In order to implement this option for taxpayers, the City Controller put out a Request for Proposals, reviewed materials submitted, and found that Value Payment Systems, headquartered in Nashville, Tennessee offered the program and experience to implement this option for the City to offer to its taxpayers. This will begin as a point of service type of payment option and hopefully evolve into an enhanced option which will allow taxpayers to pay these bills online. The City Controller advises that she has notified the Niagara County Treasurer, the School District of the City of Niagara Falls and the Niagara Falls Water Board of the City's intent to offer this option to taxpayers.

Will the Council so approve and authorize the Mayor to execute an agreement with Value Payment Systems that is in form and substance satisfactory to Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: 3625 HIGHLAND AVE., SITE ACCESS AGREEMENT

Agenda Item #5

The City is exploring the economic development opportunities that may be available by acquiring 3625 Highland Avenue. As part the City's due diligence in this regard, the City must perform various inspections of the subject premises. The physical testing on the premises will be minimal and the premises will be restored to the condition it was in prior to any testing.

Will the Council so approve and authorize the Mayor to execute a Site Access Agreement in form satisfactory to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

CONTRACT: SPCA, EXTENTION

Agenda Item #6

The City's Agreement with the SPCA expires on December 31, 2014. It is requested that this Agreement be extended on a month to month basis commencing January 1, 2015 on the same terms and conditions as the existing Agreement which, among other things, calls for the City to pay the SPCA the sum of $16,500.00 in equal monthly installments.

The City has been advised by the SPCA Board of Directors that a month to month extension may be more appropriate for the City and the SPCA rather than an extension for a fixed term because of the changes that may be occurring in the relationship between the City and the SPCA.

As Council Members are aware, the City has provided training for one police officer to provide animal control services. In addition, the City has taken delivery of a vehicle to be utilized for the purpose of animal control and is in the process now of having this vehicle outfitted for this purpose. The City has taken these steps because the SPCA has advised that it is phasing out of the animal control function. In addition, the SPCA has previously advised that it is considering an eventual move away from the sheltering component. Therefore, the City is continuing to explore its options for its sheltering needs and the SPCA Board of Directors is evaluating its options. A month to month extension of the existing Agreement with the SPCA will give the City and the SPCA time to consider their respective options without a reduction in service.

Will the Council so approve the month to month extension of the existing Agreement with the SPCA and authorize the Mayor to execute an Agreement in form satisfactory to Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

Council Member Touma thanked Corporation Counsel Craig Johnson for his work on this Contract.

CONTRACT: FINANCIAL RESTRUCTURING BOARD

Agenda Item #7

In correspondence to the City Administrator dated October 9, 2013 the State of New York Financial Restructuring Board for local governments notified the City that the City of Niagara Falls is a municipality that is fiscally eligible to participate in this new program. Attached (on file in the City Clerk's Office) is a copy of that correspondence and an explanation of the program. Upon request by the City, the Board may undertake a comprehensive review of the City's finances and operations and recommend ways to improve its fiscal stability and the delivery of public services.

The Board also has the ability to offer grants and/or loans of up to $5 million dollars in this regard. If the City, with Council approval at that time, agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aforementioned aid.

Will the Council so approve and authorize the Mayor to execute any pertinent agreements in order to obtain the review and recommendations of the Board?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 2

Grandinetti, Touma

Nays 3

Anderson, Choolokian, Chairman Walker

DEFEATED

Council Member Anderson said that if there was more communication between the Administration and the Council this would not be needed.
Council Member Choolokian said that you never hear anything good that New York State has done for Niagara Falls and it's the Council's job to make decisions for the good of the City.
Council Member Touma said that he and Council Member Anderson met with the unions to discuss the City's financial situation and the Council will check with the unions before accepting the recommendations of the Financial Restructuring Board. The Board will review the City's finances and make recommendations.
Council Chairman Walker said he felt that this would be beneficial to the City, but the City should first do all it can on its own, including working with the unions on their contracts, before bringing in a Financial Restructuring Board.

CONTRACT: TRAIN STATION, SCRUFARI CONSTRUCTION CO.

Agenda Item #8

A contract for the above referenced project was awarded to Scrufari Construction Company Inc., 4800 Hyde Park Blvd. 3925 Hyde Park Blvd. Niagara Falls, NY, on April 14, 2014 in an amount of $22,691,000.00.

The City Council under the provisions of the contract with Amtrak, approved Change Order #1, for Railroad Force Account work in the amount of $250,000.00 bringing the total contract amount to $22,941,000.00.

During the first (4) four months of work, conditions within the project area required various (Change Request) revisions for unanticipated and necessary work beyond the original scope. These Change Request's have been reviewed by the City's consultant Wendel and the Engineering Department. All additional work required to date, beyond the original scope and credit to the City is shown below:

001 Drainage revisions Credit
004 Salt storage facility existing manhole rehabilitation
005 Salt storage area additional fill materials
006 Underground obstruction at railroad storm piping
009 Additional Whirlpool Street cleaning and painting
010 Increase size of generator and tank pad
014 Remove unstable customhouse concrete floor topping

The funding for Change Order #2 is a transfer of funds from the "Owners" additional construction contingency budget (within the existing project budget) to the Contractor's budget. The Owner's contingency fund includes matching Federal, State and City's local-share funding (20% matching funds) already approved and available in a Capital Project Fund HO402, for the Railway Station.

Therefore, it is the recommendation of the undersigned that Change Order #2 in the amount of $198,379.15 be approved; bringing the new contract total to $23,139,379.00. Sufficient funds presently exist in Code H0402.2002.0449.599.

Will the Council vote to so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

CONTRACT: PORTER ROAD BRIDGE PAINTING PROJECT, CONSTRUCTION INSPECTION & ADMINISTRATION CONTRACT, GREENMAN PEDERSON, INC.

Agenda Item #9

A contract for the above referenced project was awarded to Greenman-Pederson, Inc. on November 26, 2012 in the amount of $25,000.00.

As a result of the discovery of existing deficiencies after the start of the project, additional inspection and administration tasks totaling $8,118.51 were performed by the consultant that were not included in their original scope of work. However, using savings realized by decreasing the amount of third-party monitoring will allow this extra construction inspection and administration to be compensated without exceeding the original contract amount.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5

Nays 0

APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY ASSESSOR

HOMESTEAD & NON-HOMESTEAD PROPORTIONS, 2015

Agenda Item #10

In accordance with Resolution 1998-140 relative to the two-tier property tax system that was adopted November 24, 1998 and section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2015 Tax levy:

	City of Niagara Falls
Homestead	55.53305
Non-Homestead	44.46695

This calculation represents a 20% shift to the homestead class.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 2

Grandinetti, Touma

Nays 3

Anderson, Choolokian, Chairman Walker

DEFEATED

Council Member Anderson said this will shift taxes from Businesses to Homeowners.

Council Member Choolokian said Business owners have it hard but Homeowners should not pay more in taxes.

Council Member Touma said this makes the tax levy more even.

Chairman Walker said he would like to try to bring the rates closer together without raising anyone’s taxes.

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CITY CLERK

COMMISSIONER OF DEEDS, APPOINTMENTS, APPROVAL

Agenda Item #11

The following have requested City Council approval for Commissioner of Deeds for a term from January 1, 2015 to December 31, 2016.

This is in accordance with provision of the Niagara Falls City Charter, Article II, Section 7, Subdivision 5.

Thomas Ewing	NFPD
Shawn Larrabee	NFPD
Cynthia McClennan-Smith	City Clerk's Office
Frank Yamonaco	NFPD

Gary Bevilacqua	4290 Riverwalk Dr.S., Youngstown, NY 14174
Denise Garlitz	2247 Grand Ave., NF NY 14301
Lynda B. Grozio	640 73rd St., NF NY 14304
Ida P. Seright	2936 21ST St., NF NY 14305
Paige Treat	6870 Sy Rd., NF NY 14304
Diane M. Ward	1416 13th St., NF NY 14305
Jennifer Weigel	355 37th St., NF NY 14303

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATION WAS SUBMITTED BY THE CORPORATION COUNSEL

IN REM AUCTION BIDS, APPROVAL OF SALE OF 1421-1423 18TH ST., 2220 CUDABACK AVE.

Agenda Item #12

The bids on the properties at 1421 and 1423 18th Street were previously approved by Council but the successful bidder did not close on them. The properties were then offered to the back bidder at his bid price of $500 and he has agreed and has paid the appropriate sums to purchase the above-referenced properties.

The Council previously rejected the bid on 2220 Cudaback due to the bidder owing back taxes. These delinquencies have now been cleared and it is recommended that the Council approve the sale of this property to Carol Mocniak for her bid of $450.

Will the Council approve the sale of 1421 and 1423 18th Street to Dwain Ladell Baldon, 537 Memorial Parkway, Niagara Falls, New York, and the sale of 2220 Cudaback Avenue to Carol Mocniak, 2223 Falls Street, Niagara Falls, New York, and authorize the Mayor to execute deeds acceptable to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE TRAFFIC ADVISORY COMMISSION

3065 ORLEANS AVENUE, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #13

At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 3065 ORLEANS AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Carroll Casamento, 3065 Orleans Avenue

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

902 WALNUT AVENUE, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #14

At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 902 WALNUT AVENUE
[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: James Barbato, 902 Walnut Avenue

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

1962 FALLS STREET, INSTALL 5’ HANDICAPPED ACCESS SPACE

Agenda Item #15

At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5’ HANDICAPPED ACCESS SPACE
IN FRONT OF 1962 FALLS STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Kimberly Jones, on behalf of her daughter, Kaylee, 1962 Falls Street

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

621 23RD STREET, INSTALL 5' HANDICAPPED ACCESS SPACE

Agenda Item #16
At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 621 23rd STREET

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Albert Muscatello, 621 23rd Street
It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

56TH STREET BETWEEN STEPHENSON/BUFFALO AVENUES, INSTALL "NO ENGINE BRAKE AREA" SIGNS

Agenda Item #17
At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL "NO ENGINE BRAKE AREA" SIGNS
ON 56TH STREET (both directions) BETWEEN STEPHENSON AVENUE AND BUFFALO AVENUE

Request was made to prohibit use of "Engine Braking" by the numerous trucks that traverse 56th St which will help reduce the resulting noise in this residential area.

Submitted By: Dennis Virtuoso, Niagara County Legislator, 6th District, on behalf of area residents
It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

950 NIAGARA AVENUE, INSTALL "AUTISTIC CHILD AREA" SIGNS

Agenda Item #18
At a Traffic Advisory Commission meeting held on November 25, 2014, the Commission recommended APPROVAL of the following item:

INSTALL "AUTISTIC CHILD AREA" SIGNS (BOTH DIRECTIONS) IN ADVANCE OF 950 NIAGARA AVENUE

Request was made to provide warning to approaching motorists to drive with caution due children with severe autism living in the area.

Submitted By: LaShawn Johnson, on behalf of her daughters, Damaris and D'Mitra, 950 Niagara Avenue
It is requested that City Council approve this recommendation.
Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

3302 HYDE PARK BLVD., INSTALL 5' HANDICAP ACCESS SPACE

Agenda Item #19

At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL A 5' HANDICAPPED ACCESS SPACE
IN FRONT OF 3302 HYDE PARK BOULEVARD (VIRGINIA AVENUE SIDE)

[Physician verification of wheelchair dependency and/or severe restriction of movement, has been received]

Submitted By: Renae Kimble, on behalf of her mother, Lillie, 3302 Hyde Park Boulevard

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

73RD STREET & GIRARD AVENUE, INSTALL "ALL WAY STOP SIGNS"

Agenda Item #20

At the Traffic Advisory Commission meeting held on November 25, 2014 the Commission recommended APPROVAL of the following item:

INSTALL "ALL WAY STOP SIGNS" AT THE INTERSECTION OF 73RD STREET & GIRARD AVENUE

Submitted By: Mark Grozio, Niagara County Legislator, 3rd District, 640 73rd Street

It is requested that City Council approve this recommendation.

Council Member Anderson moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

INSTALL TRAFFIC SIGNAL OR "ALL WAY" STOP SIGNS AT THE INTERSECTION OF LOCKPORT ST & NORTH AVE., ALLOW PARKING ON BOTH SIDES OF LOCKPORT ST AT AREA OF NORLOCK PARK, REDUCE THE SPEED LIMIT FROM 30 MPH ON LOCKPORT ST.

Agenda Item #21

DENIED:

1) Request submitted by Tracy Green, 2327 14th Street to:

A.) INSTALL A TRAFFIC SIGNAL OR "ALL WAY" STOP SIGNS AT THE INTERSECTION OF LOCKPORT STREET AND NORTH AVENUE. This intersection was studied with the following results: Accidents (Right Angle & Turning Collision):2010/1, 2011/0, 2012/0, 2013/0, 2014 (thru November 17)/1. Traffic volume per hour: Lockport Street = 155 vehicles + 2 pedestrians; North Avenue = 28 vehicles + 4 pedestrians. This intersection falls far short of the MUTCD Minimum Warrants for the placement of "ALL WAY" Stop Signs or for the installation of a traffic signal. In addition, the use of a Stop sign to control 2 lanes of traffic/4 lane road on Lockport Street (southwest bound) would be difficult and possibly unsafe, leading to additional accidents from vehicles running the stop sign.

B.) ALLOW PARKING ON BOTH SIDES OF LOCKPORT STREET AT AREA OF NORLOCK PARK (LOCKPORT ST, NORTHWEST SIDE, JUST NORTHEAST OF NORTH AVENUE). Lockport Street in this area has two driving lanes in each direction. Allowing parking in a driving lane of the bridge, especially on the down slope where parked vehicles would not be visible until after motorists reach the crest of the bridge, would be hazardous & could lead to rear end accidents, even if striping to merge into one lane in each direction was used here. This City's Engineering department was consulted concerning this item and agreed with this assessment. In addition, parking adjacent to the park area would also increase the chances of a child being hit due to running into the intersection from between parked cars and not being visible to motorists. It was suggested that park visitors utilize North Avenue for parking and the residents approach the City's Administration to designate funds to either purchase an empty lot in the area to construct a parking lot or provide a "cut out" area in front of the park for parking.

C.) REDUCE THE SPEED LIMIT FROM 30MPH ON LOCKPORT STREET. Per the City Ordinances, the speed limit on City streets is 30mph, and is typically not reduced at individual spots (except for school zones). Instead of starting to spot reduce the speed limit in individual blocks/neighborhoods, the Commission felt that enforcement was a better idea. Traffic Captain/NFPD Angela Munn has agreed to place radar at this location, especially during the summer months. In addition, since the time of this request, City crews have added 30mph speed limit signs plus advance Playground warning signs in each direction.

THIS ITEM WAS RECEIVED AND FILED

RESOLUTION: YOUTH BOARD, APPOINTMENT, 2014-83
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #22

BE IT RESOLVED, that the following individual is hereby appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their name:

APPOINTMENT	TERM EXPIRES:
John Murphy (youth member)	12/31/2016

Yeas 5
Nays 0
ADOPTED

RESOLUTION: PLANNING BOARD, RE-APPOINTMENTS, 2014-84
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #23

BE IT RESOLVED, that the following individuals are hereby reappointed to the City of Niagara Falls Planning Board effective January 1, 2015.

APPOINTMENT	TERM EXPIRES:
Mr. Robert Kazeangin 3009 Macklem Avenue Niagara Falls, NY 14305	12/31/17
Mr. Anthony Palmer 1612 South Avenue Niagara Falls, NY 14305	12/31/17
Mr. Timothy Polka 4020 Barton Avenue Niagara Falls, NY 14305	12/31/17

Yeas 5
Nays 0
ADOPTED

RESOLUTION: 2015 CITY COUNCIL MEETING SCHEDULE, 2014-85
BY: ALL COUNCIL MEMBERS

Agenda Item #24

BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York, that it hereby adopts the schedule of dates below as the official schedule of meeting dates for the Niagara Falls City Council for 2015, and be it further

RESOLVED, that the City Council of the City of Niagara Falls will hold its work sessions at 5:00 PM, and its legislative sessions at 6:00 PM on the dates listed below.

January 5
January 20 (Tuesday)
February 2
February 17 (Tuesday)
March 2
March 16
March 30
April 13
April 27
May 11
May 26 (Tuesday)
June 8
June 22
July 6
July 20
September 8(Tuesday)
September 21
October 5
October 19
November 2
November 16
November 30
December 14
December 28

Yeas 5
Nays 0
ADOPTED

RESOLUTION: BUDGET AMENDMENT RESOLUTIONS,RELATED ITEMS, CLERICAL CHANGES, 2014-86
BY: COUNCIL MEMBERS GRANDINETTI, TOUMA, CHAIRMAN WALKER

Agenda Item #25

WHEREAS, this City Council held a Budget Amendment meeting Monday, December 1, 2014 at 4:00 p.m.; and

WHEREAS, Mayor Dyster delivered to this City Council a Memorandum which, among other things, consented and approved of certain Budget Amendment Resolutions involving the utilization of Casino Revenues and disapproved of others and specifically itemized ten (10) Resolutions that he did not consent and approve of; and

WHEREAS, the fourth disapproved item, identified as “Resolution No. 38” should have been identified as “Resolution No. 39”; and

WHEREAS, during the meeting on December 1, 2014, this City Council approved Budget Resolution No. 66 which had as its stated purpose “Rescind Amendment No. 6” and should have as its stated purpose read “Rescind Amendment No. 7”.

NOW, THEREFORE, BE IT RESOLVED, this City Council of the City of Niagara Falls, New York hereby agrees that the Mayor's December 1, 2014 Memorandum to this City Council be amended to reflect that the disapproved Item No. 4 identified as "Resolution No. 38" be corrected to read "Resolution No. 39"; and

BE IT FURTHER RESOLVED, that City Council Budget Resolution No. 66 be corrected so that its stated purpose reads "Rescind Amendment No. 7" rather than "Rescind Amendment No. 6"; and

BE IT FURTHER RESOLVED, that any and all related Items and Resolutions pertaining to and referring to the Resolutions described herein be deemed corrected to be consistent with the corrections made herein.

Yeas 5
Nays 0
ADOPTED

RETIREMENT INCENTIVE PROGRAM, CITY EMPLOYEE, FUNDING

Agenda Item #26

The City of Niagara Falls has continued to explore ways to reduce personnel costs relative to the proposed 2015 Budget by developing an Employee Incentive Program with the goal of reducing personnel costs through attrition.

Under the City Retirement Incentive Program, created pursuant to criteria established by the City of Niagara Falls and the State of New York Retirement System, participating employees whose retirements are effective from the period of November 10, 2014 through December 31, 2014 would receive an incentive of $20,000, payable over a period of five years, beginning January 2015. A copy of the notification letter sent to eligible employees which defines the program is attached hereto.

To date, twenty two (22) eligible employees have requested inclusion in the City Retirement Incentive Program by filing with the New York State Retirement System and providing the City with written notice of intent to retire. The names of these employees are contained on the attached list (on file in the City Clerk's Office).

Based on the participation in the program, it will be necessary to allocate $88,000 plus fringes in the 2015 budget. Funding will be available in the biweekly lines from downgrades and delayed backfilling of positions that are included in the Incentive Program. Please note that should the Council approve this program, it will be necessary to allocate adequate funding in budget years 2016-19 as the Incentive payments are payable over a period of five years.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

There being no further business to come before the Council, Chairman Walker recessed the Meeting at 6:45 P.M. until Friday, December 12, 2014 at 4:00 P.M.

Carol A. Antonucci
City Clerk

December 12, 2014

SPECIAL COUNCIL MEETING #1 **NIAGARA FALLS, NEW YORK**

December 8, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Friday, December 12, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. To reconsider and act upon all amendments to the proposed budget vetoed by the Mayor.
2. Remove from the table Refuse and Recycling Ordinance.

Respectfully submitted,

_____
CHARLES WALKER
Council Chairperson

The December 12, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:05 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma

Also Present: Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

The Council overrode eight (8) of the Mayor's Vetoes of the Council's Budget Amendment Resolutions.

The Council sustained twenty-four (24) of the Mayor's Vetoes of the Council's Budget Amendment Resolutions.

RESOLUTION: REFUSE AND RECYCLING ORDINANCE, 2014-87
BY: COUNCIL CHAIRMAN CHARLES WALKER

Agenda Item #1

CHAPTER 911
SOLID WASTE REFUSE AND RECYCLING

911.01 General provisions
911.02 Licensing of independent private waste haulers
911.03 Refuse
911.04 Recyclables
911.05 Storage of Refuse and Recyclables
911.06 Miscellaneous provisions
911.07 Rodent control measures
911.08 Enforcement; appearance tickets
911.09 Penalties for offenses

911.01 GENERAL PROVISIONS

A. Scope. This Chapter establishes rules for the collection and management of residential, commercial and institutional refuse and recyclables. It is not intended to regulate refuse collectors involved in hazardous or infectious waste collection and transportation.

B. Purpose and short title.

(1) It is the purpose of this Chapter to provide for the protection of the public health, safety and general welfare of the people of the City of Niagara Falls by establishing rules and regulations governing:

(a) The generation, separation, storage, collection, transportation, processing and disposal of refuse and recyclables within the City limits;

(b) Residential and commercial refuse and recyclable management;

(c) Licensure of refuse and recyclable collectors; and

(d) The preparation, collection, transportation and disposal of refuse and recyclable items in accordance with all state laws.

(2) Methods of solid waste management emphasizing source reduction, reuse and recycling are essential in the City of Niagara Falls for long term preservation of public health, economic productivity and the environment quality.

(3) This Chapter is adopted pursuant to General Municipal Law § 120-aa.

(4) This Chapter shall be known as "Solid Waste Refuse and Recycling."

C. Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

ADMINISTRATIVE FEE
Fees charged to users for administration and enforcement of this Chapter. Such fees will be set from time to time by resolution of the City Council.

AUTHORIZED RECYCLING FACILITY
A permitted or specifically exempt facility or facilities for processing, reprocessing and/or recycling recyclable materials as defined herein or listed in the rules and regulations promulgated by the Director of the Department of Public Works or his designee. This term shall exclude incineration facilities, waste-to-energy facilities and landfills.

BULK WASTE
(1) Solid waste which is too large or too heavy to place inside a City-Issued Refuse Cart. The term includes, but is not limited to, discarded small household furniture, bedding and mattresses, hot-water tanks, carpet (maximum three rolls, each no larger than four feet long and 18 inches wide). This will also include, but is not limited to, white goods/appliances, such as refrigerators, freezers, washers, dryers, stoves, scrap metal and other large appliances.
(2) This term does not include air conditioners, microwave-emitting equipment, microwave ovens, regulated material, such as tires, hazardous, regulated medical and infectious waste.

CITY
The City of Niagara Falls, a municipal corporation incorporated in 1892 pursuant to the laws of the State of New York.

CITY-ISSUED CART
Any City-Issued Refuse Cart or City-Issued Recycling Cart as defined in this Chapter.

CITY-ISSUED RECYCLING CART
A 96 gallon roll-away (wheeled) recycling cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated recycling collection, for the sole purpose of storage, collection and disposal of source-separated recyclables.

CITY-ISSUED REFUSE CART
A 64 gallon roll-away (wheeled) refuse cart issued by the City to property owners or their representatives, capable of semi-automated and/or automated refuse collection, for the sole purpose of storage, collection and disposal of source-separated solid waste.

CITY PROGRAM
The City of Niagara Falls Solid Waste and Recycling Program which, among other things, calls for the collection of solid waste by a waste hauler under contract with the City.

COMMENCEMENT DATE
January 1, 2015

COMMERCIAL REFUSE
Solid waste generated at locations other than single-family, two-family, three-family or multi-family dwellings. This definition includes refuse generated by multi-family complexes, businesses, schools, churches, post offices, restaurants, governmental properties, institutional properties, parking lots, parking garages and parking ramps. Commercial refuse excludes all industrial, hazardous, regulated medical and infectious waste.

COMMERCIAL REFUSE WASTE HAULER
A person engaged in the business of collection, removal, transportation or disposal of residential and commercial refuse.

COMMERCIAL REFUSE MANAGEMENT
The purposeful, systematic control of the generation, separation, storage, collection, processing and disposal of commercial refuse.

COMMERCIAL USER
Any producer of solid waste other than single-family, two-family, three-family or multi-family dwellings. This definition includes multi-family complexes, businesses, schools, churches, post offices, restaurants, governmental properties, institutional properties, parking lots, parking garages and parking ramps. A commercial user excludes all industrial users, hazardous waste users and those users generating regulated medical and infectious waste.

COMMINGLED RECYCLABLES
Mixed recyclable materials separated from municipal solid waste (MSW) at the point of generation.

COMPOSTING
A controlled microbial degradation of organic waste yielding a nuisance-free product of potential value as a soil conditioner.

CONSTRUCTION AND DEMOLITION WASTE
Any and all solid waste resulting from building construction, reconstruction, repair or demolition; from grading or other incidental work in connection with any premises; or from replacement of building equipment or appliances, which work is performed by the owner or occupant.

CURBSIDE COLLECTION
The collection at individual residential households and commercial buildings by a waste hauler or private waste hauler, for subsequent transport to a waste disposal facility.

DEAD ANIMALS
Dead animals or parts of animals from slaughterhouses are not included in this category.

DIRECTOR
The Director of the Department of Public Works or his designee.

ELECTRONIC WASTE (E-WASTE)
Any discarded electronic or electrical devices or their parts.

HAZARDOUS WASTE
A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. From a regulatory standpoint, hazardous waste is defined on a basis of regulations in the Resource Conservation and Recovery Act administered by the United States Environmental Protection Agency (USEPA). This includes residential hazardous waste such as oil-based paint, paint thinners, household cleaners and aerosol containers.

ILLEGAL DUMPING
Dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left, any solid waste of any kind or any object or substance which tends to pollute, mar or deface, into, upon or about:
(1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of the City of Niagara Falls; or
(2) Any premises privately owned other than the premises where the solid waste or object or substance originated.

INDUSTRIAL USER
Any producer of solid waste that generates industrial waste as defined herein.

INDUSTRIAL WASTE
Any and all residue and solid waste resulting directly from industrial or manufacturing operations. It shall not include solid waste originating from office operations of an industrial establishment, nor shall it include solid waste resulting from the commercial operations of persons, engaged in the construction and demolition of buildings, the repairing of streets and buildings, demolition or excavation. Residue or waste resulting from tree or landscaping services shall also be excluded. Industrial waste excludes all hazardous, regulated medical and infectious waste.

INFECTIOUS WASTE
Includes but is not limited to human and animal surgical wastes, blood and blood product wastes, human tissue or parts. Biological waste products and laboratory wastes which have come in contact with pathogenic organisms generated by entities such as medical institutions, biological research organizations, laboratories and hospitals.

INSTITUTIONAL REFUSE
Refuse originating in and around governmental institutions, tax-exempt hospitals and public, charitable, philanthropic or religious institutions. All refuse from institutions not included in this definition shall be considered commercial refuse. Institutional waste excludes all hazardous, regulated medical and infectious waste.

INTEGRATED WASTE MANAGEMENT
Coordinated use of a hierarchy of management methods, including recycling, composting, incineration, and land filling.

MATERIALS RECOVERY FACILITY (MRF)
A materials recovery facility.

MULTIFAMILY USER
An improved parcel of land in the City of Niagara Falls which is designated for or occupied by a residential use with four-family dwelling units.

MULTIFAMILY COMPLEX
More than four residential dwelling units that are either attached or detached on a single parcel of land.

NON-RECYCLABLE MATERIAL
That portion of the waste stream not included under the definition of "recyclables" contained herein and not treated or separated as hazardous waste under § 27-0903 of the New York State Environmental Conservation Law, source, special nuclear or by-product material as defined in the United States Atomic Energy Act of 1954, or low-level radioactive waste as defined in § 29-0101 of the New York State Environmental Conservation Law. Non-recyclable material includes, but is not limited to, the following:
(1) Garbage: putrescible solid waste, including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.
(2) Rubbish: rags, sweepings, excelsior, rubber, leather, crockery, shells, clothing, dirt, filth, ashes, wastepaper and similar waste material.
(3) Construction and demolition waste: waste resulting from construction, remodeling, repair and demolition of structures, road building and land clearing. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree or brush stumps.
(4) Medical and infectious waste: as that term is defined herein.
(5) Styrofoam.
(6) Propane tanks.
(7) Paint cans.
(8) Flammable liquids.
(9) Household cleaners.
(10) Chemicals, dry or liquid.
(11) Wood items.
(12) Concrete.
(13) Garden hose.
(14) Electrical cords.

NONRESIDENTIAL PRODUCERS
Any producer of solid waste other than a residential producer, including but not limited to commercial users.

OCCUPANT
A person occupying the premises which he or she owns or controls or a tenant or renter of the owner of such premises.

OTHER RECOVERABLE MATERIALS
Any material, substance, by-product, compound or any other item generated or originating within the City and separated from solid waste at the point of generation for separate collection, sale, external reuse or reprocessing and/or disposition other than by disposal in landfills, sewage treatment plants or incinerators. Other recoverable materials do not include recyclable materials as defined herein. Other recoverable materials excludes all hazardous, regulated medical and infectious waste.

OWNER
The owner of premises within the City of Niagara Falls or another person who has agreed to be or has been designated as the owner's agent for purposes of fulfilling the owner's obligations under this Chapter.

PARCEL
A single address or location that may have a single-family, two-family, three-family or multi-family dwelling, or a commercial use that qualifies for collection of refuse and recyclables by the waste hauler.

PERSON
Any natural person, partnership, association, joint venture, corporation, estate, trust, association, improvement district, governmental entity or other legal entity.

PREMISES
A single parcel of land upon which may be situate a building or group of buildings.

PRIVATE WASTE HAULER
A person not under contract with the City that is engaged in the business of collection, removal, transportation or disposal of residential and commercial refuse and recyclables that is licensed and so authorized by the Director.

REAR YARD
A yard extending between the side lot lines of a lot and situated between the rear lot line and the rear line of the principal building or use, projected to the side lot lines; in a corner lot, a yard extending between the interior side lot line and the exterior side yard and situated between the rear lot line and the rear line of the principal building or use, projected to the interior side lot line and exterior side yard.

RECYCLABLE MATERIAL
Any solid waste generated or originating within the City as designated in the rules and regulations promulgated hereunder and defined by the most-current recycling menu issued by the City and/or the waste hauler, including but not limited to:
(1) Aluminum cans: containers fabricated primarily of aluminum and commonly used for soda, beer or other beverages.
(2) Kitchen cookware: metal pots, pans, tins and utensils.
(3) Steel and tin cans: empty cans only.
(4) Glass: clear or colored jars, bottles and containers which are primarily used for packaging and bottling of various matters.
(5) Newspaper: the common, inexpensive machine-finished paper made chiefly from wood pulp used for newspapers without bags, strings or rubber bands.
(6) Paper board: wood-pulp-based material without any wax coating such as cardboard, pizza boxes, paper bags and corrugated cardboard.
(7) Office paper and junk mail: envelopes, flyers, brochures and postcards.
(8) Phone books: all types and sizes.
(9) Magazines and catalogs: all types and sizes.
(10) Wax coated containers such as milk and juice cartons: empty containers only.
(11) Plastic containers: containers used primarily for laundry products, dishwashing detergents, milk, water most common being PET (polyethylene terephthalate) and HDPE (high-density polyethylene) but may selectively include other common plastic resin types.

RECYCLING CART
See “City-Issued Recycling Cart”.

RECYCLING or RECYCLED
Any method, technique or process utilized to separate, process, modify, convert, treat or otherwise prepare solid waste so that its component materials or substances may be beneficially used or reused as raw materials.

REFUSE
(1) Solid waste generated at residences or at commercial users. This includes garbage, animal waste, yard trimmings, commercial refuse or other waste and other material which is not defined as recyclables or yard waste.
(2) Excluded from the definition of refuse (municipal solid waste) are the following which the waste hauler shall have no obligation to accept or process (herein the “excluded wastes”): any radioactive, volatile, highly flammable, explosive, toxic, biomedical, or hazardous material, dirt, or any other waste or material not meeting the requirements of this article. The term “hazardous material" shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency or jurisdiction.

REFUSE CART
See “City-Issued Refuse Cart”.

REFUSE MANAGEMENT
The purposeful, systematic control of the generation, separation, storage, collection, transportation, processing and disposal of refuse generated by residential and commercial users.

RESIDENTIAL BUILDING REFUSE
Any and all refuse or residue resulting from building construction, reconstruction, repair or demolition or other incidental work in connection with any premises; or from replacement of building equipment or appliances, which work is performed by the owner or resident.

RESIDENTIAL REFUSE
Refuse originating in and around single-family, two-family, three-family, and multi-family dwellings.

RESIDENTIAL USER
A person who owns or occupies an improved parcel of land in the City of Niagara Falls which is designed for or occupied by a residential use with four or fewer dwelling units. This term includes, but is not limited to, vacant parcels and parcels with two residential structures on one parcel. This also includes those persons, owners or occupants of single-family, two-family, three-family, or multi-family dwellings which produce solid waste and are used exclusively for residential purposes.

SCAVENGING
The uncontrolled removal of solid waste at any point in waste management.

SEPARATE AND ADDITIONAL COLLECTIONS
Residents desirous of disposing of quantities of additional refuse may separately contract with a City-approved private waste hauler.

SINGLE-FAMILY DWELLING
An improved parcel of land in the City which is designated for or occupied by a residential use with one dwelling unit. This includes manufactured homes and mobile homes.

SINGLE STREAM RECYCLING
A system in which all paper fibers and containers, such as glass, plastic, or aluminum, are mixed together in the same recycling cart.

SOLID WASTE
Includes but is not limited to garbage, refuse, non-recyclable rubbish, recyclable material, construction and demolition waste, white goods/appliances, bulk waste, yard trimmings and yard waste.

SOURCE SEPARATION
The segregation of recyclable material and other recoverable material from non-recyclable solid waste at the point of generation for separate collection, donation, sale or other disposition.

SPECIAL COLLECTION SERVICE EXEMPTION
All persons having physical limitations which prevent placement of City-Issued carts at the curb are entitled to apply to receive Special Collection Service, provided the following criteria is met:
(1) Age only criteria: Any residence where there are no persons between the ages of 12-70 capable of placing the cart(s) curbside or roadside. Any person requesting an age only exemption must present a written certificate from a physician licensed to practice in New York State stating that the person, because of age, is incapable of placing the cart(s) curbside or roadside. This request must be verified by the Director.
(2) Physical condition criteria: Each person between 12-70 at a residence not capable of placing the cart at the curbside must present a written certificate from a physician licensed to practice in New York State stating they are physically incapable of placing the cart curbside. This request and certification must be verified by the Director.

SPECIAL COLLECTION SERVICE REQUEST
Citizens requiring Special Collection Service must submit their request annually, no later than August first each year, in writing to the Department of Public Works, PO Box 69, Niagara Falls, NY 14302-0069.

STRANDED COSTS
The City's investment in education, research, technology, capital, equipment and infrastructure for the refuse and recycling program.

THREE-FAMILY DWELLING
An improved parcel of land in the City which is designated for or occupied by a residential use with three dwelling units.

TRANSFER STATION
A location where certain types of waste can be temporarily stored after having been dropped off by any type of collector and being removed by larger vehicles for subsequent treatment and ultimate disposal.

TWO-FAMILY DWELLING
An improved parcel of land in the City which is designated for or occupied by a residential use with two dwelling units.

USER
An occupant, owner, parcel, person or premises within the City of Niagara Falls that generates solid waste.

WASTE DISPOSAL FACILITY
The structures, land, and other improvements on the land, used for treating, sorting, or disposing of waste. A waste disposal facility may consist of several treatment, storage, or disposal operational units.

WASTE HAULER
The person under contract with the City of Niagara Falls that is engaged in the business of collection, removal, transportation and disposal of residential, commercial, and institutional refuse and recyclables.

WASTE STREAM REDUCTION PROGRAM
Programs designed to reduce the volume of solid waste, to enhance reclamation and recovery of solid waste or recyclables otherwise destined for the municipal waste stream, and includes recycling programs.

WHITE GOODS/APPLIANCES
A large and/or bulky household item (such as a refrigerator, freezer, washer, dryer, stove, etc.) ordinarily operated by gas or electric current.

YARD TRIMMINGS
All accumulations of grass or shrubbery clippings, leaves, tree branches, and other materials accumulated as the result of the care of the lawn, shrubbery, vines and trees by a property owner.

YARD WASTE
Compost material, organic yard and garden waste, leaves, brush and cuttings from shrubs, hedges and trees which are more than four inches in diameter. This term does not include regulated material.

D. Duties and powers of the Director.
(1) The Director, in addition to other powers cited in this Chapter, shall have the authority and responsibility to:
(a) Enforce all provisions of applicable state and local laws regulating residential, commercial, institutional and industrial refuse and recycling licensure, collection and management in the City of Niagara Falls.
(b) Subject to City Council approval, promulgate rules and regulations regarding the methods of collection of residential and commercial solid waste.
(c) Subject to City Council approval, set rules and regulations governing exemptions to this Chapter.
(d) Subject to City Council approval, add to or delete from the list of items to be recycled and establish rules and regulations regarding the separation, preparation, collection, transport and disposal of recyclables.
(e) Abate any refuse-related health hazard or public nuisance and charge the property owner the cost of the abatement. Unpaid charges shall be the personal liability of the owner of the real property upon the real property upon which such hazard or nuisance was found.

(f) For good cause shown, grant a Special Collection Service exemption request from the curbside or roadside collection requirements of refuse and recyclables to any person who because of age or physical condition is unable to deliver the refuse cart or recycling cart to the curbside or roadside area.

(g) For good cause shown, grant an exemption from the fencing and screening requirements for dumpsters required herein.

911.02 LICENSING OF INDEPENDENT PRIVATE WASTE HAULERS.

A. Any private waste hauler operating or desiring to operate within the City shall, within 90 days of the effective date of this Chapter and prior to the first day of January of each year thereafter, register with the Director and apply for a license for operation. The term of the license issued to a private waste hauler shall run from January 1 to December 31 of the year issued. Upon proper registration and payment of the required fees as set forth by the City Council resolution, from time to time, the City Clerk shall issue a license to the private waste hauler, which license shall not be transferable. Such license shall not be effective until approved by the City Council.

B. At the time of registration and as a condition precedent to receiving a license, the private waste hauler shall provide the City Clerk, on a form prepared by the City Clerk, the following:

(1) The name of the private waste hauler, business address and telephone number.

(2) The name, address and telephone number of the persons having the largest ownership interest in the private waste hauler.

(3) The name, address and telephone number of the officers of the corporation or general partners of the partnership, if applicable.

(4) A current listing of all collection sites which the private waste hauler services within the City and the number of dumpsters or other trash receptacles serviced at such collection site, which listing shall be timely updated during the course of the year, as necessary, by the private waste hauler.

(5) A recitation that the private waste hauler shall refuse to accept for collection any waste material which has not been prepared for collection by the generator of the waste material in conformity with this Chapter.

(6) The quantity, by ton, of all garbage, non-recyclable material and refuse collected within the City during the twelve-month period prior to the date of issuance of the license. The name(s) and location(s) of the disposal site(s) must also be included.

(7) The quantity, by ton, and the type of all recyclable material collected within the City and delivered to a recycling facility during the twelve-month period prior to the date of issuance of the license. The name(s) and location(s) of the recycling facility(ies) must also be included.

(8) Such other information as the City Clerk shall deem appropriate and necessary.

C. Private waste haulers shall abide by this Chapter and the recycling regulations, as amended from time to time by the Director. Failure to comply with this Chapter and such recycling regulations may result in revocation of the private waste hauler’s license pursuant to this Chapter.

D. Any vehicles used by private waste haulers shall be watertight and equipped with airtight tarps anchored to the vehicles for such portions of the vehicles as are used for the transportation of garbage, non-recyclable material and refuse and/or recyclable material. The airtight tarps shall be in place at all times the vehicle is in the City, whether empty or full, except during the physical act of collection so as to prevent any spillage onto the public right-of-way.

E. The name of the private waste hauler operating any vehicle used for the transportation of garbage, non-recyclable material and refuse and/or recyclable material within the City shall be displayed on both sides of each such vehicle in a prominent and legible manner.

F. General Regulations.

(1) Persons who utilize private waste haulers shall have their solid waste collected at least once a week, or more frequently when it is determined by the Director that such additional collections are necessary to protect the public health, safety and welfare. The waste hauler is not required to collect any waste material, garbage, non-recyclable material and refuse and/or recyclable material from any person who is required to utilize a private waste hauler under the terms of this Chapter.

(2) All dumpsters utilized by private waste haulers for the collection of waste material, garbage, non-recyclable material and refuse and/or recyclable material as required by this Chapter shall comply with the regulations set forth in the City Ordinances and shall be located on private property and shall be in an area enclosed by fencing and screening as required in the City Ordinances. The fencing and screening shall at all times be maintained in good repair.

(3) The fencing and screening of dumpsters shall be completed within 90 days of the effective date of this Chapter. Appropriate building permits must first be obtained from the Department of Code Enforcement. Persons who are unable to comply with the fencing and screening requirements may file a written request for an exception thereto with the Director. An investigation of the requested exception will be conducted by the Director. At the conclusion of such investigation, the Director shall, within 45 days of the filing of the requested exception, render a decision granting, conditionally granting or denying the requested exception. The person seeking the requested exception shall bear the burden of demonstrating inability to comply with the requirements of this Chapter.

(4) Private waste haulers shall operate their vehicles within the City so as to cause the least possible disruption to traffic flow on City streets.

(5) A private waste hauler’s sticker shall be prominently displayed on each vehicle operated by or on behalf of the private waste hauler authorized, by license, to collect waste material in the City.

(6) All private waste haulers licensed by the City shall agree to indemnify and hold harmless the City for any pending, threatened or actual claims, liability or expenses arising from the disposal of waste material by any private waste hauler in violation of this Chapter.

G. Denial, suspension or revocation of private waste hauler's license. When the City Clerk determines that a violation of this Chapter or the recycling regulations, as amended from time to time by the City, may have been committed by a private waste hauler or an applicant for a private waste hauler's license, he/she may recommend to the City Council that the private waste hauler's application for license or the license can be denied, suspended or revoked, as the case may be, or that the holder of said license be subject to a reprimand. Notice and an opportunity to be heard shall be provided as follows prior to the denial, reprimand, suspension or revocation of a private waste hauler's license.

(1) Notice.

(a) The City Clerk shall notify the affected applicant or licensee of the alleged violation in writing. The notice shall include the following:

(1) A statement of the condition allegedly violated, referring to the pertinent section of this Chapter.

(2) A short and plain statement of the alleged violation.

(3) A statement of the time, place and nature of the hearing, the body before whom the hearing shall be held and the relief sought.

(b) The notice shall be personally delivered or sent by certified or registered mail to the applicant's or licensee's last known address at least ten days before the hearing date, with a copy to the Director.

(2) Hearing.

(a) Hearings shall be held before the City Council or a hearing officer designated by it within a reasonable period, which shall be at least ten days after service of notice.

(b) The applicant or licensee may be represented by counsel at the hearing and may offer evidence and cross-examine witnesses.

(c) In the event that the City Council designates a hearing officer to hold the hearing, such hearing officer shall make findings of fact and transmit those findings to the City Council within 30 days after the close of the hearing.

(d) Within 30 days after the close of the hearing or within 60 days after the close of the hearing in the event that a hearing officer hold the hearing, the City Council shall:

(1) Determine whether the alleged violation of this Chapter or recycling regulations has occurred; and

(2) If the City Council determines that such a violation has occurred, decide whether an applicant's license shall be denied or whether an existing private waste hauler's license be suspended, revoked or its holder reprimanded.

(e) The City Council shall then promptly notify the applicant or licensee, in writing, of its determination.

911.03 REFUSE.

A. Public collection and disposal of refuse.

(1) All residential refuse, except as exempted herein, originating in the City shall be collected by the waste hauler under contract with the City as further delineated in this Chapter. Such refuse shall be stored and prepared for collection by property owners and occupants in accordance with the provisions of this Chapter. Property owners and occupants must adhere to the provisions of this Chapter.

(2) The waste hauler shall also collect refuse from commercial users in the City, inclusive of multi-family complexes, that qualify to participate in the City program and do participate in the City program and deliver it to an authorized disposal facility as further described in this Chapter. The criteria used to determine whether a commercial user, inclusive of a multi-family complex, qualifies to participate in the City program shall be determined by the Director. Among the criteria to qualify to participate in the City program, a commercial user must demonstrate to the satisfaction of the Director that such user does not regularly generate a quantity of refuse that exceeds the capacity of two (2) City-Issued Refuse Carts. In the case of a multi-family complex user, such user must demonstrate to the satisfaction of the Director that it does not regularly generate a quantity of refuse that exceeds the capacity of four (4) City-Issued Refuse Carts. In the event such a commercial user is determined by the Director to qualify to participate in the City Program, up to two (2) City-Issued Refuse Carts will be made available to that user. In the event a multi-family complex user is determined by the Director to qualify to participate in the City Program, up to four (4) City-Issued Refuse Carts will be made available to that user.

(3) The waste hauler shall not collect construction and demolition waste, industrial waste, infectious or hazardous refuse/waste.

(4) The waste hauler shall collect residential refuse as well as commercial refuse from commercial users, inclusive of multi-family complexes, that qualify for and participate in the City's program once per week.

A residential user that produces construction or demolition waste must arrange for the disposal of such waste by a licensed private waste hauler or, in the alternative, may obtain a permit from the Director to dispose of such waste at the waste hauler's facility. In addition, a residential user that produces a quantity of refuse that exceeds the capacity of the City-Issued Cart may obtain a permit from the Director to dispose of such refuse at the waste hauler's facility. ~~.~~

(5) Refuse collection at a frequency greater than once per week will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collections.

(6) Single-family, two-family, three-family and multi-family dwelling users and multi-family complexes that qualify to participate in the City program may place one bulk waste item per dwelling unit at the curb at a frequency determined by the waste hauler. Bulk waste must be placed in a location that does not impede with the collection of the City-Issued Carts. Users are responsible for removing refrigerant, must present adequate information indicating refrigerant has been removed and the doors shall be removed.

(7) Commercial users and multi-family complexes that do not qualify to participate in the City program and industrial users must provide for the lawful collection and disposal of refuse by a private waste hauler.

(8) Commercial users and multi-family complexes not serviced by the waste hauler under contract with the City must establish to the satisfaction of the Director that a private waste hauler is providing collection and disposal services for the commercial user and multi-family complexes and that refuse collection is being made at a frequency determined by the Director to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Director of such collection shall constitute a violation of this Chapter.

(9) Commercial users and multi-family complexes who elect to be serviced exclusively by a private waste hauler and commercial users and multi-family complexes who have had public collection service discontinued shall provide commercial containers or alternate containers sufficient in number to contain all refuse accumulating between scheduled refuse collections and shall not allow refuse to be stored or to accumulate on their property. Any substantial accumulation of refuse is hereby declared to be a public health hazard and a public nuisance and shall constitute a violation of this Chapter. The Director shall determine whether or not the accumulation of refuse is substantial.

(10) The Director shall have the authority to abate any public health hazard or public nuisance and to impose the administrative fees, charges and penalties of this Chapter as well as the cost of disposal for such abatement.

(11) Commercial users and multi-family complexes who produce construction and demolition waste and industrial waste must be serviced exclusively by a private waste hauler.

(12) No person or company, except the waste hauler, or a private waste hauler, shall engage in the collection of residential refuse placed between the sidewalk and curb by residential users for public collection.

(13) The waste hauler under contract with the City will not collect or remove yard trimmings and yard waste produced by commercial contractors. Yard trimmings and yard waste produced by commercial contractors must be removed from the premises by the commercial contractor or by the owner or occupant of the premises.

(14) No City employees, equipment nor the waste hauler shall enter private property or structures in making collections unless it can be demonstrated to the satisfaction of the Director that it is in the best interest of the City and more feasible to enter certain private property to make collection. When it is determined by the Director that City employees, their equipment or the waste hauler may enter private property in making collections, the owner of said private property must execute a consent, release and hold harmless agreement with the City allowing access to private property and releasing the City from any liability as a result of entering the property as well as holding the City harmless against any claims made against the City.

(15) The waste hauler shall have no obligation to pick up and remove any refuse which was not generated in a residence in the City, nor does waste hauler have an obligation to pick up and remove any refuse which was not generated by a qualifying commercial user or a multi-family complex located in the City.

(16) Vehicular tires and tire casings will not be picked up or removed by the City or any agency thereof. The City will dispose of unmounted passenger vehicular tires for a charge per tire, if said tires are dropped off to the Department of Public Works Corporation Yard. The charge per tire will be determined by the Director upon approval by resolution of the City Council.

(17) It shall be the duty of every owner or occupant of every residential dwelling within the City to keep the public sidewalk and area between the public sidewalk and street free and clear of all kinds of solid waste.

(18) All carts placed for collection must be placed three to five feet from the street's edge, with the cart's latch bar facing the street.

(19) No person shall cart, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other public place or upon any private property except as provided in this Chapter.

B. Residential refuse carts.

(1) The City will provide City-Issued Refuse Carts for the sole purpose of refuse storage and collection as follows:

(a) Single-family dwelling. The user will receive one City-Issued Refuse Cart.

(b) Two-family dwelling. The user will receive two City-Issued Refuse Carts.

(c) Three-family dwelling. The user will receive three City-Issued Refuse Carts.

(d) Multi-family dwelling. The user will receive one City-Issued Refuse Cart for each dwelling unit in the dwelling up to a maximum of four City-Issued Refuse carts. In the alternative, the multi-family dwelling user may opt out of the City program and contract with a private waste hauler.

(2) In the event a City-Issued Refuse Cart is lost, damaged, rendered unusable or removed from the assigned premises, the City will provide replacement City-Issued Refuse Carts to users as deemed necessary by the Director. The City may, after investigating the facts involving the lost, damaged, unusable or removed cart, charge users a replacement fee for these carts equal to the cost of a new cart, in accordance with rules and regulations established by the Director. The cost of a new City-Issued Cart may fluctuate from time to time depending upon market conditions. Any replacement City-Issued Refuse Cart shall remain the property of the City.

(3) Any City-Issued Refuse Cart is owned by the City, shall remain at the assigned premises, and shall be used solely for the purpose of storage and collection of refuse.

(4) Upon application by a single-family residential user and for good cause shown, the Director may authorize a single-family residential user to receive one City-issued 96 gallon Recycling Cart for refuse disposal, identified by a blue lid, as a substitute for a City-issued 64 gallon Refuse Cart, provided that the user returns to the City its City-issued 64 gallon Refuse Cart. This shall be at no cost to the user.

C. Commercial refuse carts.

(1) Commercial users and multi-family complexes that qualify to participate in the City Program and do participate in the City program must adhere to this Chapter. Qualifying commercial users have the option to receive up to two (2) City-Issued Refuse Carts and qualifying multi-family complexes have the option to receive up to four (4) City-Issued Refuse Carts.

(2) All commercial users and multi-family complexes must have a sufficient number of containers or carts to hold all refuse accumulated between scheduled collections and shall not allow refuse to be stored or to accumulate on their property in a manner or amount contrary to the rules and regulations of this Chapter.

D. Preparation of refuse for collection by the waste hauler.

(1) A user who places items at the curb for collection and disposal by the waste hauler shall separate garbage and non recyclable material from recyclable material and prepare the same for collection and disposal in accordance with this Chapter.

(2) Refuse offered for collection shall be prepared for collection by the user of the premises as provided in this section.

(3) The placement of refuse for collection at or in front of a premises other than the premises at which the refuse originated constitutes illegal dumping and is prohibited by this Chapter and such activity shall constitute a violation of this Chapter.

(4) All residential and commercial refuse shall be placed in City-Issued Refuse Carts for collection between the sidewalk and the curb or alongside the roadway in front of the premises where the refuse originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

(5) Any and all brush and tree parts produced by the activity or efforts of the owner or occupant of the premises shall be in bundles not exceeding four feet in length and 50 pounds in weight. The bundles shall be placed at the curb in a reasonable manner so as to not impede traffic and to permit ease of handling by one person. Leaves may be left in loose piles at the curb or alongside the roadway for collection by the City in the fall of each year pursuant to a schedule to be promulgated by the Director each year and published by the Director.

(6) City-Issued Refuse Carts must not be filled over their level capacity and the lids must be completely closed.

(7) All commercial users and multi-family complexes that participate in the City program shall properly deposit refuse in City-Issued Refuse Carts. All commercial users and multi-family complexes that do not participate in the City program shall properly deposit refuse in carts approved by the Director for collection by a private waste hauler as set forth in this Chapter.

(8) For good cause shown, the Director is hereby authorized to grant a Special Collection Service exemption from the curbside or roadside collection requirements to any person who qualifies for such exemption.

E. Yard Trimmings.

Yard trimmings placed for collection by the waste hauler may be placed in the City-Issued Refuse Cart. In the alternative, yard trimmings may be placed for collection separate and apart from any other waste or refuse in a landscape craft bag or a plastic bag at the curb area provided that the plastic bag is clear and the contents are visible to the waste hauler during the time frames set forth by the Director for such collection.

F. Responsibility of owners and landlords.

(1) Owners of premises shall be responsible for compliance with the provisions of this Chapter and shall remain responsible therefor regardless of the fact that this Chapter may also place certain responsibilities on occupants and regardless of any agreements between owners or occupants as to which party shall assume such responsibility.

(2) Owners and occupants of rental property located in the City shall provide to the tenant a document specifying the requirements that the tenant shall meet as to the storage and disposal of refuse and the legal penalties for violation of those requirements.

911.04 RECYCLABLES.

A. Public collection and disposal of recyclables.

(1) All residential recyclable material originating in the City shall be collected by the waste hauler under contract with the City as further delineated in this Chapter. Such recyclable material shall be stored and prepared for collection by property owners and occupants in accordance with the provisions of this Chapter. Property owners and occupants must adhere to the provisions of this Chapter.

(2) The waste hauler shall also collect recyclable material from commercial users and multi-family complexes in the City that qualify to participate in the City program and do participate in the City program, and deliver them to an authorized recycling facility as further described in this Chapter. The criteria used to determine whether a commercial user qualifies to participate in the City program shall be determined by the Director. A commercial user that qualifies to participate in the City Program shall receive one (1) City-Issued Recycling Cart. A multi-family complex that qualifies to participate in the City program shall receive up to two (2) City-Issued Recycling Carts.

(3) Recyclables shall be stored and prepared for collection according to the provisions of this Chapter.

(4) The City encourages users to participate in this recycling program. Notwithstanding the foregoing, the quantity of recyclables put out for collection by a residential user or commercial user and multi-family complexes that participate in the City's program shall be in the sole discretion of such users.

(5) The waste hauler shall collect recyclable material from residential users and commercial users and multi-family complexes that participate in the City’s program once every two (2) weeks.

(6) Recyclable material collection at a frequency greater than once every two (2) weeks will be handled on a case-by-case basis. Such separate and additional collections must be scheduled by the user with the waste hauler or a private waste hauler. User fees for such separate and additional collections shall be established by the waste hauler or a private waste hauler and charged to the user consistent with the frequency of the additional collection.

(7) Commercial users and multi-family complexes that do not qualify to participate in the City Program and industrial users must provide for the lawful collection and disposal of recyclable material.

(8) In the event a commercial user or multi-family complex user fails to qualify for the City Program or if such users qualify for the City Program and choose not to participate, that user must be serviced by a private waste hauler.

(9) Commercial users and multi-family complexes not serviced by the waste hauler under contract with the City must establish to the satisfaction of the Director that a private waste hauler is providing collection and disposal services of recyclables for those commercial users and that collection of recyclable material is being made at a frequency determined by the Director to be consistent with public health requirements. Failure to provide for adequate collection and disposal services or to provide satisfactory proof to the Director shall constitute a violation of this Chapter.

(10) Commercial users and multi-family complexes who are serviced by a private waste hauler and commercial users who have had public collection service discontinued shall provide commercial containers sufficient in number to hold all recyclable material accumulating between scheduled recyclable collections and shall not allow recyclables to be stored or to accumulate on their property in a quantity sufficient to pose a public health hazard and public nuisance. Any substantial accumulation of recyclable material is hereby declared to be a public health hazard and a public nuisance and shall constitute a violation of this Chapter. The Director shall determine whether an accumulation is substantial.

(11) The Director shall have the authority to abate any public health hazard or public nuisance and to impose the administrative fees, charges and penalties of this Chapter as well as the cost of disposal for such abatement.

(12) No person, except the waste hauler or its designee, or a licensed private waste hauler approved by the Director, shall engage in the collection of residential recyclable material placed between the sidewalk and curb by residential users for public collection.

(13) No City employees, equipment nor the waste hauler shall enter private property or structures in making collections unless it can be demonstrated to the satisfaction of the Director that it is in the best interest of the City and more feasible to enter certain private property to make collection. When it is determined that City employees, their equipment or the waste hauler will enter private property in making collections, the owner of said private property must execute a consent, release and hold harmless agreement with the City allowing access to private property and releasing the City from any liability as a result of entering the property as well as holding the City harmless against any claims made against the City.

(14) The waste hauler shall have no obligation to pick up and remove any recyclable material which was not generated in a residence in the City, nor does the waste hauler have an obligation to pick up and remove any recyclable material which was not generated by a qualifying commercial user or multi-family complex user located in the City.

(15) It shall be the duty of every person, owner or occupant of every residential dwelling within the City to keep the public sidewalk and area between the public sidewalk and street free and clear of all kinds of solid waste.

(16) No person shall cart, dump, burn, deposit or otherwise dispose of or cause to be carted, dumped, burned, deposited or otherwise disposed of any solid waste upon any public highway, street or other' public place or upon any private property except as provided in this Chapter.

(17) In the event a recycling cart is lost, damaged, rendered unusable or removed from the assigned premises, the City will provide replacement recycling carts to users as deemed necessary by the Director. The City may, after investigating the facts involving the lost, damaged, unusable or removed cart, charge users a replacement fee for these carts equal to the cost of a new cart, in accordance with rules and regulations established by the Director. Any replacement recycling cart shall remain the property of the City. The cost of a new City-Issued Cart may fluctuate from time to time depending on market conditions.

B. Preparation of recyclables.

(1) Recyclables shall be prepared for collection according to the rules and regulations established by the Director subject to the approval of the City Council.

(2) All residential and commercial recyclables shall be placed in Recycling Carts for collection between the sidewalk and the curb or alongside the roadway in front of the premises where the recyclables originated at a distance between three and five feet from the street edge; the cart's latch bar must face the street in an area free of snow to allow for the placement of the owners'/occupants' refuse and recycling carts. Such carts must be placed in such a location so as to not interfere with pedestrian or vehicular traffic in the City right-of-way nor impede wheelchair access in the public right-of-way. Such carts may not be placed for collection prior to 5:00 p.m. the day prior to the scheduled collection day and must be removed no later than 11:00 p.m. the day the refuse and recyclables are collected.

(3) Only recyclables as delineated in the rules and regulations promulgated by Director shall be placed in the Recycling Cart.

(4) Materials placed in the Recycling Cart by any user which are improperly prepared and/or which are deemed not recyclable will, for a first offense, be issued a warning by the waste hauler and the failure by the user to cure such defect thereafter shall be considered a violation of this Chapter and subject to the fines and penalties provided herein.

C. Ownership.

Recyclable material placed between the sidewalk and the curb by the owner/occupant or his agent for collection shall immediately become the property of the City when so placed, and may not be removed, taken, possessed or scavenged. Notwithstanding the foregoing, the owner/occupant of the premises, or his agent, may remove any items so placed for collection.

D. Residential collection of recyclables.

(1) The waste hauler shall collect properly prepared recyclable material placed at the curb from all of its residential users on the same day it collects refuse at intervals determined by the waste hauler.

(2) The waste hauler will deliver collected recyclable material to an authorized recycling facility.

(3) Residential properties will receive Recycling Carts as follows:

(a) Single family: one Recycling Cart.

(b) Two family: two Recycling Carts.

(c) Three family: three Recycling Carts.

(d) Multi family: two Recycling Carts or present to the Director appropriate documentation of a service contract engagement with a private waste hauler.

(4) Recycling carts. Upon application by a residential user and for good cause shown, the Director may authorize a residential user to receive an additional City-issued Recycling Cart at a premises for inclusion in the City Program.

E. Nonresidential producers of recyclables.

(1) All Commercial users and multi-family complex users shall provide for the lawful collection and disposal of recyclables. Every commercial user that qualifies for and participates in the City's program shall be issued one (1) Recycling Cart as set forth herein. Every multi-family complex user that qualifies for and participates in the City's program shall be issued up to two (2) City-Issued Recycling Carts as set forth herein. The waste hauler shall collect recyclables from such commercial users and multi-family complexes participating in the City program and deliver them to an authorized recycling facility as described by this Chapter. Such recyclables shall be stored and prepared for collection by such commercial users and multi-family complexes according to the provisions of this Chapter. The City encourages users to participate in the recycling program. Notwithstanding the foregoing, the quantity of recyclable material shall be at the commercial user's and multi-family complexes' sole discretion.

(2) It is the responsibility of the commercial user and multi-family complexes to identify any items designated as recyclable in this Chapter and/or in the rules and regulations promulgated by the Director and to prepare a plan for the collection of its recyclables subject to approval by the Director.

(3) Commercial users and multi-family complexes may develop an alternate plan for the collection of recyclable material by a licensed private waste hauler. Such a plan must be consistent with all of the provisions of this Chapter and is subject to approval by the Director.

(4) All licensed private waste haulers shall deliver collected recyclables to an authorized recycling facility.

(5) The Director shall have the authority to abate any emergency public health hazard or public nuisance and to impose the administrative fees, charges and penalties of this Chapter as well as the cost of disposal for such abatement.

F. In the event that an owner of a property and an occupant of the same property have entered into a written agreement wherein the occupant has stated that the occupant assumes responsibility for compliance with the provisions of this Chapter, then and in that event, the occupant shall be held responsible along with the owner for compliance with the provisions of this Chapter.

G. For good cause shown, the Director is hereby authorized to grant a Special Collection Service exemption from the curbside or roadside collection requirements to any person who qualifies for such exemption.

911.05 STORAGE OF REFUSE AND RECYCLABLES.

(1) No refuse or recyclable material shall be placed or stored on any premises within the City except as permitted by this Chapter.

(2) Residential refuse and recyclables shall be deposited promptly and stored in City-issued carts as set forth in this Chapter

(3) Commercial refuse and recyclables shall be deposited promptly and stored in City-issued carts or commercial containers as authorized by this Chapter.

(4) City-issued carts shall not be stored in the front yard of any residence, business, commercial or industrial site, except when placed at the curbline for collection.

(5) Refuse and recyclables shall be stored in a manner so as not to create a public health hazard or public nuisance.

(6) Any substantial accumulation of refuse or recyclables is hereby declared to be a public health hazard and a public nuisance and shall constitute a violation of this Chapter.

(7) Refuse and recyclables shall not be placed or stored in the street, sidewalk or in any public place except as authorized by this Chapter.

(8) The Director shall have the authority to abate any emergency public health hazard or public nuisance and to impose the administrative fees, charges and penalties as set forth in this Chapter as the cost of disposal for such abatement.

911.06 MISCELLANEOUS PROVISIONS.

A. No person shall write, paint or draw any word, inscription, design, figure or mark, or otherwise mar or deface any City-Issued Cart without express written consent of the City. Any such conduct is a violation of this Chapter.

B. Severability. Should any section, paragraph, sentence, clause or phrase in this Chapter be declared unconstitutional or invalid for any reason, the remainder of the Chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this article are declared to be severable.

C. Dead animals. Dead animals shall be removed by the City, from the right-of-way only, upon request, except that an animal hospital or other business caring for or harboring animals must remove and dispose of dead animals without the aid of the City. The owner or custodian of an animal may remove and dispose of any dead animal by contract with a private waste hauler. In no event shall a dead animal remain undisposed of for a period longer than 12 hours.

D. Emergency collection and disposal. In the event of a public emergency declared by the Mayor, the Director may provide by contract for the public collection, removal and disposal of refuse without competitive bidding. In such case, the Director may impose such conditions as he or she may deem advisable and shall supervise all work under such contracts.

E. Scavenging. No person shall interfere with, take, remove or scavenge for any material in any City-Issued Refuse Cart, recycling cart or any bulk waste which has been placed between the sidewalk and the curb by the owner and/or occupant for collection by the waste hauler.

F. City-Issued Refuse Carts and Recycling Carts for special events. City-Issued Refuse Carts and Recycling Carts provided by the City and placed by the City in the public right-of-way, parks or other public places shall be used only for deposit of refuse and recyclables generated on the public right-of-way by pedestrians and motorists or generated by persons using the parks or other public places. The placing into such carts of refuse or recyclables originating from areas other than the public right-of-way or other public places constitutes illegal dumping and is prohibited by this Chapter. Carts provided by the City for special events or projects shall be used only for deposit of refuse and recyclables generated at the special event or project. When so deposited, such refuse and recyclables become the property of the City.

G. Illegal dumping. No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse of any nature including, but not limited to, residential refuse, building refuse, bulk waste, commercial refuse, institutional refuse, construction waste, hazardous waste, industrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any refuse or recycling cart placed in a right-of-way, park or public place, or provided for a special project or event.

H. Regulations governing collection of refuse and or recyclables. No collector of refuse and/or recyclable collector shall:

(1) Violate a rule or regulation established by the Director.

(2) Dispose of refuse at a site not approved by the New York State Department of Environmental Conservation.

(3) Litter.

(4) Scavenge.

(5) Collect refuse or recyclables placed between the sidewalk and curb by residential or nonresidential producers for collection without prior written approval by the Director.

911.07 RODENT CONTROL MEASURES.

A. No owner/occupant of residential and nonresidential property shall store, place or allow to accumulate any materials that may serve as food or harborage for rodents in a site accessible to rodents.

B. Firewood or woodpiles shall be stacked at least 12 inches above the ground, away from walls or fences, shall be reasonably secure and shall be stabilized in a structurally sound manner so as to avoid a risk of harm from collapse or movement.

C. No person shall feed in the open any domestic or wild fowl, birds or animals, except in such a manner as to prevent the scattering of feed or seed upon the ground or ground level, which can or will provide food for rodents, insects, vermin or other pests.

D. Owners of nonresidential property must have a rodent control program in effect which provides for abatement and control of rodents by a licensed exterminator.

E. Prior to the issuance of a demolition permit, the applicant for the permit must establish that a licensed exterminator has completed rodent abatement at the site or certify that the property is free from rodents or other vermin.

911.08. ENFORCEMENT; APPEARANCE TICKETS.

A. The Director, any person designated by him and such other persons as may be designated by resolution of the City Council are hereby authorized and directed to enforce this Chapter, to cause collections to be made according to this Chapter; and to cause to be printed and distributed proper notice to each premises within the City to notify persons governed by this Chapter of the dates and times for refuse collection and of the recycling regulations promulgated pursuant to this Chapter.

B. The Director or a person designated by him are hereby authorized to issue and serve appearance tickets with respect to violations of this Chapter. An appearance ticket shall be served personally by the Director or by a person designated by the Director on the person designated as the person alleged to have committed an offense.

911.09 PENALTIES FOR OFFENSES.

A. Any violation by a person, firm or corporation of any provision of this Chapter or the recycling regulations, as amended from time to time, shall be deemed a violation punishable by the following:

(1) First violation; a written warning and a directive to obtain and review educational materials made available by the Director that provide information on the benefits to be achieved from proper separation of refuse and recyclables as well as the disposal of refuse and recyclable materials. It shall be a defense to a first violation of this Chapter for an owner of a parcel inhabited by an occupant(s) other than the owner, to produce an agreement entered into between the owner and occupant wherein the occupant acknowledges, in writing, that the owner has in fact educated the occupant on the benefits to be achieved from proper separation of refuse and recyclables as well as the disposal of refuse and recyclable material**s**;

(2) Second violation within 12 months of the first violation; a fine of $35;

(3) Third violation within 12 months of the first violation, a fine of $75;

(4) Fourth violation within 12 months of the first violation, a fine of $150; and

(5) Each subsequent violation within 12 months of the first violation, a fine of $250.

B. Any person who takes part in or assists in any violation of this Chapter shall be deemed to have committed the same violation as the original violator and shall also be subject to the penalties provided herein.

C. Each day that a violation of this Chapter is committed or permitted to exist shall constitute a separate offense.

D. The notice of violation shall state the date, time and place of the violation, the section or sections violated, the fine imposed and the date on which the violator may appear in the City of Niagara Falls City Court to contest the violation. The notice of violation shall be signed and affirmed by the Director, or his designee(s).

E. If any penalty imposed pursuant to this Chapter remains unpaid for 30 days, the City Council may authorize the Corporation Counsel to commence a civil action to collect such fine.

F. In the event that any owner of a parcel is required to register with the City pursuant to the requirements of Chapter 1137 entitled "Landlord Rental and Property Owner Registration" and that owner has not paid fines ordered for violations of this Chapter, then, and in that event, that owner will not be permitted to register with the City pursuant to Chapter 1137 until such time as unpaid fines due pursuant to this Chapter and paid in full.

Council Member Touma moved to remove the Resolution regarding the Refuse/Recycling Ordinance from the Table.

Yeas	5
Nays	0
	MOTION APPROVED

Chairman Walker moved to Amend the Resolution to add Amendments to the Refuse/Recycling Ordinance

Yeas	5
Nays	0
	APPROVED

Chairman Walker moved to Adopt the Refuse/Recycling Ordinance as Amended.

Yeas	4
Anderson, Grandinett, Touma, Chairman Walker	
Nays	1
Choolokian	
	ADOPTED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:19 PM.

Carol A. Antonucci
City Clerk

December 9, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Friday, December 12, 2014 at 4:05 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. To act on locally-adjusted Homestead and Non-Homestead Proportions.

Respectfully submitted,

_____
CHARLES WALKER
Council Chairperson

The December 12, 2014 Special Meeting #2 of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 5:19 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma.

Also Present: Corporation Counsel, Deputy Corporation Counsel, City Controller

HOMESTEAD/NON-HOMESTEAD PROPORTIONS, ADJUSTED

Agenda Item #1

In accordance with Resolution 1998-140 relative to the two-tier [property tax system that was adopted November 24, 1998 and Section 1903-4c of the Real Property Tax Law, I have calculated the locally adjusted proportions for the City of Niagara Falls 2015 tax levy:

	City of Niagara Falls
Homestead	54.24206
Non-Homestead	45.75794

The calculation represents a 10& shift to the Homestead Class

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 3

Grandinetti, Touma, Chairman Walker

Nays 2

Anderson, Choolokian

APPROVED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:25 PM.

Carol A. Antonucci
City Clerk

December 15, 2014

SPECIAL COUNCIL MEETING **NIAGARA FALLS, NEW YORK**

December 12, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Monday, December 15,, 2014 at 5:15 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purposes:

1. To review Budget Issues including reconsidering veto overrides
2. To consider Tax Cap override
3. To act on locally adjusted Homestead and Non-Homestead Proportions.

Respectfully submitted,

_____
Paul A. Dyster
Mayor

The December 15, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 5:37 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Kristen Grandinetti, Andrew Touma.
Absent: Council Members Robert Anderson, Glenn Choolokian

Also Present: Corporation Counsel, City Controller

Chairman Walker said that, after the last Budget Session, he had asked the Legal and Finance Departments to look at options to reconsider some of the overrides of the Mayor's vetoes. Corporation Counsel Craig Johnson then informed the Council Members that he has reviewed the pertinent section of the City Charter, and that it would not be proper at this time for the Council to reconsider votes on overrides since the Charter states that only one vote shall be taked to do so.

City Controller Maria Brown added that she had done some research, and it is the State Comptroller's opinion that the City's Chief Financial Officer shall decide the amount over the tax cap, and put that amount as a deferred revenue into an interest bearing account at the start of 2016. This amount shall be reserved from Fund Balance in 2015. She also explained how PILOTS play a significant role in a municipality's taxing ability.

LOCAL LAW, TAX CAP

A Local Law authorizing a property tax levy in excess of the limit established in General Municipal Law § 3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Niagara Falls to adopt a budget for the fiscal year commencing January 1, 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorize a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Niagara Falls, County of Niagara, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Yeas 1

Grandinetti

Nays 2

Touma, Chairman Walker

DEFEATED

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 5:50 PM.

Carol A. Antonucci
City Clerk

DECEMBER 22, 2014

REGULAR COUNCIL MEETING NIAGARA FALLS, NEW YORK

The first session of the December 22, 2014 Niagara Falls City Council Meeting was called to order by Council Chairman Charles Walker at 5:02 P.M. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti and Andrew Touma.

Also present: Mayor Paul A. Dyster, City Administrator Donna Owens, Corporation Counsel Craig H. Johnson, Deputy Corporation Counsel Thomas O'Donnell and City Controller Maria Brown.

Council Member Touma moved to approve the Minutes from the City Council Meeting of December 8, 2014.

Chairman Walker reconvened the Meeting at 6:00 P.M. in the Council Chambers with all Council Members present. The Prayer was said by Council Member Touma and the Chairman led the gathering in the Pledge of Allegiance to the Flag.

The Chairman asked if anyone wished to speak on Agenda Items or Community Interests, and the following spoke:

Nicholas D'Agostino	Agenda Items #3, #4, #5, #10, #13
Ron Anderluh	Agenda Items #3, #4, #12
John Ambrose Cooper	Working together for the good of the City
Nicholas D'Agostino	Safety concerns on Niagara St. by Gill Creek Park; Skate Park
Ron Anderluh	More transparency needed in Budget process; Council Committees; use of Casino funds; Parking revenues
Joe LaGamba	Thanks for Tom Vitello Resolution; thanks to Council for jobs restored in Budget with the exception of one that was not restored; Thanks for Controllers remarks regarding Steelworkers Union members & Budget issues
Gerald Skrlin	Political cartoons; corruption in Government; conditions of property on Buffalo Ave.

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE CITY CLERK

CITY CLERK'S REPORT FOR THE MONTH OF NOVEMBER 2014

Agenda Item #1
THIS ITEM WAS RECEIVED AND FILED

THE FOLLOWING COMMUNICATIONS WERE SUBMITTED BY THE MAYOR

CONTRACT: CENTER CITY (CHDO) AGREEMENTS, FOR 956 NIAGARA AVE. AND 1133 ONTARIO AVE.

Agenda Item #2

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

While the City approves a general appropriation, each CHDO agreement requires Council approval under the City Charter. In December, 2013, the City approved CHDO agreements with Center City for Center City to renovate 956 Niagara Avenue and 1133 Ontario Avenue under the CHDO program. The renovated properties must remain available to low income tenants for 15 years, and rents are limited under HUD rent limitations.

The City approved $45,000.00 of previously appropriated 2013 CHDO funds for 956 Niagara Avenue, a multi-family housing consisting of 3 units. The City approved $45,000.00 of previously appropriated 2013 CHDO funds for 1133 Ontario Avenue, a multi-family housing consisting of 2 units. In the course of construction, it became apparent that additional work was required, necessitating change orders. The additional work for 956 Niagara Avenue includes water line costs, electrical charges and furnace costs and totals $5,000.00. The additional work for Ontario Avenue includes a full roof replacement when it was discovered that roof repairs could not be accomplished, and totals $7,000.00.

Funds are available in Community Development budget code CD5.8296.0000.0450.500.

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

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Amendment is to change dollar amount of Change Order

PURCHASE: BODY CAMERAS, NFPD, FUNDING

Agenda Item #3

The Superintendent of Police is recommending that the City acquire forty-eight (48) body cameras for use by NFPD personnel, together with the necessary cables to support the cameras. The Superintendent has located a vendor on the New York State contract list that is offering a promotional opportunity to provide forty-eight (48) body cameras if forty (40) are purchased. Attached hereto (on file in the City Clerk’s Office) is a copy of the item described in this promotional opportunity. The sum of $22,500.00 is requested for this purpose.

Funding is available from Casino Revenues-NFPD Capitol Purchases.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said he is elated to vote for this which will hold both the Police Dept. & citizens accountable.

Chairman Walker congratulated Police Superintendent DalPorto for his progressive thinking in managing his Department

CONTRACT: GRANT WRITING SERVICES

Agenda Item #4

In some prior years, the City entered into a non-exclusive Consulting Agreement with an individual to provide grant writing and grant administration services to the City. It is recommended in calendar year 2015 the City enter into an agreement with that same individual to provide those services. The fee for those services is not to exceed $35,000.00. Funding is available from casino revenues adopted 2015 Budget in Department of Planning and Economic Development, A8020.4720.0451.000. Attached (on file in the City Clerk's Office) hereto is a copy of a proposal from the grant writer.

Will the Council authorize the Mayor to enter into and execute an agreement with the grant writer in a form acceptable to the Corporation Counsel?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

Council Member Anderson said that the salary paid to the Grant Writer is well worth it for the amount of Grants that the City receives.

CONTRACT: ELECTRONIC WASTE, RECYCLING/DISPOSAL, ELECTRONIC RECYCLERS INTERNATIONAL, INC.

Agenda Item #5

We respectfully request the Council to authorize the Mayor to execute an agreement satisfactory to the Corporation Counsel with Electronic Recyclers International, Inc. (ERI,) 2540 Airwest Blvd., Blvd. V, Plainfield IN 46168 for recycling and disposal of electronic waste in the amount of $ 20,574.00.

Quotes for collection and recycling were solicited and the City received five (5) responses. The final decision was based on a one year estimate of disposal and recycling costs. In addition to ERI, we received quotes from Sims Recycling Solutions ($29,205.00,) Sunnking Electronics Recycling ($30,600.00,) All Green Electronics Recycling, LLC ($49,680.00,) and Regional Computer Recycling & Recovery ($54,000.00.)

Funds for this service are available in the Department of Public Works Refuse & Garbage Recycling code A.8160.0000.0449.007.

Will the Council so approve?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

PURCHASE: COLD PATCH, DPW, FUNDING

Agenda Item #6

The Director of DPW is requesting that the sum of $90,000.00 be made available for the purchase of cold patch to be used to fill potholes. This was included in the capital plan. The funds are available from Casino funds transferred to The General Fund Street Construction-Street Openings budget line A.5110.0200.0419.013.

Will the Council so approve?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0
APPROVED

CONTRACT: ASBESTOS SERVICES CONTRACT 2015-2016, ENVIRONMENTAL EDUCATION ASSOCIATION INC.

Agenda Item #7

Every two years, the City awards a contract to an asbestos services contractor for preparation of the asbestos surveys, lab tests and demolition monitoring for City demolitions. The costs are paid by the Community Development Department.

This year, the Department solicited proposals and received the following proposals:

Environmental Education Association, Inc, d/b/a Upper New York State Environmental (UNYSE)	$294,450.00
AMD Environmental Consultants, Inc.	296,000.00
Stohl Environmental, LLC.	327,300.00
AFI Environmental	337,250.00

The proposal prices represent an upset figure based on an estimate of the services to be rendered. The actual cost is based upon unit prices for the services for the total services provided.

It is recommended that the asbestos service contract be awarded to UNYSE. UNYSE has provided these services in the past.

The contract period will be from the date the contract is signed through December 31, 2016. The contractor will provide the services as directed by the City. All standard City professional services and liability insurance is required. Funds are available to pay the costs in either of the funding sources set out below, depending on which department uses the service. This is a pay as you go contract, with no financial liability for the City being created on awarding the contract. Funds are available in budget line CD1.8666.0000.0450.500 (project #CDR-699) for Community Development and budget line H.0910.2009.0910.0449.599 for Code Enforcement.

Will the Council vote to approve asbestos services contract to UNYSE as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Council Member Touma moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: COLUCCI, KEVIN

Agenda Item #8

Date Claim Filed:	September 18, 2012
Date Action Commenced:	March 29, 2013
Date of Occurrence:	July 22, 2012
Location:	3205 Cleveland Avenue, Niagara Falls, NY
Nature of Claim:	Damages due to sewer backup.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$750.00
Make Check Payable to:	Kevin Colucci and Michael C. Schmahl, Esq.
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0

APPROVED

CLAIM: CANNAN, TAMMY SUE

Agenda Item #9

Date Claim Filed:	November 4, 2010
Date Action Commenced:	October 26, 2011
Date of Occurrence:	August 7, 2010
Location:	Old Falls Street
Nature of Claim:	Injuries sustained in fall on City property.
Status of Action:	Pretrial stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	$8,750.00
Make Check Payable to:	Fanizzi & Barr, P.C. and Tammy Sue Cannan
Conditions:	Stipulation of Discontinuance and General Release to City, approved by Corporation Counsel.

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

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas 5
Nays 0

APPROVED

RESOLUTION: VITELLO, SR., THOMAS R., HONORING, 2014-88
BY: COUNCIL MEMBER GLENN CHOOLOKIAN

Agenda Item #10

WHEREAS, Mr. Thomas R. Vitello, Sr. passed away on Wednesday, November 5, 2014, and

WHEREAS, Mr. Vitello was a lifelong resident of Niagara Falls, who worked for a number of Niagara Falls institutions, including the Niagara Falls School District, the Niagara Falls Department of Public Works, the Niagara Falls Department of Recreation, the Carborundum Company, the former Nabisco Shredded Wheat Co., and the Wastewater Treatment Plant, from which he retired in 2007, and

WHEREAS, Mr. Vitello excelled in athletics throughout his life, playing football and baseball for local schools, playing semi-pro football as an adult, later coaching football and baseball and playing catcher for the Premier Honey's Traveling Softball Team in the 1970s and 1980s, and becoming an avid golf player later in life, and

WHEREAS, Mr. Vitello was a proud member of the United Steel Workers Union Local 9434 for many years, during which he held various offices, including that of president for eight years, negotiating contracts on behalf of union workers and their families, and

WHEREAS, Mr. Vitello was selected by the Niagara Falls City Council to serve as the Council's appointment to the Water Board in 2007, and continued to serve until 2014, and

WHEREAS, Mr. Vitello embodied the principles of good citizenship: hard work, a commitment to public service, and a love for his community, and

WHEREAS, the Niagara Falls City Council wishes to recognize Mr. Vitello for his achievements and high moral character, now,

THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby honors the memory of the late Thomas R. Vitello, Sr., and enters into the public record forevermore this account of his achievements and contributions to his community.

Yeas 5
Nays 0

ADOPTED

RESOLUTION: GOLF COURSE FEES, 2014-89
BY: COUNCIL MEMBER ANDREW TOUMA

Agenda Item #11

WHEREAS, the Administration and Council desire to modify a portion of the fee schedule for the golf course.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niagara Falls, New York that:

1. Disability Pass be increased from $500.00 to $600.00.
2. Cart pass (5 days) be increased from $400.00 to $500.00.
3. Cart pass (7 days) be increased from $600.00 to $700.00.
4. Red Nine be increased from $5.00 to $9.00.
5. Small bucket be increased from $5.00 to $6.00.
6. Large bucket be increased from $7.00 to $8.00

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 2
Anderson, Choolokian

ADOPTED

Council Member Anderson said he is against increasing fees.
Council Member Choolokian said he is not in favor of raising fees at this time.
Council Member Touma said the increased revenue will go back into the Golf Course.

RESOLUTION: PERMITS, FEES AND CERTIFICATES, ORDINANCE AMENDMENT, 2014-90
BY: COUNCIL MEMBER ANDREW TOUMA

Agenda Item #12

BE IT RESOLVED by the City Council of Niagara Falls, New York that Chapter 1107 of the Codified Ordinances entitled APermits, Fees and Certificates@ is hereby amended by amending Section 1107.10 entitled "Permit Fees" to read as follows:

1107.10 PERMIT FEES.

No permit shall be issued by the Director of [Inspections] Code Enforcement until fees hereinafter prescribed have been paid to the City Controller and for which receipt has been noted on the application for the permit. No fee shall be required for work undertaken by the City of Niagara Falls, [New York], the School District of Niagara Falls, the State of New York, the County of Niagara, Niagara Falls Housing Authority or the United States government. The fees to be paid for permits shall be as follows:

A. New Buildings and Additions to Existing Buildings. This does not include mechanical equipment, plumbing, heating and electrical work, which require separate permits.

1. Residential buildings, including accessory structures, i.e.: porches, carports, additions, garages, storage sheds, etc.: [$10.00] $15.00 per each 1,000 cubic feet. The minimum fee is $45.00.

2. Commercial building and Industrial building: [$15.00] $20.00 per 1,000 cubic feet. The minimum fee is [$100.00] $250.00.

B. Other Work

1. General Remodeling, Alterations, Repairs: first $1,000 cost of construction [$30.00] $40.00 plus each additional $1,000 cost or fraction thereof [$15.00] $20.00

2. New siding or roofing: 100 feet is a square. First 1,000 square feet or less [$45.00] $50.00; for each additional 100 square feet or fraction thereof [$4.00] $5.00.

3. Demolition of Buildings — Fee

Volume of Building or Buildings		
From 0 to 5,000 cu. ft.	[$ 50.00]	$ 75.00
5,001 to 10,000 cu. ft.	[$ 100.00]	$ 150.00
10,001 to 20,000 cu. ft.	[$ 150.00]	$ 200.00
20,001 to 50,000 cu. ft.	[$ 175.00]	$ 225.00
50,001 to 100,000 cu. ft.	[$ 200.00]	$ 275.00
100,001 to 200,000 cu. ft.	[$ 275.00]	$ 325.00
200,001 to 500,000 cu. ft.	[$ 350.00]	$ 425.00
over 500,000 cu. ft.	[$1,000.00]	$ 1,250.00

4. Moving Buildings
   a. On or across a public thoroughfare, except as provided for in b. and c. herein, the sum of two hundred fifty dollars ($250.00).
   b. Not exceeding 10 feet in width, 20 feet in length, and 10 feet in height on vehicles over a public thoroughfare the sum of $100.00.
   c. From one lot to another without moving onto a public thoroughfare, the sum of $100.00.
   d. From one location on a lot to another location on the same lot the sum of $50.00.
5. Miscellaneous
   [a. Fire escape installation, the sum of $50.00.
   b. Fire retardant application, the sum of $30.00.]
   [c.] a. Fences-residential, $ 20.00.

   Fences-commercial/industrial, [$125.00] $150.00.
   [d.] b. Swimming pool installation
   Above ground - $ 45.00
   Inground - $100.00
   [e.] c. Mechanical equipment installation, including drain tile, not part of general building permit: $ 50.00
   [First $1,000 installation cost, $45.00.
   Each additional $1,000 or fraction thereof, $.00.]
   [f.] d. Trailer Camp License Renewal: $100.00.
   [g.] e. Fireplaces and/or chimney: $ 50.00.
   [h.] f. Insulations applications [$ 35.00] $ 50.00.
   [i.] g. Temporary Tents, Buildings, Trailers [$ 100.00] $ 150.00.
   [j.] h. Others included, but not limited to, windmills, parking lots, unvented heaters, antennae, and satellite dishes [$25.00] $ 35.00
   Per $1,000 with a minimum fee of [$75.00] $ 100.00.
   [k.] i. Solar panel systems installation:
   Residential $100.00
   Commercial and Industrial $500.00
6. Signs Where Permitted, New or Additional, Including Alterations to Existing Signs
   a. Up to 100 sq. ft. (each sign face) [(this fee includes any electrical fee required)] $ 65.00.
   b. Each additional 100 sq. ft. (per face) $25.00.
   [c. Moving signs on the same premises, $ 50.00.
   d. Moving signs to new premises, $ 45.00.]
   [e.] c. Awnings and canopies (flat fee) $ 65.00
   [Without Signage: first $1,000 cost of labor and material $ 60.00
   each additional $1,000 or fraction thereof $.00] .

[f.] d. Signage [on an] upon awning or canopy (flat fee) $ 60.00] $ 65.00

e. Awning and canopies with signage (flat fee) $ 130.00

f. Free standing sign structure (excluding signage)
First $1,000 of cost, $ 100.00
Each additional $1,000 of cost, $ 50.00

g. Billboard/Rooftop Billboard in Downtown Commercial District as per Sign Ordinance Section 1121.05(g) $5,000.00

h. Billboard in other zoning districts as per Sign Ordinance Section 1121.05(h) $2,000.00

i. "A" Frame Sidewalk Signs $ 75.00

7. Liquid Containers:

a. Tanks of 300 U.S. gallon capacity or less [$100.00] $ 150.00

b. Tanks of 600 U.S. gallon capacity or less [$150.00] $ 200.00

c. Tanks of 601 to 1,500 U.S. gallon capacity, inclusive, [$200.00] $ 250.00

d. Tanks of 1,501 to 12,000 U.S. gallon capacity [$300.00] $ 350.00

e. Tanks over 12,000 gallons [$600.00] $ 650.00

f. Tank removals – [Same as] one half of Same as installation fee a, b, c, d, or e above in addition to fee for (when tank is removed new installations, if any & new installed-both fees apply)

g. Tank relining or alterations $ 50.00.

8. Certificates of Occupancy/Compliance/Completion:

[a. New Construction Only-No charge for certificate. (Proper permits must be obtained and all required inspections completed.)]

a. When building permit is required No Fee

b. Redated Certificate of Occupancy/ Compliance/Completion:
Residential - one dwelling unit [$ 50.00] $ 40.00
Residential - each additional unit $ 20.00
Commercial - per tenant $ 40.00
Commercial - each additional unit [$ 15.00] $ 20.00

[c. Copy of any Certificate of Occupancy $ 30.00

d. Certificate of Capacity $ 35.00]

[9. Environmental Fees:
Environmental Assessment Fee $10.00
Environmental Impact Statement Fee - Fee to be determined pending result of review.]

9. Planning Fees:

a. Site Plan Application fee: $ 10.00

b. Filing application for rezoning to the Niagara Falls Planning Board $150.00

c. Purchase of Zoning Book $ 95.00

d. Zoning Map $ 12.00

e. Comprehensive plan $ 76.75

f. Telecommunication Facility application fee $500.00 plus

10. Additional fees:

a. Filing Board of Appeals application $150.00

b. Home Improvement Registration License $125.00

c. Home Improvement Registration License Renewal $125.00

d. Tower Permit fee $2,500.00 (base) plus $100.00 per foot for every foot of tower height according to the following schedule:

i) In excess of 50 feet in R-1, R-2, R-3, P/S & NPD Districts or (Waterfront Overlay) WO-Zone, 1, 3 & 4; or

ii) In excess of 100 feet in C-1, C-2, C-3 Districts or WO-Zone 2; or

iii) In excess of 150 feet in M-1 or M-2 Districts

[10]. 11. Plumbing, Drain and Sewer Cleaning and Mechanical Contracting Permit Fees:

a. Installation cost: (Total Cost of Labor, Material, etc.)
First 1,000.00 $ 25.00
Each $1,000.00 or fraction thereof $ 10.00

b. Fixtures and appurtenances, each $ 10.00

c. Water Heaters up to 50 gallons in storage $ 10.00

d. Installation of sanitary or storm sewer piping for each 50 feet or fraction thereof $ 30.00

e. Water service and distribution piping for each 50 feet or fraction thereof $ 30.00

f. For each backflow device certifying, testing and/or repairing
Up to 2 inches in size $ 5.00
Over 2 inches in size $ 10.00

g. For each manhole, vault, interceptor, separator, sump and pumping system $ 35.00

[Installation Cost
(Total Cost of Labor and Materials)
First $1,000 $ 25.00
Each Additional $1,000 or fraction thereof $ 10.00]

h. Miscellaneous items not covered are to be calculated based on installation cost in A.

i. Additional Plumbing Fees:
Application to take the Plumbing Examination:
[a.] Master Plumber $ 70.00
[b.] Journeyman Plumber $100.00

Examination Fees
[a.] Journeyman Plumber $100.00
[b.] Master Plumber $200.00
Registration Fees
[a.] Mechanical or Fire Protection Contractor $175.00
[b.] Apprentice Plumber $ 20.00
[c.] Journeyman Plumber $ 50.00
[d.] Master Plumber $200.00
Reciprocal Journeyman Plumber $ 150.00
Renewal Fees:
[a.] Mechanical Contractor $150.00
[b.] Apprentice Plumber $ 15.00
[c.] Journeyman Plumber $ 40.00
[d.] Master Plumber $150.00
[e.] Inactive Master Plumbers No fee

Reinstatement Fees:

[a.] Apprentice Plumber	$ 20.00
[b.] Journeyman Plumber	$ 50.00
[c.] Master Plumber	$200.00
[d.] Mechanical Contractor	$175.00

[11]. 12. Electrical Permit Fees.

	Residential	Commercial	Industrial
Minimum Electrical Inspection	$ 50.00	$100.00	$200.00
Electrical Outlets -All types of occupancy			
1-10	$ 10.00	$ 30.00	$ 50.00
11-50	$ 30.00	$ 75.00	$100.00
51-100	$ 50.00	$100.00	$175.00
101-200	$ 75.00	$150.00	$250.00
For each additional 25 outlets	$ 5.00	$15.00	$25.00

Service Installations

One meter - one panel	Residential	Commercial	Industrial
Up to 150 amps	$ 50.00	$100.00	$200.00
Over 150 amps to 200 amps	$ 75.00	$125.00	$250.00
Over 200 amps to 400 amps	$100.00	$150.00	$300.00
Over 400 amps to 1000 amps	$150.00	$250.00	$350.00
Over 1000 amps	$225.00	$350.00	$700.00
Additional meters	$ 10.00	$ 15.00	$ 25.00
Each additional panel	$ .00	$ 15.00	$ 25.00
Security and Fire Alarms	$ 35.00	$75.00	$100.00

Security and Fire Alarm Permits	$ 35.00

Additional Electrical Fees:

Renewal of Electrical Contractor's License (active)	$125.00
Renewal of Electrical Contractor's License (inactive)	$ 40.00
Initial Issuance of Electrical Contractor's License	$225.00
Application to take the Electrical Contractor's Exam	$125.00

[12]. 13. Plan Review Fee

Residential (new homes only)	$150.00
Commercial (new construction)	[$250.00] $300.00
Industrial (new construction)	[$300.00] $400.00

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

Yeas 3
Grandinetti, Touma, Chairman Walker
Nays 2
Anderson, Choolokian

ADOPTED

Council Member Touma noted that the City's fees are below the fees from other municipalities and thanked Dennis Virtuoso for his work on this fee schedule.
Chairman Walker noted that this will be Mr. Virtuoso's last Public Meeting before his retirement.

RESOLUTION: HYDE PARK LITTLE LEAGUE BASEBALL DIAMONDS AND FACILITIES, IMPROVEMENTS, GRANT APPLICATION, 2014-91
BY: COUNCIL CHAIRMAN CHARLES WALKER AND COUNCIL MEMBER CHOOLOKIAN

Agenda Item #13

WHEREAS, the Baseball Tomorrow Fund (BTF) is a joint initiative between Major League Baseball (MLB) and the Major League Baseball Players Association (MLBPA) which awards grants to organizations involved in the operation of youth baseball and softball programs and facilities, and

WHEREAS, the mission of the BTF is to promote and enhance the growth of youth participation in baseball and softball throughout the world, and

WHEREAS, Niagara Falls Community Development, in a collaborative effort with the Hyde Park Babe Ruth Baseball/Softball League and the Niagara Junior Thunderwolves, is applying for a $40,000 grant to make improvements to Hyde Park Little League Baseball diamonds and facilities, including fencing, new bases, mounds, batting cages, dirt, and sod, and

WHEREAS, these improvements will enhance Hyde Park, make the City of Niagara Falls a more competitive location for Little League tournaments, and support productive youth activity in our community, and

WHEREAS, new tournaments create significant economic impact through local business patronage, bed tax revenue and sales tax revenue, and

WHEREAS, this project is consistent with Niagara Falls Community Development's strategic commitment to quality of life improvements and the enhancement of public spaces, and

WHEREAS, the Niagara Falls City Council wishes to promote healthy activities for our city’s children, to build community through youth participation in sports, and to attract visitors and tournaments to the city of Niagara Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Niagara Falls City Council hereby expresses its support for the grant application submitted by Niagara Falls Community Development to the Baseball Tomorrow Fund, and asks that the application receive the full and fair consideration of the Baseball Tomorrow Fund.

Yeas 5
Nays 0

ADOPTED

Council Member Choolokian said that this supports his project for a Sports Facility for the youth of the City and thanked Chairman Walker for initiating this Resolution.

Chairman Walker thanked Community Development Director Seth Piccirillo for his work on this Grant application.

WATER BOARD: PAYMENT

Agenda Item #14

The City has been invoiced by NFWB for services rendered for 2,088 fire hydrants throughout the City. In 2011, the fee per hydrant was increased by Water Board Regulation from $25 dollars per hydrant to $103 dollars per hydrant. The City Controller's office investigated this and found that the Regulation was enacted by Water Board Regulation in 2011 and became effective January 1, 2012. The result to the City is that commencing in 2012, the City's obligation to the NFWB increased from $57,175 annually to $215,064 annually. In 2012 the City paid the NFWB $57,175; therefore, the City owes the NFWB $157,889 for 2012 and $215,064 for 2013 for a total balance due the NFWB of $372,953. The City resisted paying this amount until it was certain that it was owed. This has now been verified. There is now an additional amount due the NFWB for 2014 in the amount of $215,064 for a total amount due of $588,017.

The NFWB is also including penalties in its invoice totaling $32,407.17. The NFWB now asserts that unpaid penalties, interest and late charges total $69,632.62. This total is disputed by the City Controller's office. The City does not believe it is appropriate for the NFWB to impose this penalty because the City has been attempting to work with NFWB representatives to resolve several aspects of this matter since the rates were increased such as the authority and process followed to raise the rate and the actual number of hydrants in service as well as billing clarifications.

During this dispute, the City reviewed its records with respect to the annual PILOT payment made by the NFWB to the City pursuant to the Operations Agreement, Finance Agreement and Acquisition Agreement dated April 1, 2003 and found that the NFWB, for the last six years, has been late in its annual payment to the City. The City, therefore, notified the NFWB that the City is due $100,845.02 in interest charges arising from late payments. The NFWB has disputed this.

Discussions have taken place between various City officials and Water Board representatives and the following terms have been agreed upon:

1. The City will pay to the NFWB the total amount due the NFWB for years 2012, 2013 and 2014 for hydrant services rendered totaling $588,017.

2. The NFWB will agree to waive and discharge any penalties, interest and late charges imposed by it on the City in the amount of $69,632.62.

3. The City will waive and discharge any claim it may now have, or ever had relating to interest charges owed by NFWB attributable to late PILOT payments in the amount of $100,845.02.

4. NFWB agrees not to increase the fees it imposes on the City for City fire hydrant services for the next three (3) years.

Funding to pay $372,953 due the NFWB is available from Fund Balance and the balance of $215,064 is available from Casino revenues.

Will the Council approve the payment to the NFWB in the amount of $588,017 and authorize the Mayor to execute a Memorandum of Understanding reciting the terms of this agreement that is acceptable in form and content to the Corporation Counsel?

Council Member Choolokian moved that the communication be received and filed and the recommendation approved.

Yeas	5
Nays	0
	APPROVED

Council Member Touma said this would be good for the City and thanked Corporation Counsel Craig Johnson for his work on this item.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 6:37 P.M.

Carol A. Antonucci
City Clerk

December 23, 2014

Members of the City Council
and
Carol Antonucci, City Clerk

Council Members and Madam:

You are hereby notified of a Special Meeting of the City Council of the City of Niagara Falls, New York called pursuant to Section 3.9.b of the City Charter, to be held on Friday, December 26, 2014 at 4:00 p.m. in the Council Chambers, City Hall, 745 Main Street, Niagara Falls, New York for the following purpose:

1. To act on funding for New Year's Eve - Hard Rock Guitar Drop Event.
2. To approve Department of Public Works hiring four (4) temporary MEO-2's at various times during 2015 for snow removal purposes.

Respectfully submitted,

_____
CHARLES WALKER
Council Chairman

The December 26, 2014 Special Meeting of the Niagara Falls City Council was called to order by Council Chairman Charles Walker at 4:00 p.m. in the Council Chambers.

Present: Council Chairman Charles Walker, Council Members Robert Anderson, Glenn Choolokian, Kristen Grandinetti, Andrew Touma.
Also Present: Mayor Paul Dyster, City Administrator Donna Owens, Deputy Corporation Counsel Thomas O'Donnell

HARD ROCK GUITAR DROP EVENT, CONTRIBUTION

Agenda Item #1

The City has been asked once again to co-sponsor with the Hard Rock Café the New Year's Eve Guitar Drop Event to occur on December 31, 2014, in downtown Niagara Falls on Old Falls Street, adjacent to the Hard Rock Café. The City has been asked to contribute the sum of $10,000.00 to the cost of this event, all pursuant to the terms and conditions of an Agreement which will be in form and substance acceptable to the Corporation Counsel. Funding is available through Tourism Funds.

Will the Council so approve?

Council Member Grandinetti moved that the communication be received and filed and the recommendation approved.

Yeas 3

Grandinetti, Touma, Chairman Walker

Nays 2

Anderson, Choolokian

APPROVED

During a discussion in this Item, Chairman Walker questioned why the funds were to be taken from the T fund instead of Casino Funds. Mayor Dyster responded that T funds were comprised of bed tax revenues, and it was the expectation that these funds would be re-invested in tourism related activities, and the use of the T funds does not affect the property tax rate. Deputy Corporation Counsel Thomas O'Donnell added that the use of T funds is unrestricted. Council Member Touma and Chairman Walker said that they would like to see other entities get involved in funding tourism related activities.

PUBLIC WORKS, MEO-2'S, HIRING

Agenda Item #2

The Director of the Department of Public Works ("DPW") is requesting that he be permitted to hire four (4) MEO-2's for the month of January, February, March and December of 2015. The total amount of funding in order to accomplish this is $41,380.00, inclusive of fringe benefits.

Funding is available from Tourism Fund Balance.

Will the Council so approve?

Council Member Choolokian moved to amend the item to take the funding from the Golf Course Temporary Line.

Yeas 5
Nays 0

MOTION TO AMEND APPROVED

Council Chairman Walker moved that the communication be received and filed and the recommendation approved as amended.

Yeas 5
Nays 0

APPROVED

Council Member Touma asked if any unused funding be returned to the Golf Course Temporary Line, and Mr. O'Donnell responded that it would.

During a discussion on this Item, Council Member Choolokian questioned why the funding for these positions was being taken from the T funds, and why these positions were not added during the Budget deliberations. Mayor Dyster responded that the funding cannot be taken from the General Fund at this time since the Budget has been settled, and costs can be kept down by hiring temporaries for four months rather than adding full time positions. Council Member Anderson questioned the hiring of temporaries when then adopted Budget included layoffs. Mayor Dyster responded that there were no layoffs included in the adopted Budget, but jobs were eliminated due to persons who had taken advantage of the City's Retirement Incentive. A discussion also ensued on the use of 99-H funds.

There being no further business to come before the Council, Chairman Walker adjourned the Meeting at 4:37 PM.

Carol A. Antonucci
City Clerk

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